

## Alistair Bridges

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**From:** Alistair Bridges  
**Sent:** Thursday, 7 March 2019 4:33 PM  
**To:** 'Halilovic, Jasna'  
**Subject:** Investigation 473 - ammonium nitrate exported from Sweden, Thailand and China

Dear Jasna

Yara AB has instructed us to respond to the Statement of Essential Facts ("SEF") in the abovementioned investigation.

On review of the SEF we have identified some matters that we need the Commission to clarify to allow Yara to accurately respond to the findings and proposed recommendations in the SEF. Grateful if you could provide me with details regarding the following, at the soonest possible opportunity:

- What is NIP applicable to Yara AB's exports?
- The SEF does not provide a clear description about how the injury found to have been suffered by the Australian industry as a result of the export of the subject goods was quantified and determined to be "material". Can you provide a step by step explanation of this process?
- The SEF finds that the "profit foregone as a percentage of the applicant's total profit is significant and is material to the Australian industry as a whole". What is the profit foregone as a percentage of the applicant's total profit? I note that this information would be aggregated in nature and so could not be linked to individual members of the Australian industry. As such, I do not believe it could be confidential or commercially sensitive.
- Page 75 of the SEF explains how the "undumped price" was determined in instances where the Australian industry formulated an IPP in setting price offer to its customers. Given an IPP would likely take into account AN from multiple sources, we do not understand how a single "undumped price" has been calculated. Is it a weighted average from each of the potential sources of AN? If so, how was it weighted?
- Page 76 of the SEF states that "*the dumped prices at which Yara has supplied the market — being the lowest prices during the investigation period—have been used to arrive at Australian industry offer prices, either directly or by an average of import prices in the period*". The meaning of this is unclear. Can the Commission confirm whether it means that the applicants have provided evidence of instances where a member of the Australian industry directly used Yara's prices to Australia as a basis for a price offer?
- Was the USP adjusted for both inflation and Consumer Price Index movements? If so, what data source was used to quantify inflation?
- Can the Commission provide Yara a copy of "Confidential Attachment 16 – Summary of Circumstances Relevant to Exportation of the Goods From Sweden." We understand that this is would relate to the confidential information that Yara itself has provided the Commission throughout the course of this investigation. Yara would appreciate the opportunity to review this in order to supplement or correct the Commission's understanding if necessary.
- Can the Commission clarify whether it intends to verify QNP. If so, will interested parties be given time to comment on the verification report prior to the finalisation of the recommendations to the Minister?
- Can the Commission clarify whether any information will be sought from Dyno-Nobel. If so, will that information be verified and will interested parties be given time to comment on the consequent verification report prior to the finalisation of the recommendations to the Minister?

Thanks in advance.

Regards  
Alistair