



Customs Act 1901 – Part XVB

Ammonium nitrate - 473

Exported from the the People's Republic of China, Sweden and the Kingdom of Thailand

Findings in Relation to a Dumping Investigation

Public notice under subsections 269TG(1) and (2) of the *Customs Act 1901*

Anti-Dumping Notice (ADN) No. 2019/57

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of ammonium nitrate exported to Australia from the People's Republic of China (China), Sweden and the Kingdom of Thailand (Thailand).

The goods the subject of the investigation (the goods) are:

Ammonium nitrate, prilled, granular or in other solid form, with or without additives or coatings, in packages exceeding 10kg.

Ammonium nitrate, whether or not in aqueous solution, is classified within tariff subheading 3102.30.00, statistical code 05, in Schedule 3 to the *Customs Tariff Act 1995*.

This tariff classification and statistical code may include goods that are both subject and not subject to this investigation. The listing of this tariff classification and statistical code is for convenience or reference only and does not form part of the goods description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 473* (REP 473), in which he outlines the investigation carried out and recommends the publication of a dumping duty notice in respect of the goods. The report is available at www.adcommission.gov.au.

Particulars of the dumping margins established and an explanation of the methods used to compare export prices and normal values to establish each dumping are set out in the following table:

Country	Exporter	Dumping Margin	Method to establish dumping margin
China	Uncooperative and all other exporters	39.3%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in terms of subsection 269TACB(2)(a) of the <i>Customs Act 1901</i> .
Sweden	Yara AB	51.1%	
	Uncooperative and all other exporters	61.3%	
Thailand	Uncooperative and all other exporters	32.7%	

I, KAREN ANDREWS, the Minister for Science, Industry and Technology (the Minister), have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 473.

I am satisfied, as to the goods that have been exported to Australia, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TG(1) and section 45 of the *Customs Act 1901* (the Act), I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) like goods

that were exported to Australia six months prior to the publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore, under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from China, Sweden and Thailand.

The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on prices in the Australian market and the consequent impact on the Australian industry including price depression, reduced profits and profitability, and loss of sales volumes.

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

In this case, the non-injurious price is less than the normal value and the lesser duty rule applies. The form of measures and effective rates of duty are set out in the following table:

Country	Exporter	Fixed component of duty	Form of measures
China	Uncooperative and all other exporters	0.3%	Combination of fixed and variable duty
Sweden	Yara AB	14.4%	
	Uncooperative and all other exporters	14.4%	
Thailand	Uncooperative and all other exporters	13.5%	

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures securities are applied to 'goods on the water' is available in ACDN No. 2012/34, available at www.adcommission.gov.au.

REP 473 and other documents included in the public record may be examined at the Anti-Dumping Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2424, fax number +61 3 8539 2499 or email investigations2@adcommission.gov.au.

Dated this 29th day of May 2019



KAREN ANDREWS
Minister for Industry, Science and Technology