



AMMONIUM NITRATE 473 – REINVESTIGATION

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NOTE FOR FILE

Meeting with Orica Australia Pty Ltd - 14 January 2020

On 19 November 2019, the Anti-Dumping Review Panel (Review Panel), pursuant to section 269ZZL(1) of the *Customs Act 1901*, requested that the Commissioner of the Anti-Dumping Commission (Commissioner) reinvestigate the finding that injury caused by dumping is material. In particular, the Review Panel requested that the Commissioner undertake a separate analysis of profit foregone in the investigation period and post-investigation period.

In order to reassess the materiality of the profit forgone in the post-investigation period, the Anti-Dumping Commission (the Commission) requested financial data for the period 1 April 2018 to 30 September 2019 from Orica Australia Pty Ltd (Orica) and the other applicants to Investigation 473. Orica has provided updated data for the period 1 April 2018 to 30 September 2019.

On 14 January 2020, the Commission met with representatives from Orica, at Orica’s request, to discuss the data that it has provided.

At this meeting, Orica raised some concerns, including the changes in the Australian ammonium nitrate market following the investigation period (1 April 2017 to 31 March 2018) and how these factors may affect the material injury findings. Specifically, Orica raised the following issues at the meeting:

- the volume of ammonium nitrate exported to Australia from the People’s Republic of China, Sweden and the Kingdom of Thailand decreased following the imposition of the anti-dumping measures, and export volumes from other countries have consequently increased and displaced the exports from the countries subject to Investigation 473;
- Yara Pilbara Nitrates Pty Ltd is continuing to experience production issues and therefore there is a supply shortage in the Pilbara region in Western Australia that is being alleviated by Orica and other suppliers. This has led to an observable increase in sales and production volumes, prices, revenue and therefore profit and profitability following the investigation period; and

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- at the time the Statement of Essential Facts was published, certain commercial arrangements were being negotiated however were not yet agreed. These arrangements were subsequently agreed and formalised in a contract which Orica submits is relevant to the assessment of material injury and should be taken into consideration in the injury findings.