



ANTI-DUMPING NOTICE NO. 2022/050

Public notice under section 269TC(4) of the *Customs Act 1901*

Ammonium Nitrate

Exported from Chile, Lithuania and the Socialist Republic of Vietnam

Initiation of Investigation No. 605 into alleged dumping

*Customs Act 1901 - Part XVB*¹

I, Dr Bradley Armstrong, the Commissioner of the Anti-Dumping Commission (the Commissioner), have initiated an investigation following an application lodged by CSBP Limited, Orica Australia Pty Ltd and Queensland Nitrates Pty Ltd, manufacturers of ammonium nitrate (the goods) in Australia. The application seeks the publication of a dumping duty notice in respect of ammonium nitrate exported to Australia from Chile, Lithuania and the Socialist Republic of Vietnam (Vietnam).

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry producing like goods through:

- price suppression
- loss of profits and reduced profitability.

The non-confidential version of the application, which contains the basis of the alleged dumping and injury, is available on the public record. Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 605*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice.

Particulars of the Goods

The goods, being the subject of the application (the goods) are:

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

Tariff Classification

The goods are generally, but not exclusively, classified to the tariff classification 3102.30.00, statistical code 05, in Schedule 3 to the *Customs Tariff Act 1995*.

¹ All legislative references in this notice are to the *Customs Act 1901* unless otherwise specified.

The tariff classification and statistical code may include goods that are both subject and not subject to this investigation. The listing of the tariff classification and statistical code is for convenience or reference only and do not form part of the goods description set out above. Please refer to the goods description for authoritative detail regarding the particulars of the goods, the subject of this investigation.

Investigation Process

The investigation period is 1 April 2021 to 31 March 2022. I will examine exports to Australia of the goods during this period to determine whether dumping has occurred. I will examine details of the Australian market from 1 April 2018 for the purposes of injury analysis.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have been exported to Australia is less than 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
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered,

the Minister may, by public notice, impose interim dumping duties.²

Where there are grounds for the Minister to publish a dumping duty notice in respect of the goods, I will examine whether the trade in the dumped goods give rise to retrospective notices being published pursuant to section 269TN, and make recommendations to the Minister accordingly.³

Proposed model control code structure

The Anti-Dumping Commission (commission) undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.⁴

The table below outlines the commission’s proposed MCC structure for this investigation.

Category	Sub-category		Sales data	Cost data
Density	H	High	Mandatory	Mandatory
	L	Low		
Form	P	Prilled	Mandatory	Optional
	G	Granular		
	O	Other solid form		

For example, low density ammonium nitrate in prilled form would be MCC ‘L-P’.

² In accordance with section 269TG.

³ In accordance with section 269TG(1).

⁴ Guidance on the commission’s approach to model matching is in Chapter 14 of the *Dumping and Subsidy Manual*, accessible via www.adcommission.gov.au.

Submissions regarding the proposed MCC structure should be raised as soon as is practicable, but no later than **15 July 2022**, being the day submissions concerning the publication of the dumping duty notice sought in the application are due.

Any proposed changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

Public Record

I must maintain a public record of each investigation. Documents included in the public record are accessible via www.adcommission.gov.au.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 605* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

Lodgement of Submissions

Interested parties, as defined by section 269T(1), are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on **15 July 2022**, addressed to:

The Director, Investigations
GPO Box 2013
Canberra ACT 2601
Australia

or by email to investigations@adcommission.gov.au.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties should also note that I am directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances.⁵ This is available at www.legislation.gov.au.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the SEF.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

⁵ Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* are delegated to the commission's General Managers (*Anti-Dumping Notice No. 2017/10* accessible at: www.adcommission.gov.au).

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive". Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Lodgement of Exporter Questionnaires

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **15 July 2022**.

The exporter questionnaire and the associated spreadsheets are available under the case information for ADC 605 (which can be found under 'current cases and their electronic public record' on the commission website, www.adcommission.gov.au). Alternatively, exporters can email investigations@adcommission.gov.au and the commission will forward the exporter questionnaire and spreadsheets for completion.

Provisional Measures

Pursuant to section 269TD, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice or there appears that there will be sufficient grounds for the publication of a dumping duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD, the Commonwealth may apply provisional measures, including the taking of securities under section 42, in respect of interim dumping duty that may become payable on the goods, where:

- (i) a PAD has been made, and
- (ii) the Commissioner is satisfied that it is necessary to do so to prevent material injury to an Australian industry occurring while the investigation continues.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website, www.legislation.gov.au.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. In accordance with section 269TDAA, a SEF will be placed on the public record by **26 September 2022**, or by such later date as allowed in accordance with section 269ZHI.⁶ The SEF will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of it being placed on the public record.

Submissions received in response to the SEF within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Minister.

⁶ On 14 January 2017, certain powers and functions of the Minister under section 269ZHI were delegated to the Commissioner of the Anti-Dumping Commission. Refer to ADN No. 2017/10 for further information.

Report to the Minister

A recommendation to the Minister will be made in a report on or before **10 November 2022** (or such later date as allowed under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB in relation to a decision by me to terminate the investigation or a decision of the Minister to publish or not to publish a dumping duty notice after considering my report.

Interested Party List

Throughout the investigation, the commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email investigations@adcommission.gov.au.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to investigations@adcommission.gov.au.

Dr Bradley Armstrong
Commissioner
Anti-Dumping Commission

8 June 2022