

## Relevant Facts and Comments – Government of Chile

### Investigation No. 605 into alleged dumping by imports of Ammonium Nitrate Exported from Chile, Lithuania and the Socialist Republic of Vietnam

The Government of Chile would like to thank the Australian Antidumping Commission (ADC) for the opportunity to submit information and comments relevant to the antidumping investigation on Ammonium nitrate, prilled, granular, or in other solid form, with or without additives or coatings, in packages exceeding 10 kg, originating from Chile, Lithuania, Vietnam, initiated 8 June 2022. In the following two sections, we present information regarding exports originating from Chile to Australia of the product under investigation, as well as some remarks on the grounds for the initiation of this investigation.

#### Exports of the product subject to the investigation

Table 1 (Annex 1) shows Chilean exports of the product under investigation, by volume and value, during the period starting 1 April 2018 (established as the Injury Examination Period) until May 2022. As presented, no exports have been recorded to Australia originating from Chile during the established investigating period of 1 April 2021 to 31 March 2022. Moreover, besides the investigating period, there are other relevant periods of time where no exports are recorded to Australia (April 2017 – June 2018; December 2019 – May 2020).

#### Review on the basis for initiation

As we have informed in the previous section, there were no recorded exports of the product under investigation originating from Chile to Australia during the period under investigation, so it would be impossible to ascertain that there is dumping by Chilean exports. Moreover, the document titled “Application for the publication of dumping and/or countervailing duty notices Ammonium Nitrate exported from Chile, Lithuania and the Socialist Republic of Vietnam”, in page 48, Table B-6.2, includes dumping margins calculated by the solicitants, which shows that Chile does not have dumping margins calculated starting April 2021 until the end of that year.

Nonetheless, the ADC calculated a dumping margin estimated to be 38.5% for Chilean exports, while the applicants estimated a 29.1% dumping margin (page 16 of the Consideration Report N° 605). The basis of the ADC dumping margin calculations are contained in the document “**Confidential Attachment 2**”, which we are unable to review, and the period used for this calculation is indicated to be “to the calendar year ending 31 December 2021.” The calculations of margin of dumping by the ADC and the applicants would not correspond to the period of investigation set by the ADC, therefore it cannot be considered as enough to constitute “evidence of dumping” as established by paragraph 5 of Article 5 of the Antidumping Agreement, for the initiation of an investigation.

To conclude, the Government of Chile respectfully requests the ADC to exclude from this investigation exports originating from Chile of the product under investigation on the basis of paragraph 8 of Article 5 of the Antidumping Agreement, based on the facts that there is no dumping during the period of investigation because of the lack of exports, and therefore, no subsequent possible causal link to the alleged injury.

Annex

**Table 1**

<b>Chilean Exports</b>		
<i>Product: HS 3102.3000</i>		
<i>Destination: Australia</i>		
<i>Period: Monthly, since April 2017 to May 2022</i>		
<i>Volume in Net Kg / Value in USD</i>		
<i>Source: National Customs Service of Chile</i>		
	Value	Volume
April-17	0	0
May-17	0	0
June-17	0	0
July-17	0	0
August-17	0	0
September-17	0	0
October-17	0	0
November-17	0	0
December-17	0	0
January-18	0	0
February-18	0	0
March-18	0	0
April-18	0	0
May-18	0	0
June-18	0	0
July-18	1.307.888	5.150.000
August-18	0	0
September-18	1.063.971	4.500.000
October-18	1.576.163	6.400.000
November-18	0	0
December-18	2.049.166	7.000.000
January-19	0	0
February-19	1.809.408	6.000.000
March-19	1.891.008	6.400.000
April-19	0	0
May-19	0	0
June-19	1.763.112	6.400.000
July-19	0	0
August-19	0	0
September-19	1.252.437	5.500.000
October-19	0	0
November-19	25.942	88.000
December-19	0	0
January-20	0	0
February-20	0	0
March-20	0	0
April-20	0	0
May-20	0	0
June-20	2.800.000	10.000.000



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<b>July-20</b>	0	0
<b>August-20</b>	1.286.475	4.960.000
<b>September-20</b>	0	0
<b>October-20</b>	0	0
<b>November-20</b>	1.580.610	6.000.000
<b>December-20</b>	400	40
<b>January-21</b>	0	0
<b>February-21</b>	1.998.360	7.500.000
<b>March-21</b>	0	0
<b>April-21</b>	0	0
<b>May-21</b>	0	0
<b>June-21</b>	0	0
<b>July-21</b>	0	0
<b>August-21</b>	0	0
<b>September-21</b>	0	0
<b>October-21</b>	0	0
<b>November-21</b>	0	0
<b>December-21</b>	0	0
<b>January-22</b>	0	0
<b>February-22</b>	0	0
<b>March-22</b>	0	0
<b>April-22</b>	0	0
<b>May-22</b>	0	0