

15 July 2022

The Director, Investigations  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601  
Australia

RE: Investigation No. 605 – Ammonium Nitrate (AN) from Chile, Lithuania, Vietnam

Rio Tinto Limited, being one of the largest end customers for AN in Australia historically, is an interested party in this investigation.

I. Period of Investigation (“POI”)

A letter on behalf of the applicant group of Australian industry companies has been placed on the public record from 22 June 2022. This letter asks for a reconsideration of the period of investigation for this dumping assessment; that the dumping margins should “be assessed over a longer period than the standard twelve-month period.”

Consideration Report No. 605 stated that the Anti-Dumping Commission would assess data and information provided by the applicants for the period between 1 January 2021 to 31 December 2021, having regard to the fact that the period of data collection for dumping investigations is normally twelve months.

However, the investigating authority indicated that the new POI is to cover the period of 1 April 2021 to 31 March 2022 in ADN 2022/050 – Initiation of Investigation No. 605. Under the Customs Act 1901, the Commissioner is prohibited from varying the POI which has been defined in the official notice of initiation: see s 269TC(5A).

The new POI accounts for an additional three months where data has not been collected, meaning that any evidence of dumping cannot be accurately assessed. Rio Tinto Limited requests acknowledgement that the POI cannot be changed in accordance with the legislative provisions of the Customs Act 1901.

We trust that the investigating authority will take proper regard of the points raised above, such that this investigation can be completed at the earliest opportunity.

Yours sincerely,

Rio Tinto Limited