



ANTI-DUMPING NOTICE NO 2022/082

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Ammonium Nitrate

Exported to Australia from Lithuania and the Socialist Republic of Vietnam

Investigation No 605 into alleged dumping

Day 60 Status Report

Introduction

This Status Report concerns the investigation into the alleged dumping of ammonium nitrate (the goods)¹ exported to Australia from Lithuania, and the Socialist Republic of Vietnam (Vietnam). It sets out the reasons why I, Dr Bradley Armstrong PSM, Commissioner of the Anti-Dumping Commission (the Commissioner), have not made a preliminary affirmative determination (PAD) on 7 August 2022,² being 60 days after the initiation of the investigation.

This report reflects the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis, or verification. I may make a PAD at any time from day 60 onwards if satisfied the requirements of section 269TD(1) of the *Customs Act 1901* (Cth)³ have been met.

Background

On 8 June 2022, I initiated an investigation into the alleged dumping of the goods after CSBP Limited, Orica Australia Pty Ltd, and Queensland Nitrates Pty Ltd, manufacturers of like goods in Australia⁴, made an application under section 269TB. Further details are in the public notice, ADN 2022/50, published on 8 June 2022.⁵

¹ The goods are defined in Anti-Dumping Notice (ADN) 2022/050 as:

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

² Day 60 of the investigation is 7 August 2022. As this is a Sunday, the earliest day a PAD can be made is the next business day, Monday 8 August 2022.

³ All legislative references in this report are to the *Customs Act 1901* (Cth) unless otherwise specified.

⁴ Collectively, the applicants.

PUBLIC RECORD

On 2 August 2022, I terminated the investigation so far as it relates to Chile (refer to ADN 2022/080).⁶

Under section 269TD(1), I may make a PAD at any time not earlier than 60 days after I initiate an investigation in relation to the publication of a dumping duty notice, if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice, or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons for publishing a Status Report

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2), had regard to:

- the application
- submissions received in response to the initiation of the investigation
- data from the Australian Border Force import database.

The commission is required to further examine various issues in the investigation, including:

- export prices and normal values of the goods exported from Lithuania and Vietnam
- volumes of the goods exported from Lithuania and Vietnam
- the Australian market for the goods
- whether the goods exported from Lithuania and Vietnam, if dumped at above negligible levels, have caused or are causing material injury to the Australian industry.⁷

These issues are critical to determining whether the goods are dumped and therefore whether there are sufficient grounds for the publication of a dumping duty notice.

Circumstances arising from current global events (including the COVID-19 pandemic and conflicts which have affected gas supply to Lithuanian exporters⁸) and various other issues have affected certain participating exporters of the goods. As a result, I granted certain exporters extensions of time to complete responses to the exporter questionnaires and this has delayed the receipt of information.⁹

I also require further consideration of the above issues following the termination of the investigation in relation to Chile.

⁵ Electronic public record (EPR) 605, no 003. The EPR is available at www.adcommission.gov.au.

⁶ EPR 605, no 017.

⁷ Relevant to this assessment, following initiation the commission requested a further quarter of economic data from the applicants relevant to the investigation period.

⁸ On 28 June 2022, Lithuania passed a law banning Russian natural gas imports into the country.

⁹ EPR 605, no 014.

PUBLIC RECORD

Based on the information available to me at day 60 of the investigation, I am not yet satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice.

Accordingly, I have not made a PAD.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD because I am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice for the reasons outlined above. I will continue to assess the need for a PAD and may make one as soon as I am satisfied there appears to be sufficient grounds to do so on the basis of the evidence before me.

Reconsideration of making a PAD – section 269TDAA

The Direction requires me to reconsider whether or not to make a PAD at least once prior to the publication of Statement of Essential Facts (SEF) required under section 269TDAA. I am due to publish the SEF on **26 September 2022**. Prior to the publication, or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

Anti-Dumping Commission contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2525 or at investigations3@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

8 August 2022