



ANTI-DUMPING NOTICE NO. 2019/156

Ammonium nitrate

Exported to Australia from the Russian Federation

Findings from Exemption Inquiry EX0066

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have completed an exemption inquiry in relation to anti-dumping measures applying to ammonium nitrate exported to Australia from the Russian Federation (Russia).

I initiated the inquiry after receiving an application for exemption from Nitro Sibir Australia Pty Ltd (the applicant), an importer of ammonium nitrate.

The applicant sought exemptions pursuant to subsection 8(7)(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act). Under this provision, the Minister for Industry, Science and Technology (the Minister) may exempt goods from interim dumping duty and dumping duty if satisfied:

that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The anti-dumping measures

Anti-dumping measures in the form of a dumping duty notice applying to ammonium nitrate exported to Australia from Russia were initially imposed on 24 May 2001 (the duties).¹ These measures were continued for a further five years in 2006, 2011 and 2016.²

The goods subject to duties

The goods subject to the duties are:

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

¹ *Trade Remedies Branch Report No. 29* and Australian Customs Dumping Notice (ACDN) No. 2001/29.

² 2006: *Trade Measures Report No. 104* and ACDN No. 2006/19 refer.
2011: *Trade Measures Report No. 168* and ACDN No. 2011/17 refer.
2016: *Anti-Dumping Commission Report No. 312* and Anti-Dumping Notice No. 2016/34 refer.

The exemption goods

The goods the subject of the exemption inquiry (the exemption goods) are high density ammonium nitrate.

The exemption goods are classified to the tariff subheading 3102.30.00 (statistical code 05) of Schedule 3 to the *Customs Tariff Act 1995*.

Recommendation to the Minister and Minister's decision

After considering the application and submissions received from the applicant, the Australian industry and other interested parties, I made the recommendation that the Minister not exempt the exemption goods from the duties, and provided the Minister with the reasons for my recommendation, including any material findings of fact and law in relation to the exemption.

The Minister accepted my recommendation, and my reasons for the recommendation including all material findings of fact and law, and has decided **not** to grant the exemption, pursuant to subsection 8(7) of the Dumping Duty Act.

Exemption Inquiry Report No. EX0066 provides details the findings of this exemption inquiry and is available on the Anti-Dumping Commission's website.³

Further Information

The decision not to grant the exemption does not prevent further applications for exemptions from the duties being considered. Parties can apply for an exemption where they believe the Minister can be satisfied as to any matter specified in subsection 8(7) of the Dumping Duty Act. Further information on the application process can be found on the Commission's website.⁴

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Commission on 13 28 46 or for international callers on +61 2 6213 6000 or by email to clientsupport@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

19 December 2019

³ www.adcommission.gov.au

⁴ Ibid.