



ADRP Conference Summary

2019/107 - Ammonium Nitrate exported from the People's Republic of China, Sweden and the Kingdom of Thailand

Panel Member	Leora Blumberg
Review type	Review of Minister's decision
Date	15 October 2019
Participants	<ul style="list-style-type: none">• Orica Australia (Orica)<ul style="list-style-type: none">◦ Malcolm Hart (Senior AN Market Manager)• John O'Connor and Associates<ul style="list-style-type: none">◦ John O'Connor• Queensland Nitrates (QNP)<ul style="list-style-type: none">◦ David Armstrong (General Manager)• CSBP Limited (CSBP)<ul style="list-style-type: none">◦ Gerard Chan (Commercial Manager)
Time opened	12:00pm AEDT
Time closed	12:33pm AEDT

Purpose

The purpose of this conference was to provide the Australian industry applicants to the original Anti-Dumping Commission (ADC) Investigation No. 473 (the Investigation Applicants), with information disclosed to the Anti-Dumping Review Panel applicants (Review Applicants) by the ADC during a conference held on 4 September 2019 (the Pre-Initiation Conference) and provide them an opportunity to respond to that information.

The conference was held pursuant to s.269ZZHA (1) of the *Customs Act 1901* (Act).

The conference was not a formal hearing of the review and was not an opportunity for parties to argue their case before me. I have only had regard to information provided at this conference as it relates to relevant information (within the meaning of s.269ZZK(6) of the Act). Any conclusions reached at this conference are based on that relevant information. Information that is not related to the specific information requested to be disclosed, arising out of the Pre-Initiation Conference, is not something that the ADRP has regard to, and is therefore not reflected in this conference summary.



Discussion

Background and Clarification

1. By way of background, the Reviewing Member (RM) referred to a letter received from Orica dated 8 October 2019 (Orica's Letter) concerning the Pre-Initiation Conference. Orica's Letter requested that the ADRP disclose information, relating to profit foregone percentages, to the Investigation Applicants, as disclosed to the Review Applicants during the Pre-Initiation Conference.
2. The RM clarified certain procedural aspects of the Pre-Initiation Conference and the formal initiation of ADRP Review No. 2019/107 on 20 September 2019.

Disclosure of Information

3. The RM disclosed the relevant aggregated profit foregone percentages as disclosed to the Review Applicants by the ADC during the Pre-Initiation Conference, as reflected in paragraph 3(b) of the ADC's written submission relating to the Pre-Initiation Conference.
4. It was pointed out during the conference that:
 - The information requested relates to the aggregated profit foregone percentages of the three Investigation Applicants only and did not include data from the other Australian industry players;
 - The individual percentages of profit foregone of the three Investigation Applicants was not disclosed to any party during the Pre-Initiation Conference.

Opportunity for Conference Participants to Comment on the Information Disclosed

5. The RM then provided each of the conference participants with an opportunity to provide preliminary or detailed comments on the information disclosed during the conference. It was pointed out that if any party wished to consider the information further, they would have an opportunity to comment on the information in more detail in submissions made to the ADRP pursuant to s.269ZZJ of the Act, which were due on 21 October 2019.



Australian Government

Anti-Dumping Review Panel

6. The representatives from each of the three participating parties separately advised that they would not comment during the conference but would consider the information and comment thereon in submissions to the ADRP in terms of s.269ZZJ of the Act.

Discussion of the Way Forward

7. A discussion ensued on the “way forward” following the conference. The RM advised that the usual procedure of a review of a Ministerial decision would be followed.
8. The RM thanked all parties for their participation and ended the conference.