



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	19 May 2020
Participants	Orica Limited <ul style="list-style-type: none">Malcolm HartMaria De Luca John O'Connor (representing Orica Limited)
Time opened	3:00pm AEST
Time closed	3:59 pm AEST

Purpose

The purpose of this conference was to put to Orica Limited ("Orica") the clarifications and further information provided by the Anti-Dumping Commission ("ADC") in regard to the written submission of Orica relating to the conference held on 11 May 2020 and to provide an opportunity for comment.

The conference was held pursuant to section 269ZZHA of the *Customs Act 1901*.

In the course of the conference, I may have asked Orica to clarify an argument, conclusion or specific detail relating to their written response to the conference held on 11 May 2020 or contained in REP 473 or in the Reinvestigation Report. The conference was not a formal hearing of the review, and was not an opportunity for Orica to argue their case before me.

I have only had regard to information provided at this conference as it relates to Orica and "the reassessment of the materiality of injury with regard to profit foregone" in the report provided under section 269ZZL(2). Any conclusions reached at this conference are based on those clarifications. Information that relates to some new argument not previously set out in REP 473, the Reinvestigation Report or in relevant conferences is not something that the ADRP has regard to, and is therefore not reflected in this conference summary.



Discussion

1. Orica was provided with the opportunity to comment on the ADC's clarifications and comments relating to Orica's written response to the conference held on 11 May 2019, as provided during the conference of 18 May 2020.¹

In response to the ADC's clarifications, Orica provided confidential background information setting out what it considered to be the importance of and the impact that the dumped imports has had and will continue to have on Orica and the ammonium nitrate industry. It was confirmed by Orica that all the relevant facts raised were no different to those raised by Orica with the ADC directly.²

Orica then responded directly to the specific clarifications of the ADC and subsequently provided the Review Panel with a non-confidential written version of its comments, attached as Attachment A.

¹ A written version of the ADC's clarifications and comments were provided to Orica prior to the conference.

² Orica subsequently provided the Review Panel with a written version of these confidential comments.



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20 May 2020

Ms L Blumberg
Member
Anti-Dumping Review Panel
c/- Anti-Dumping Review Panel Secretariat
10 Binara Street
Canberra ACT 2600

Email: ADRP@industry.gov.au

Dear Member,

PUBLIC FILE

ADRP Review No. 107 – Ammonium nitrate exported from China, Sweden and Thailand – Submission of Orica Australia Pty Ltd

Following the teleconference between Orica and the Reviewing Member on Tuesday 19 May 2020, as requested, Orica provides a Public File version of the matters discussed in response to the Anti-Dumping Commission (“ADC”) posed by the ADRP Panel Member

Item 1

ADC response

The Commission was not provided with a copy of the finalised contract nor any workings of the price variations. The Commission also has no information to determine the nature of the price-variation provision and whether it takes into consideration import prices, or other factors, in varying prices.

Orica Response

Orica maintains that it provided a final executed copy of the relevant contract during its meeting with the ADC on 14 January 2020 along with other supporting material relating to the injury impact. In responding to the ADC’s request for information as part of the Reinvestigation, Orica provided evidence to the ADC that documented the price changes which had occurred in the requested schedules. These matters are referred to the Public File notes.

Additionally, Orica also referenced the impact of these changes in its submission to the ADC on 20 March 2020.

Orica considers this is sufficient information to warrant inclusion in the industry injury assessment.

Item 2

ADC response

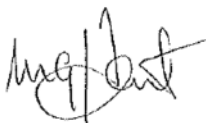
As noted in section 2.2.2.1 of the reinvestigation report, even if the price-variation provision was included in the finalised contract as claimed by Orica in its submission, the prices would not be affected by dumping in the investigation period. According to Orica, the price variations [REDACTED] came into effect after the investigation period (1 April 2017 to 31 March 2018) and the variations would have occurred from [REDACTED]. The Commission cannot link the claimed price variations from [REDACTED] to dumping from China, Sweden and Thailand during the investigation period.

Orica Response

Orica notes the commencement and duration of the negotiation with a key customer which had been provided to the ADC. As part of the Reinvestigation, the ADC requested updated information relating to the post investigation period. In its assessment of the injury to the Industry, Orica contends that the impact relating to the finalisation of a key contract (included in the updated information) should have been taken into account by the ADC as that injury fell within its “post investigation period”. These issues were canvassed with the ADC on directly in meetings and written submissions.

If you have any questions, please do not hesitate to contact me on (03) 9665 7309.

Yours faithfully,



Malcolm Hart

Senior AN Market Manager - APA