



Australian Government
Anti-Dumping Review Panel

AMMONIUM NITRATE EXPORTED FROM THE RUSSIAN FEDERATION

NOTICE TO INTERESTED PARTIES

On 19 July 2021, the Anti-Dumping Review Panel (Review Panel) published, under s.269ZZI of the *Customs Act 1901* (the Act), a notice of its intention to conduct a review of the decision by the Minister for Industry, Science and Technology (the Minister) made under s.269ZHG(1)(a) of the Act in respect of the continuation inquiry of Ammonium Nitrate exported from the Russian Federation (the Reviewable Decision).

In their applications for review dated 22 June 2021, all the applicants, being Orica Australia Pty Ltd (Orica), Dyno Nobel Asia Pacific Pty Ltd (Dyno Nobel), CSBP Limited (CSBP) and Queensland Nitrates (Pty) Ltd (Queensland Nitrates) requested that the Review Panel convene a conference to obtain further information in relation to their applications for review. In response to letters from the Review Panel, only Orica and Dyno Nobel provided confidential and public versions of the materials they considered the Review Panel should obtain (the applicants' further information).

Prior to initiation of the review, the then Reviewing Member decided to hold a conference with Orica and Dyno Nobel on 15 July 2021 (15 July Conference) pursuant to s.269ZZHA(1) of the Act, the stated purpose being to:

- obtain further details of the applicants' further information;
- obtain Orica and Dyno Nobel's views about:
 - ❖ the power to hold a further conference to formally obtain the applicants' further information; and
 - ❖ how any discretion to hold a further conference to obtain the applicants' further information should be exercised.

A non-confidential summary of the 15 July Conference (the 15 July Conference Summary) has been published on the website of the Review Panel. The public versions of the applicants' further information are attached to the summary of the 15 July Conference.

The then Reviewing Panel Member stated during the 15 July Conference that he had only had regard to applicants' further information provided at the 15 July Conference to the extent that it informed the matters identified in the second paragraph of the 15 July Conference Summary and advised that he would not have regard to the applicants' further information until a further conference was held under s.269ZZHA of the Act to formally obtain it. He further advised that such a further conference would not be held until interested parties have had an opportunity to comment.

After the 15 July Conference, Orica and Dyno Nobel provided written submissions about whether the applicants' further information could and should be requested and considered by the Review Panel. Non-confidential versions of these submissions have been published on the Review Panel's website.

The Review Panel has now decided to allow other interested parties an opportunity to respond and make further submissions on the following procedural issues:

- the power of the Review Panel to hold a further conference to formally obtain the applicants' further information;
- how any discretion to hold a further conference to obtain the applicants' further information should be exercised; and
- whether the Review Panel can have regard to the applicants' further information, once formally obtained, in making its recommendation to the Minister under s.269ZZK of the Act.

Any such submissions, both in confidential (if necessary) and non-confidential format, should be received no later than 7 days from the date of this notice and should be limited to the procedural issues referred to above. It should be noted that these are not issues going to the merits of the Reviewable Decision and the Review Panel is therefore not treating these submissions as made under s.269ZZJ of the Act.

Leora Blumberg,
Member, Anti-Dumping Review Panel
2 August 2021