



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2010/34

Ammonium Nitrate

Exported from the Russian Federation

Initiation of a continuation inquiry

and

Initiation of a review of measures

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) will inquire into whether the continuation of anti-dumping measures in respect of ammonium nitrate, exported from the Russian Federation (Russia) is justified. The CEO will also review the current level of measures. The inquiry and review will both commence on 7 October 2010.

The goods subject to anti-dumping measures, in the form of a dumping duty notice, are ammonium nitrate, prilled, granular or in other solid form, with or without additives or coatings, in packages exceeding 10 kg.

Ammonium nitrate, whether or not in aqueous solution, is classified within sub-heading 3102.30.00, statistical key 05, in Schedule 3 to the *Customs Tariff Act 1995*. The duty rate is free from all sources.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 24 May 2001 following the then Minister for Customs and Border Protection's (the Minister) consideration of Trade Measures Report No. 28. These measures are applicable to all exporters from Russia.

Following an application by one exporter for an accelerated review of the measures, measures applying to certain exporters were varied, effective for goods entered for home consumption on and after 17 April 2002.

On 15 September 2005, following applications from the Australian industry, Customs and Border Protection initiated a review of measures and an inquiry into whether the continuation of measures for another five years was justified. After accepting Customs and Border Protection's recommendations in Trade Measures Report No. 104 and 105 the Minister continued the anti-dumping measures from 24 May 2006. The Minister also revised the level of measures on 17 May 2006.

The current measures are due to expire on 24 May 2011.

The current continuation inquiry

On 16 July 2010, Customs and Border Protection published a notice in *The Australian* newspaper to invite certain persons to apply to the CEO of Customs and Border Protection for the continuation of anti-dumping measures on ammonium nitrate exported from Russia¹.

Following the receipt of an application made by persons representing a portion of the Australian industry², Customs and Border Protection initiated this inquiry into whether the continuation of measures for another five years is justified. The CEO decided not to reject the application, the reasons for which are set out in Consideration Report No. 168 available at www.customs.gov.au. A notice indicating that it is proposed to review the measures was published in *The Australian* on 7 October 2010.

The current review

Customs and Border Protection initiated this review after a request was made by affected parties to the CEO³ to review the measures as they affect exporters of ammonium nitrate from Russia as one or more of the variable factors relevant to the taking of the measures in relation to an exporter, or exporters generally, may have changed. The CEO decided not to reject the application, the reasons for which are set out in Consideration Report No. 169 available at www.customs.gov.au. A notice indicating that it is proposed to review the measures was published in *The Australian* on 7 October 2010.

The review period is 1 July 2009 to 30 June 2010 and covers all exporters of the goods from Russia. After concluding the review, Customs and Border Protection will recommend to the Minister that the dumping duty notice:

- i. remain unaltered; or
- ii. be revoked, in part or generally; or
- iii. have effect as if different variable factors had been ascertained

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning this inquiry and review not later than 16 November 2010 with:

The Director
Operations 1, Trade Measures Branch
Customs and Border Protection
5 Constitution Avenue
Canberra ACT 2601

Or by email tmops1@customs.gov.au, or by fax number 02 6275 6990.

¹ In accordance with s.269ZHB of the *Customs Act 1901* (the Act).

² In accordance with s.269ZHB(1)(b) of the Act.

³ In accordance with s.269ZA(1) of the Act.

Interested parties wishing to participate in the inquiry and/or review must ensure that submissions are lodged promptly. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts on the public record.

The CEO must maintain a public record of each inquiry and review. The public record must contain, among other things, a copy of all submissions from interested parties (letters and electronic mail are generally regarded as "submissions" if they contain information relevant to the inquiry or review).

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "In-Confidence".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case, interested parties must provide two copies of each for the public record.

Interested parties wishing to examine the public record may do so on the internet at adpr.customs.gov.au/Customs or at Customs House, 5 Constitution Avenue, Canberra ACT during business hours by contacting Trade Measures office management on telephone number 02 6275 6547. Consideration Reports 168 and 169 and all Australian Customs Dumping Notices are also available on the Customs and Border Protection website at www.customs.gov.au.

Statement of essential facts and final report

A statement of the essential facts for the continuation inquiry and a statement of essential facts for the review of measures, on which the CEO proposes to base recommendations to the Minister, will be placed on the public record by 25 January 2011 (or such longer period as the Minister allows⁴). Interested parties are invited to lodge submissions in response to both statements of essential facts within 20 days of those statements being placed on the public record. Submissions to the statements of essential facts should also be lodged with Customs and Border Protection at the above mail, fax or email addresses.

Reports and recommendations to the Minister in relation to the continuation inquiry and review of measures will be made on or before 11 March 2011 (or such longer period as the Minister allows⁵).

⁴ In accordance with s.269ZHI of the Act.

⁵ In accordance with s.269ZHI of the Act.

Customs and Border Protection contact

Enquires concerning this notice may be directed to the case team on telephone 02 6245 5453 or email tmops1@customs.gov.au

Geoff Johannes
National Manager
Trade Measures Branch
5 October 2010