

Notice of Preliminary Determination in Antidumping Investigation on Dumped Imports of One Side Coated Duplex Grey Back Paper Board imported into Pakistan Originating in and/or Exported from the People's Republic of China, the Republic of Indonesia, the Republic of Korea and Chinese Taipei (Taiwan)

The National Tariff Commission (the "Commission") initiated an antidumping investigation on January 11, 2012 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by Messrs. Century Paper and Board Mills Limited, Karachi (the "Applicant") was in accordance with Sections 20 and 24 of the Ordinance. The investigation concerns dumping of Paper Board, originating in and/or exported from China, Indonesia, Korea and Taiwan (cumulatively referred as "Exporting Countries") into Pakistan and material injury caused thereof to the domestic industry manufacturing Paper Board.

An importer of Paper Board filed a Writ Petition before Lahore High Court, Rawalpindi Bench in April 2010, against the initiation of investigation dated June 26, 2009 and subsequent provisional measures. On May 23, 2011, the Islamabad High Court, setting aside the preliminary determination of the Commission, remanded the matter back to the Commission for afresh proceedings.

In pursuance of Islamabad High Court judgment dated May 23, 2011 the Commission started afresh proceedings and initiated the investigation on January 11, 2012, after re-appraisal of the application filed by the Applicant on May 27, 2009. A Writ Petition was again filed on February 16, 2012 before Islamabad High Court, Islamabad by an importer of Paper Board, against the initiation of this investigation. In its order dated February 17, 2012 Islamabad High Court, Islamabad issued stay order, "*Notice. Till date no adverse orders be passed against the applicant.*"

Islamabad High Court in its hearing on June 15, 2012, amended its earlier stay order and issued the following order:

"In the circumstances, the stay order already granted is amended to the effect that the respondents may carry out preliminary determination; however, the same would be subject to the decision of present writ petition and in addition to that no recovery shall be effected from the petitioner, till the next date of hearing."

In accordance with provisions of the Ordinance and Anti-Dumping Duties Rules, 2001 (the "Rules"), the Commission has, after investigation, determined the following on a preliminary basis:

Product Under Investigation: One Side Coated Duplex Grey Back Paper Board weighing from 230 g/m² to 400 g/m², originating in and/or exported from the Exporting Countries is the product under investigation ("investigated product"). It is classified under Pakistan Customs Tariff ("PCT") Nos. 4810.9200 and 4810.9900.

Period of Investigation ("POI"):

For investigation of dumping: From April 01, 2008 to March 31, 2009

For investigation of injury: From April 01, 2006 to March 31, 2009

Determination of Dumping: Dumping for exporters/foreign producers who cooperated and furnished necessary information has been determined in accordance with Sections 5, 6 and 10 (1) of the Ordinance, respectively on the basis of the information provided by them. Dumping for all other exporters from the Exporting Countries, who did not cooperate in providing requisite information, is determined on the basis of best information available in terms of Section 32 of the Ordinance.

Dumping Margin: Dumping margins have been calculated in accordance with Section 12(1) of the Ordinance by comparing weighted average normal value at ex-factory level with weighted average export price at ex-factory level. The provisional dumping margins expressed as percentage of weighted average adjusted export price at ex-factory level are given below:

Country	Exporter Name	Dumping Margin
Korea	Hansol	5.32%
	HM Corporation	12.55%
	All others	27.49%
Indonesia	Fajar	11.75%
	All others	12.46%
China	All exporters	20.61%
Taiwan	All exporters	12.35%

Injury to the Domestic Industry: Injury to the domestic industry has been determined in accordance with Part VI of the Ordinance. The Commission has on preliminary basis established that the domestic industry suffered material injury on account of: price under cutting, , price suppression, negative effects on: inventories, return on investment, cash flow, decline in: profits, capacity utilization, and productivity.

Injury Factors other than Dumped Imports: The Commission has also examined factors other than dumped imports, which were causing injury to the domestic industry. Analysis showed that the domestic industry also suffered some injury due to imports of Paper Board from sources other than the dumped source and expansion in installed production capacity during the POI. However, injury caused by such other factors was not significant.

Imposition of Provisional Antidumping Duty: In reaching this preliminary affirmative determination, the Commission is satisfied that the investigated product has been imported at dumped prices. This has caused material injury to domestic industry during the POI. **Therefore, it merits imposition of provisional antidumping duty, however, the Commission is not imposing provisional anti-dumping duties on imports of the investigated product, in pursuance of the order of Islamabad High Court, Islamabad dated June 15, 2012 in writ petition No. 439 of 2012.**

Disclosure meeting: Pursuant to Rule 11 of the Rules, cooperating exporters/foreign producers may request for a disclosure meeting within 15 days of the date of publication of this notice.

Hearing: Any party registered as an interested party in this case may, if it so wishes, request a hearing in accordance with Rule 14 of the Rules within 30 days of the publication of this notice by contacting Secretary, National Tariff Commission, State Life Building No.5, Blue Area, Islamabad. Telephone No. +92-51-9218963, Fax No.+92-51-9221205.

Further Information: A non-confidential version of the report on preliminary determination has been placed on public file established and maintained by the Commission. It has also been posted on the Commission's website: www.ntc.gov.pk. The public file shall be available to the interested parties, registered with the Commission for the purposes of this investigation, for review and copying at the offices of the Commission, from Monday to Thursday (except public holidays) between 1100 hrs to 1300 hrs.

Authority under Law: This notice is published pursuant to Section 37 of the Ordinance by order of the Commission.

(Muhammad Shahid)
Secretary
June 29, 2012