

ADC No. 24/2010/NTC/SA
National Tariff Commission
Government of Pakistan

**Notice of Preliminary Determination and Imposition of Provisional Measure on Imports of Soda Ash
into Pakistan Originating in and/or Exported from Republic of Kenya.**

The National Tariff Commission (the "Commission") initiated an anti-dumping investigation on September 26, 2011 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by ICI Pakistan Limited (the "Applicant"), on behalf of domestic industry producing Soda Ash ("Soda Ash") was in accordance with Section 20 and 24 of the Ordinance. The investigation concerns dumping of Soda Ash, originating in and/or exported from the Republic of Kenya into Pakistan and material injury caused therefrom to the domestic industry producing Soda Ash. In accordance with Section 37, the preliminary determination has to be made within 180 days from the date of initiation. However, due to stay order of the Islamabad High Court dated March 09, 2012, in Writ Petition No. 118 of 2012 the preliminary determination can be made till June 8, 2012. In its order dated May 10, 2012, the Honorable Islamabad High Court disposed of the petition with direction to allow the petitioner (exporter) two weeks extension in time for submission of data in response to the Commission questionnaire. In accordance with provisions of the Ordinance and Anti-Dumping Duties Rules 2001 (the "Rules"), the Commission has, after investigation, determined the following on preliminary basis:

Exporter and Foreign Producer: The Applicant identified one exporter/foreign producer, Tata Chemicals Magadi Limited, Kenya, involved in dumping of Soda Ash from Kenya and provided the complete address.

Product under Investigation: The product being dumped into Pakistan is Sodium Carbonate commonly known as Soda Ash originating in and/or exported from Kenya and is classified under Pakistan Customs Tariff classification number. 2836.2000 (the "investigated product").

Determination of Dumping: The normal value and export price of the Soda Ash has been determined on the basis of best information available in terms of Section 32 of the Ordinance and Schedule of the Ordinance, as the exporter/foreign producer did not provide the requisite information to the Commission in response to Exporter's Questionnaire within given timelines and prescribed legal manner as explained in paragraph 14 of the subject report.

Dumping Margin: The Commission has determined dumping margin by comparing weighted average normal value with weighted average export price at FOB level which works out to be 34.03 US\$. The absolute provisional dumping margin expressed as percentage is 22.25 %.

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 due to dumping on account of increase in volume of dumped imports, price undercutting, price suppression, decline in market share, capacity utilization, sales and profits and negative effects on inventories, cash flows and return on investment.

Imposition of Provisional Antidumping Duty: In reaching this preliminary determination, the Commission is satisfied that the Soda Ash has been imported at dumped prices. This has caused material injury to domestic industry during the POI. In order to prevent material injury in course of this investigation, the Commission, pursuant to the powers conferred upon it under Section 43 of the Ordinance, has decided to impose provisional antidumping @ 19.82% of C&F price on import of the Soda Ash (classified under the same PCT/HS heading No. 2836.2000) originating in and/or exported from Kenya to Pakistan by all exporters/producers for a period of four months effective from June 08, 2012.

Imports of Soda Ash from sources other than Kenya would not be subject to this provisional anti-dumping duty.

The provisional antidumping duty shall take the form of security by way of cash deposit in Commission's Non-lapsable PLD Account No. 187 with Federal Treasury Office Islamabad. The provisional antidumping duty would be collected in the same manner as customs duty under the Customs Act, 1969 (IV of 1969).

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. +92-51-9202839, 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, 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 08, 2012