

A.D.C No. 22/2010/NTC/BOPP  
National Tariff Commission

**Preliminary Determination and Levy of Provisional Antidumping Duty on Imports of Biaxially Oriented Poly Propylene Film into Pakistan Originating in and/or Exported from the People’s Republic of China, Sultanate of Oman, Kingdom of Saudi Arabia and United Arab Emirates (UAE)**

National Tariff Commission (the “Commission”) received an anti-dumping application under Section 20 of the Anti-Dumping Duties Ordinance, 2000 (the “Ordinance”) on April 12, 2010 from Tri-Pack Films Limited, Karachi (the “Applicant”), a domestic producer of Biaxially Oriented Poly Propylene Film (“BOPP Film”); alleging dumping of BOPP Film into Pakistan originating in and/or exported from China, Oman, Saudi Arabia and UAE (“Exporting Countries”). Investigated product is used for large number of end-use applications.

Decision of the Commission dated September 27, 2010 to initiate investigation in this case was challenged in the Islamabad High Court through Writ Petition No. 2098 of July 2011 and the proceedings were stayed by IHC. In a decision dated March 10, 2012, the Islamabad High Court ordered the Commission to proceed afresh on the complaint pending before the Commission. Therefore, in pursuance of the Islamabad High Court Order, the Commission re-initiated investigation against alleged dumping of BOPP Film into Pakistan originating in and/or exported from the Exporting Countries on April 23, 2012 after fulfilling the requirements of Section 23 of the Ordinance.

**Exporters and Foreign Producers:** The Applicant identified 23 exporters/foreign producers involved in alleged dumping of BOPP Film from the Exporting Countries and provided complete addresses of 19 exporters/foreign producers.

In response to the questionnaire, one exporter/foreign producer from Oman, Taghleef SAOG, and one exporter/foreign producer from UAE, Taghleef LLC, responded to the Commission. Taghleef SAOG and Taghleef LLC furnished necessary information for the purposes of this investigation.

**Product Under Investigation:** Biaxially Oriented Poly Propylene Film, 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. 3920.2010 and 3920.2030.

**Period of Investigation (“POI”):**

For investigation of dumping: From January 01, 2009 to June 30, 2010  
For investigation of injury: From January 01, 2007 to June 30, 2010

**Determination of Dumping:** Normal value and export price of the investigated product for the exporters/foreign producers who cooperated and furnished necessary information have been determined in accordance with Sections 5, 6 and 10 (1) of the Ordinance, respectively on the basis of the information provided by these exporters/foreign producers in response to the Commission’s questionnaire. Dumping margins for all other exporters from the Exporting Countries, who did not cooperate, 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 the weighted average normal value at ex-factory level with the 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 thus work out is given in Table-I:

**Table-I  
Provisional Dumping Margin**

Country	Exporter Name	Dumping margin as % of	
		Export price	C & F price
UAE	Taghleef	30.49	29.70
	All other exporters	58.89	57.09
Oman	Taghleef	24.29	22.92
	All other exporters	24.29	22.92
China	All exporters	66.01	62.70
Saudi Arabia	All exporters	28.04	26.91

**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 Increase in volume of dumped imports, price undercutting, price depression, decline in market share, decline in domestic sales, decline in profit, negative effect on productivity, negative effect on salaries & wages, negative effect on return on investment, and negative effect on growth.

**Imposition of Provisional Antidumping Duty:** In order to prevent material injury during the course of this investigation, the Commission, pursuant to the powers conferred upon it under Section 43 of the Ordinance, has decided to impose provisional anti-dumping duties on imports of the investigated product, originating in and/or exported from the Exporting Countries for a period of four months effective from August 14, 2012. The antidumping duty rates determined on C&F value in ad valorem terms are given in table-II below:-

**Table-II**  
**Provisional Antidumping Duty Rates**

Country	Exporter Name	Provisional Antidumping Duty (%)
UAE	Taghleef	29.70
	All other exporters	57.09
Oman	Taghleef	22.92
	All other exporters	22.92
China	All exporters	62.70
Saudi Arabia	All exporters	26.91

Provisional antidumping duties 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. Provisional antidumping duties would be collected in the same manner as customs duty under the Customs Act, 1969 (IV of 1969). Release of the investigated product for free circulation in Pakistan shall be subject to imposition of such antidumping duties.

**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. +92-51-9202839, Fax No.+92-51-9221205.

**Final Determination:** In terms of Section 39 of the Ordinance, the Commission is required to make final determination within 180 days of publication of notice of Preliminary Determination. However, the Commission has planned to finalize this investigation within four months of the publication of this notice of Preliminary Determination.

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

(Muhammad Shahid)  
Secretary  
August 14, 2012