

**Notice of Termination of Newcomer Review of Definitive Antidumping Duties Imposed on Dumped Imports of Tiles Originating in and/or Exported from People's Republic of China**

The National Tariff Commission (the "Commission") initiated a newcomer review on September 24, 2008 after establishing that the applications lodged by M/s Tangshan Huida Ceramic Group CO., Ltd., Huida Ceramics City, Tangshan City, Hebei, China, ("Huida") and Fujian International Trade Development Company, Ltd. 21F, World Trade Plaza No.71, Wusi Avenue, Fuzhou, China ("Fujian") (collectively referred to as the "Applicants") were prima facie in accordance with requirements of Section 60 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance"). The newcomer review was concerned with definitive antidumping duties imposed on dumped imports of Tiles Originating in and/or exported from People's Republic of China. In accordance with provisions of the Ordinance and the Anti-Dumping Duties Rules, 2001 (the "Rules"), the Commission has determined the following in this review:

**Product under Review**

On the basis of the information provided in the applications, the Commission determined that the product under review is ceramic tiles (excluding porcelain/ vitrified/granite) of a size 20x30 cm, 25x33 cm and border (embossed/printed) of size 8x33 cm., exported by the Applicants to Pakistan during the POR and produced by Tangshan Huida Ceramic Group Huiqun Co., Ltd., Huida Ceramic City, Tangshan City, Hebei, China ("Tangshan Huida"), and Fujian Minqing Gangcheng Ceramic Tile Company, Dianqian Village, Minqing Town, Fuzhou, China ("Fujian Minqing"). (hereinafter collectively referred to as "Producers"). The product under review is classified under Pakistan Customs Tariff Heading Nos. 6908.9010.

**Period of Review ("POR")**

POR for determination of individual dumping margin for the Applicants is from April 1, 2007 to March 31, 2008

**Imports of the Product Under Review:** The Commission's investigation has revealed that the Applicants did not export product under review during original period of investigation ("POI"). The Applicants started exporting product under review to Pakistan in the year 2007. As per the information submitted by the Applicants and obtained from PRAL, Huida and Fujian exported 12273.69 square metres ("SQM") and 18325.92 SQM respectively of the product under review to Pakistan during the POR.

**Determination of Relationship of the Applicants with Exporters or Producers:**

The Commission has determined that:

- i. Huida is related to the producer and an other exporter who are subject to definitive anti-dumping duty imposed on the product under review. Thus it did not qualify to request for an individual dumping margin under Section 60 of the Ordinance.
- ii. Fujian is not related to any of the exporter and producer who are subject to definitive anti-dumping duty. However, the risk of circumvention is imminent in its case. Fujian has not submitted any information/document, which showed that such risk of circumvention could be excluded.

**Determination of *Bona fide* Exporters/Exports:**

After review, that Commission has determined that neither the Applicants were *bona fide* exporters of the product under review nor their exports could be considered as *bona fide* exports for the purposes of this newcomer review.

**Determination of Commercial Quantities:**

The Commission has determined that exports of the product under review were not in commercial quantities for the purposes of this newcomer review.

**Individual Dumping Margin for the Applicants:**

The Commission has not determined individual dumping margin for the Applicants due to the following reasons:

- i. Huida is related to the producer and an other exporter who are subject to definitive antidumping duties;
- ii. Applicants were not *bona fide* exporters of the product under review and their exports could not be considered as *bona fide* exports

- iii. Exports of the product under review were not in commercial quantities for the purposes of this newcomer review.
- iv. Risk of circumvention of definitive antidumping duty imposed on tiles is imminent; and
- v. The Applicants did not provide requisite documents/evidence, thus, the Commission was unable to verify the information submitted by the Applicants.

#### **Termination of Newcomer Review**

The Commission initiated this newcomer review to determine individual dumping margin for the Applicants. However, after this newcomer review, the Commission has concluded that Applicants' individual dumping margin cannot be determined. This newcomer review thus stands terminated.

#### **Antidumping Duty Applicable to Applicants**

As the Commission has not determined individual dumping margin for the Applicants, residual antidumping duty at the rate of 23.65 percent *ad valorem*, determined in the original investigation is maintained and would be applicable on exports of the product under review into Pakistan by the Applicants.

#### **Retroactive Application of Anti-dumping Duty**

In notice of initiation of this newcomer review, in accordance with Section 60(3) of the Ordinance, no anti-dumping was imposed on imports of the product under review exported by the Applicants, whilst this newcomer review was being carried out. However, importers of the product under review were required to make a cash deposit equal to the residual anti-dumping duty rate. Should the determination of review results in an affirmative dumping margin with respect to the Applicants, anti-dumping duty can be levied retroactively from the date of initiation of the review.

Since the Commission has terminated this newcomer review, residual antidumping duty at the rate of 23.65 percent *ad valorem* on Applicants' exports is levied retroactively with effect from September 24, 2008 under Section 60(3) of the Ordinance on imports of the product under review after initiation of this newcomer review.

In accordance with Section 51 of the Ordinance, the residual anti-dumping duty shall be held in a non-lapsable personal ledger account established and maintained by the Commission for the purpose. Release of the product under review for free circulation in Pakistan shall be subject to imposition of such residual anti-dumping duty.

Residual anti-dumping duty levied would be in addition to other taxes and duties leviable on import of the product under review under any other law.

Residual anti-dumping duty would be collected in the same manner as customs duty is collected under the Customs Act, 1969 (IV of 1969) and would be deposited in Commission's Non-lapsable PLD account No. 187 with Federal Treasury Office, Islamabad.

**Additional Information:** A non-confidential version of the report of newcomer review 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](http://www.ntc.gov.pk). The public file shall be available to the interested parties, registered with the Commission for the purposes of this newcomer review, for review and copying at the offices of the Commission, from Monday to Thursday between 1100 hrs to 1300 hrs.

#### **Authority Under Law**

This investigation has been conducted under the Ordinance (No. LXV of 2000). This notice is published pursuant to provisions of Sections 39 and 50 of the Ordinance.

By Order of the Commission

(Naeem Anwar)  
Secretary  
March 14, 2009