

A.D.C No. 24/2011/NTC/FA
National Tariff Commission

Notice of Final Determination and levy of Definitive Anti-dumping Duties on import of Formic Acid 85% and above into Pakistan Originating in and/or Exported from China and South Korea

The National Tariff Commission (the "Commission") initiated an anti-dumping investigation on February 23, 2011 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by the domestic industry manufacturing Formic Acid 85% and above ("FA") was in accordance with Sections 20 and 24 of the Ordinance. The investigation concerns dumping of FA originating in and/or exported from the People's Republic of China and Republic of Korea (the "Exporting Countries") into Pakistan. The Commission made a preliminary determination without imposing any measures in this case in terms of Section 37 of the Ordinance on August 22, 2011. In accordance with the Ordinance and the Anti-Dumping Duties Rules, 2001 (the "Rules"), the Commission has made its affirmative final determination as follows:

Product Under Investigation: FA importable from the Exporting Countries is the product under investigation (the "investigated product"). It is classified under Pakistan Customs Tariff (PCT) No. 2915.1100.

Period of Investigation ("POI"):

Investigation of dumping	from October 1, 2009 to September 30, 2010
Investigation of injury	from October 1, 2007 to September 30, 2010

Determination of Normal Value and Export Price: The normal value and the export price of the investigated product exported by the exporters from the Exporting Countries have been determined in accordance with Part III and Part IV of the Ordinance respectively.

Normal value and export price of the investigated product for the exporters/producers from the Exporting Countries (except for BASF-YPC, China who provided information on questionnaire) has been determined on the basis of best available information pursuant to Section 32 and Schedule to the Ordinance.

Dumping Margin: The dumping margin for BASF-YPC, China has been calculated in accordance with Section 12(1) of the Ordinance by comparing the weighted average normal value at ex-factory level with weighted average export price at ex-factory level, whereas, for all other exporters/foreign producers from the Exporting Countries the dumping margins have been determined on the basis of the best information available with the Commission, in terms of Section 32 of the Ordinance, expressed as percentage of weighted average C&F export price.

Injury to the Domestic Industry: Injury to the domestic industry has been determined in accordance with Part VI of the Ordinance. The injury analysis carried out by the Commission shows that the domestic industry suffered material injury during the POI on account of, significant increase in the volume of dumped imports relative to domestic production and domestic consumption, price undercutting, price suppression, decline in market share, sales, production & capacity utilization, profit, number of employees and salaries & wages/MT. The Commission also examined whether there were factors other than dumped imports, which were causing injury to the domestic industry during the POI and the findings reveal that the factors other than dumped imports were not the main cause of injury to domestic industry.

The Commission has therefore, determined that the domestic industry suffered material injury during the POI due to dumped imports from the exporting countries.

Imposition of Definitive Anti-dumping Duty: In reaching this affirmative final determination, the Commission is satisfied that the investigated product has been imported into Pakistan at dumped prices. This has caused material injury to domestic industry during the POI. Therefore, the Commission, pursuant to the powers conferred upon it under Section 50 of the Ordinance, has decided to impose definitive anti-dumping duties on FA importable from the Exporting Countries as given in the following table for a period of five years effective from February 10, 2012. The anti-dumping duty rates are determined on C&F value in *ad val* terms and are set out as under:

Exporting Countries	Anti-dumping Duty Rate
China	
i) BASF-YPC	3.48%
ii) All Others exporters/ foreign producers	13.84%
South Korea – All exporters	44.10%

Disclosure meeting: Pursuant to Rule 16 of the Rules, the exporters/foreign producers of the investigated product may request for a disclosure meeting within 15 days of the date of publication of this notice.

Further Information: A non-confidential version of the report on final determination shall be placed on public file established and maintained by the Commission. It shall also be 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 office of the Commission, from Monday to Thursday between 1100 hrs to 1300 hrs.

By order of the Commission.

(Muhammad Shahid)
Secretary
February 10, 2012