

National Tariff Commission

Notice of Final Determination and levy of Definitive antidumping duties on import of Bixially 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

The National Tariff Commission (the "Commission") made affirmative final determination and imposed definitive antidumping duties on imports of Bixially Oriented Poly Propylene ("BOPP") Film classified under Pakistan Customs Tariff (PCT) Nos. 3920.2010 and 3920.2030 excluding BOPP Film Capacitor Grade and BOPP Film having thickness from 1 micron to 7 micron on February 04, 2013 ranging from 22.95% to 57.09% w.e.f. August 14, 2012 for a period of three years. The final determination of the Commission was challenged in the Appellate Tribunal vide Appeal No. 42, 43, 46, 47, 48 and 49 of 2013. The Appellate Tribunal has set aside the aforementioned final determination and remanded the case to the Commission declaring it to be *Coram-Non-Judice*.

The properly constituted Commission, in terms of the Anti-Dumping Duties Ordinance, 2015 has re-considered, re-appreciated and re-appraised the facts of the investigation which are as follows:-

The Commission initiated an anti-dumping investigation on April 23, 2012 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by the domestic industry manufacturing BOPP Film was in accordance with Sections 20 and 24 of the Ordinance. The investigation concerns dumping of BOPP Film originating in and/or exported from China, Oman, Saudi Arabia and UAE (the "Exporting Countries") into Pakistan. The Commission made a preliminary determination in this case in terms of Section 37 of the Ordinance on August 14, 2012. 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: BOPP Film importable from the Exporting Countries is the product under investigation (the "investigated product") excluding the BOPP Film Capacitor Grade and BOPP Film having thickness from 1 micron to 7 micron. It is classified under PCT Nos. 3920.2010 and 3920.2030.

Period of Investigation ("POI"):

Investigation of dumping	from January 1, 2009 to June 30, 2010
Investigation of injury	from January 1, 2007 to June 30, 2010

Determination of Dumping:

Normal value and the export price of the investigated product exported, from the exporters/foreign producers who cooperated and furnished necessary information have been determined in accordance with Section 5, 6 and 10(1) of the Ordinance 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 margin have 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. The definitive dumping margins expressed as percentage of weighted average C & F Price are given in Table-I.

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 definitive 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 cash flow, negative effect on productivity, negative effect on salaries & wages and negative effect on return on investment.

Imposition of Definitive Anti-dumping Duty: In order to prevent material injury, the Commission, pursuant to the powers conferred upon it under Section 50 of the Ordinance, has decided to impose definitive anti-dumping duties on BOPP importable from the Exporting Countries as given in the following table till August 14, 2015. The anti-dumping duty rates are determined on C&F value in *ad val* terms and are as under:

Table – I
Definitive Antidumping Duty Rates

Exporting Country	Exporter Name	Definitive Antidumping Duty
UAE	Taghleef LLC	29.70%
	All other exporters	57.09%
Oman	Taghleef SAOG	22.95%
	All other exporters	22.95%
China	All exporters	56.80%
Saudi Arabia	All exporters	26.91%

Furthermore, the determination of the Commission dated February 04, 2013 has been considered by this Commission and the Commission ratifies the earlier findings of the Commission regarding standing of the domestic industry, dumping margin, injury to the domestic industry, causal link and imposition of definitive antidumping duties. Accordingly the imposition of duty vide the Commission's order dated February 04, 2013 is ratified. Definitive antidumping duties given in the table above are hereby imposed on the dumped imports of the investigated product importable from the Exporting Countries w.e.f. the date of issuance of this notice till August 14, 2015.

Further Information: A non-confidential version of the report of final determination is placed on public file established and maintained by the Commission. It is also 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
April 09, 2015