

A.D.C. No. 27/2012/NTC/PSF
Government of Pakistan
National Tariff Commission

Notice of Final Determination of Antidumping Investigation against Dumped Imports of Polyester Staple Fibre into Pakistan Originating in and/or Exported from the People's Republic of China

The National Tariff Commission (the "Commission") initiated an anti-dumping investigation on June 26, 2012 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by M/s ICI Pakistan Limited, Lahore and M/s Ibrahim Fibres Limited, Faisalabad (hereinafter collectively referred to as the "Applicants") on behalf of the domestic industry manufacturing Polyester Staple Fibre not exceeding 2 denier ("PSF"), was in accordance with Sections 20 and 24 of the Ordinance. The investigation concerns dumping of PSF, originating in and/or exported from the People's Republic of China ("China") into Pakistan and material injury to the domestic industry manufacturing PSF. In accordance with the Ordinance and the Anti-Dumping Duties Rules, 2001 (the "Rules"), the Commission has made its affirmative final determination as follows:

Exporters and Foreign Producers: The Applicants identified a number of exporters/producers involved in the alleged dumping of PSF from China, however, 12 exporters/producers responded to the Commission's request for information/data and furnished information for the purposes of this investigation.

Product Under Investigation: PSF not exceeding 2 denier exported by the exporters/ producers from China is the product under investigation ("Investigated Product"). It is classified under Pakistan Customs Tariff ("PCT") No. 5503.2010.

Like Product: The Commission's investigation has established that the investigated product and PSF produced by the domestic industry are produced with similar manufacturing process, and with the same/similar raw materials. Both products have the same physical characteristics, usage, and tariff classification. Thus, it is determined that the investigated product and PSF produced by the domestic industry are "like products".

Period of Investigation ("POI"):

For investigation of dumping: From April 01, 2011 to March 31, 2012

For investigation of injury: From April 01, 2009 to March 31, 2012

Determination of Dumping: Normal value and export price of the investigated product for the exporters/ 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/producers in response to the Commission's questionnaire. Dumping margin for all other exporters from China, who did not cooperate, is determined on the basis of best information available in terms of Section 32 of the Ordinance.

Dumping Margin: Individual dumping margins of eleven Chinese exporters/producers 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 of investigated product, which works out from -18.15% to 7.95%.

Injury to the Domestic Industry: Material injury to the domestic industry has been determined in accordance with Part VI of the Ordinance. The Commission has established that the domestic industry did not suffer material injury on account of dumped imports as the share of dumped imports in total imports as well as in domestic market remained quite low during the POI. Therefore, any injury to the domestic industry on account of price suppression; decline in market share; decrease in sales; decrease in profits, return on investment and negative effects on cash flows etc was due to factors other than dumped imports, and there is weak causal link between dumped imports from China and injury to the domestic industry.

Final Determination without Imposition of definitive Anti-Dumping Duty: In view of the analysis and conclusions with regard to dumping, material injury, and causation, it is concluded that there is no need of imposition of definitive antidumping duties on three Chinese exporters/producers (whose dumping margins are above *de minimis* levels) as there is a weak causal link between dumped imports and injury to the domestic industry.

Refund: In terms of Section 55(2) of the Ordinance, if the definitive anti-dumping duty is lower than the amount of provisionally determined dumping margin, the difference shall be refunded by the Commission. The Commission, informs all importers of investigated product to send their request for the refund of differential, if any, to the Secretary, National Tariff Commission, State Life Building No. 5, Blue Area, Islamabad within thirty days of publication of this notice.

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 has been placed on the 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 at the office of the Commission, from Monday to Thursday (except public holidays) 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 Sections 39 and 50 of the Ordinance by Order of the Commission

(Muhammad Shahid)
Secretary
July 31, 2013