

ADC No. 09/2005/NTC/FA/SR/10
National Tariff Commission
Government of Pakistan

Notice of Initiation of Review of Definitive Anti-Dumping Duties Levied on Dumped Imports of formic acid, 85% solution into Pakistan Originating in and /or Exporting from Finland and Germany.

The National Tariff Commission (the "Commission") received an application on January 24, 2011 under Section 58(3) of Anti-Dumping Duties Ordinance 2000 (the "Ordinance"), for review the anti-dumping duties imposed on Formic Acid, 85% solution (FA 85%). This application is filed by Tufail Chemicals Limited, Karachi, (the "Applicant"), and domestic producer of formic acid. The application is in response to the notice of impending expiry of the anti-dumping duties imposed on FA 85%. The notice of impending expiry was published in the Official Gazette and national press on December 10, 2010. The Applicant has alleged that expiry of anti-dumping duties on FA 85% would likely to lead to continuation or recurrence of dumping of FA 85% from Finland and Germany and injury to the domestic industry producing FA 85%.

Anti-dumping Duties in force

The Commission imposed definitive anti-dumping duties on dumped imports of FA 85% into Pakistan @ 13.63% manufactured /or exported by Kemira OYJ of Finland and @ 6.25% manufactured or exported by BASF of Germany. Vide Commission's Notice, ADC No.009/2005/NTC/FA published in the official Gazette and the national press on July 7, 2006 for a period of five years with effect from March 9, 2006.

Product Under Review

The product under review is Formic Acid 85% solution manufactured /or exported by foreign producers /exporters mentioned above. It is classified under PCT No. 2915.1100. The product under review is used in various industries, like textile, Pharmaceutical, food, Agriculture and others.

Application/Basis for Review

The Applicant has claimed that the expiry of the anti-dumping duties imposed on FA 85% would lead to likely continuation or recurrence of dumping of FA 85%, and injury to the domestic industry. The Applicant is of the view that if the anti-dumping duties are removed; the volume of dumped imports is likely to increase, which is likely to continuation of injury to the domestic industry.

It is further alleged that expiry of anti-dumping duties would lead to regaining of the imports of product under review into Pakistan which is likely to lead to recurrence of material injury to the domestic industry, mainly, by way of: loss in production, sales and output, price under-cutting, price suppression, decrease in profitability, capacity under utilization and negative effect on the inventory, cash flows, employment and wages, growth, investment and ability to raise capital.

Initiation of Review

Upon examination of a duly substantiated request, the Commission hereby initiates a review pursuant to Section 58(3) of the Ordinance to determine whether the expiry of the anti-dumping duties imposed on FA 85% would likely or un-likely to lead to continuation or recurrence of dumping and injury or not.

If the Commission determines, as a result of this review, that there is likely continuation and/or recurrence of dumping of the product under review and injury to the domestic industry, the level of definitive anti-dumping duties would be re-determined.

Continuation of Anti-dumping Duties

In terms of Section 58(3) of the Ordinance, the anti-dumping duties imposed on dumped imports of FA 85% will remain in-force pending the outcome of the review.

Period of Review:

This sunset review would be conducted on the basis of the information of last three years. The dumping determination would be based on the data for one year from October 01, 2009 to September 30, 2010, duly adjusted for circumstances of likelihood of continuation or recurrence of dumping.

Schedule of Review**Date of initiation of review:**

The date of publication of this notice in the press in Pakistan

Date of conclusion of review:

Within twelve months of the date of publication of notice of initiation of review

Interested Parties

Interested parties, as defined in Section 2(j) of the Ordinance, are requested to identify themselves to the Secretary, National Tariff Commission, State Life Building No. 5, Blue Area, Islamabad, Tel: +9251-9218963 Fax: +9251-9221205 not later than 15 days of the publication of this notice. An interested party applying for registration with the Commission in this review should submit; the name of the company, its line of business, name of authorized person, address, telephone number and fax number. All interested parties are invited to make their views/comments known to the Commission, and to submit information and documents (if any) not later than 45 days of the date of publication of this notice in the press in Pakistan. All data and information in this regard should be submitted to the Secretary of the Commission.

Hearing

Any party as defined in Section 2(j) of the Ordinance may, if it so wishes, request a hearing in accordance with Rule 14 of the Rules within 45 days of the publication of this notice by contacting Secretary, National Tariff Commission, State Life Building No.5, Blue Area, Islamabad. Telephone No. +92-51-9218963, Fax No. +92-51-9221205.

Use of Best Information Available

Where any interested party refuses or otherwise does not provide the required information within the prescribed time limit or significantly impedes the review, conclusion of the review by the Commission will be made on the basis of best information available in accordance with Section 32 of the Ordinance and the Schedule appended to the Ordinance.

Public File

In accordance with Rule 7 of the Anti-Dumping Duties Rules, 2001, the Commission has established and maintained a public file at its office, which shall be available to the interested parties for review and copying from Monday to Thursday between 1100 hours to 1300 hours throughout the review.

Further Information

For further information please contact, Mr. Muhammad Shahid, Director General, National Tariff Commission, Tel: +92-51-9208019, Fax: +92-51-9221205, e-mail: noor@ntc.gov.Pk General information may also be obtained by accessing the Commission's official website www.ntc.gov.pk

By order of the Commission.

(Imran Zia)
Secretary
February 24, 2011