

A.D.C No. 07/2005/NTC/PFY
National Tariff Commission

Notice of Acceptance of Price Undertaking Offered by an Exporter/Foreign Producer in Definitive Anti-Dumping Duties Imposed on Imports of Polyester Filament Yarn into Pakistan Originating in and/or Exported from the Republic of Indonesia, the Republic of Korea, Malaysia and the Kingdom of Thailand

The National Tariff Commission (the “Commission”) imposed definitive anti-dumping duties on dumped imports of Polyester Filament Yarn (“PFY”) into Pakistan originating in and/or exported from the Republic of Indonesia (“Indonesia”), the Republic of Korea (“Korea”), Malaysia, and the Kingdom of Thailand (“Thailand”) (hereinafter collectively referred to as the “Exporting Countries”) vide its notice (notice of final determination) published in the Official Gazette on March 17, 2006.

2. Investigated Product: PFY exported by the exporters/foreign producers from the Exporting Countries into Pakistan was the product under investigation (the “investigated product”). It is classified under Pakistan Customs Tariff (PCT) Nos. 5402.3300 and 5402.4300 (PCT heading in Pakistan is equivalent to Harmonized Commodity Description and Coding System under Brussels nomenclature up to six digit level).

3. After the Commission’s final determination and imposition of definitive anti-dumping duties, the Commission has received price undertaking from the following exporter/foreign producer under Section 46 of the Anti-Dumping Duties Ordinance 2000 (the “Ordinance”):

Exporter/Foreign Producer Name	Address	Duty rate*
PT. Indonesia Toray Synthetics	SUMMITMAS II Bld 3 rd Floor, Jl. Jend. Sudiman, 61-62 Jakarta, Indonesia.	8.27%

* The duty rate is the definitive anti-dumping duty as a percentage of C&F value

4. The dumping margin/the rate of anti-dumping duty for above mentioned exporter/foreign producer has been determined in accordance with Sections 51(3), 51(4) and 51(7) of the Ordinance on the basis of weighted average dumping margins established for the investigated exporters/foreign producers.

5. The above-mentioned exporter/foreign producer has agreed in its price undertaking to revise its prices of PFY to be exported to Pakistan. After examination of the price undertaking, the Commission is satisfied that the injurious effect of dumped imports from the exporter would be eliminated and has, therefore, decided to accept the price undertaking offered by the exporter/foreign producer.

6. The exporter/foreign producer mentioned at paragraph 3 has agreed to abide by the provisions of the price undertaking submitted to the Commission. In case of violation of the price undertaking, the Commission shall withdraw the acceptance of the Price Undertaking and immediately impose anti-dumping duty determined in the original investigation.

7. Central Board of Revenue, Government of Pakistan will implement and monitor the price undertaking on behalf of the Commission.

8. Injury to the Domestic Industry: In the investigation, the Commission determined injury to the domestic industry in accordance with Part VI of the Ordinance. The Commission established that the domestic industry suffered material injury on account of significant increase in dumped imports in absolute as well as relative to the domestic production of PFY; significant price undercutting; significant price suppression; loss in market share; decrease in return on investment; losses on operations; negative effect on cash flow; negative effect on employment; and on account of negative effect on growth and investment.

9. Acceptance of Price Undertaking: The price undertaking offered by the exporter/foreign producer listed in paragraph 3 above is hereby accepted. The Commission has accepted the price undertaking for, *inter alia*, the following reasons:

- i) The above-mentioned exporter/foreign producer has agreed to revise its prices so as to eliminate injury;
- ii) The Commission is satisfied that the injurious effect of dumping in question would be eliminated after revision of prices;
- iii) The domestic industry agreed that the Commission may consider the acceptance of price undertakings offered by the exporters/foreign producers.

10. Further Information: Copy of the price undertaking has been placed on the public file established and maintained by the Commission. 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 offices of the Commission, from Monday to Thursday between 1100 hrs to 1300 hrs.

11. This notice as well as the non-confidential version of price undertaking has also been posted on the Commission's website: www.ntc.gov.pk. Please note that this notice be read in conjunction with the notice of final determination dated March 17, 2006 and the Report on Final Determination and Levy of Definitive Anti-Dumping Duty on Import of Polyester Filament Yarn originating in and/or exported from the Republic of Indonesia, the Republic of Korea, Malaysia and the Kingdom of Thailand, which are also available on Commission's website.

12. Authority Under Law: This notice is published pursuant to Section 47(6) of the Ordinance.

By order of the Commission.

(Omer Moin Chaudhry)
Director
September 29, 2006