

ADC No. 002/2003/SB/SR/08
National Tariff Commission
Government of Pakistan

Notice of Initiation of Sunset Review of Anti-dumping Duties Imposed on Dumped Imports of Sorbitol 70% Solution from the Republic of France and the Republic of Indonesia

The National Tariff Commission (the "Commission") received an application for review under Section 58(3) of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") on June 7, 2008 from Habib-ADM Ltd., 2nd Floor, UBL Building, I.I. Chundrigar Road, Karachi, Pakistan, (the "Applicant"), a domestic producer of Sorbitol 70% Solution. This application has been made following the publication (published in national press and official Gazette on April 9, 2008) of a notice of impending expiry of the anti-dumping duties imposed on dumped imports of Sorbitol 70% Solution ("Sorbitol") exported by producers/exporters from France and Indonesia into Pakistan. The Applicant has alleged that the expiry of anti-dumping duties would likely to result in continuation and recurrence of dumping of Sorbitol, and injury to the domestic industry.

Anti-dumping Duties In-Force

The Commission imposed anti-dumping duties with effect from July 19, 2003 for a period of five years on Sorbitol exported by the exporters/producers from France and Indonesia vide N-3 (ADC No.002/2003/SB) published in the official Gazette and the national press on November 17, 2003.

Product Under Review

The product for which a review has been requested is Sorbitol, classified under Pakistan Customs Tariff ("PCT") No. 2905.4400 and 3824.6000. It is used in food items, pharmaceuticals, cosmetics and textile industry.

Exporters/Foreign Producers

Exporters/foreign producers under Sunset Review are as follows:

- i) Roquette Freres, 62136 Lestrem, France (the "French Producer/Exporter")
- ii) P.T Sorini Corporation TBK, Desa Ngerong, Kecamatan, Gempol Kabupaten Pasuruan 67155, East Java, Indonesia (the "Indonesian Producer/Exporter")

Application/Basis for Review

The Applicant has claimed that the expiry of the anti-dumping duties imposed on Sorbitol would lead to likely continuation and recurrence of dumping of Sorbitol, and injury to the domestic industry. The basis of such claim is that the French Producer/Exporter stopped its exports of Sorbitol to Pakistan and the Indonesian Producer/Exporter's prices are still very low to Pakistan even after imposition of anti-dumping duties. The Applicant is of the view that if anti-dumping duties expire, the French Producer/Exporter and Indonesian Producer/Exporter will start exporting Sorbitol to Pakistan at dumped prices. It is further alleged that expiry of anti-dumping duties would lead to increase in volume of dumped 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 sales and output, price under-cutting, decrease in profitability, capacity under utilization and negative effect on the inventory, cash flow and investment.

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 Sorbitol would likely or un-likely to lead to continuation and recurrence of dumping and injury.

Continuation of Existing Anti-dumping Duties

In terms of Section 58(3) of the Ordinance, the anti-dumping duties imposed on dumped imports of Sorbitol will remain in-force pending the outcome of the Sunset Review.

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: +9251-9205944 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 registered with the Commission under Section 2(j) of the Ordinance may, if it so wishes, request a hearing in accordance with Rule 14 of the Anti-Dumping Duties Rules, 2001 (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. +92-51-9205944, 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 Rules the Commission has established and maintained a public file at its offices, 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.

Level of Duties

As the Sunset Review is initiated in accordance with Section 58(3) of the Ordinance, the findings thereof will not lead to the level of the existing duties being amended but will lead to the duties being terminated or maintained.

Further Information

For further information please contact, Director, National Tariff Commission, Tel: +92-51-9218963, Fax: +92-51-9221205. General information may also be obtained by accessing the Commission's official website www.ntc.gov.pk

By order of the Commission.

(Omer Moin Chaudhry)
Director
July 16, 2008