

**ADC No. 007/2005/NTC/PFY/SR/10**  
**National Tariff Commission**  
**Government of Pakistan**

**Notice of Initiation of Review of Definitive Anti-Dumping Duties Levied on Dumped Imports of Polyester Filament Yarn into Pakistan Originating in and /or Exporting from Indonesia, Korea, Malaysia and Thailand**

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 July 28, 2010 from Gatron (Industries) Limited, Karachi, Rupali Polyester Limited, Lahore and Rupafil Limited, Lahore (the "Applicants"), domestic producers of Polyester Filament Yarn ("PFY"). This application was made following the publication (published in national press and official Gazette on May 22, 2010) of a notice of impending expiry of definitive anti-dumping duties levied on dumped imports of PFY into Pakistan originating in and /or exporting from the Republic of Indonesia, the Republic of Korea, Malaysia, and the Kingdom of Thailand (the "Exporting Countries"). The Applicants have alleged that expiry of anti-dumping duties on PFY would likely to lead to continuation or recurrence of dumping of PFY and injury to the domestic industry producing PFY.

**Anti-dumping Duties and Price Undertakings In-Force**

The Commission imposed definitive anti-dumping duties on dumped imports of PFY originating in and /or exported from the Indonesia, Korea, Malaysia and Thailand vide notice (ADC No.007/2005/NTC/PFY) published in the official Gazette and the national press on March 17, 2006 for a period of five years with effect from November 12, 2005. The Commission has also accepted price undertakings offered by fifteen exporters from the Exporting Countries.

**Product Under Review**

The product under review is Polyester Filament Yarn originating in and/or exported from the Exporting Countries. It is classified under PCT Nos. 5402.3300 and 5402.4700. The product under review is an industrial raw material, mainly used in the manufacturing of art silk fabrics and garments.

**Application/Basis for Review**

The Applicants have claimed that the expiry of the anti-dumping duty imposed on PFY would lead to likely continuation or recurrence of dumping of PFY, and injury to the domestic industry. The Applicants are of the view 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 undercutting, price depression, 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.

The Applicants have also requested for termination of price undertakings accepted in this case on the grounds that price undertakings are not being properly implemented and monitored.

**Initiation of Review**

The Commission was required to initiate this review before the date of expiry of definitive anti-dumping duties imposed on dumped imports of PFY from the Exporting Countries. However, in light of decision of the Honorable Supreme Court of Pakistan in civil petition No. 108 of 2009, the composition of the Commission was not complete on the last day of imposition of definitive anti-dumping duties on PFY. Therefore, a notice was published in national press explaining the situation and informing to all interested parties that the review would be initiated on completion of the Commission.

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 PFY would likely or un-likely to lead to continuation or recurrence of dumping and injury. The Commission will also review price undertakings to decide whether the same should be continued or terminated.

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 duty imposed on dumped imports of PFY 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 July 01, 2009 to June 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 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.

### **Further Information**

For further information please contact, Mr. Muhammad Arshad, Deputy Director, National Tariff Commission, Tel: +92-51-9201188, Fax: +92-51-9221205, e-mail: [arshad@ntc.gov.pk](mailto:arshad@ntc.gov.pk). General information may also be obtained by accessing the Commission's official website [www.ntc.gov.pk](http://www.ntc.gov.pk)

By order of the Commission.

(Imran Zia)  
Secretary  
December 04, 2010