

(NON-CONFIDENTIAL)



**Government of Pakistan
National Tariff Commission**

Report

On

**Final Determination and Levy of Definitive Anti-Dumping
Duties on Dumped Imports of Cold Rolled Coils/Sheets into
Pakistan Originating in and/or Exported from the People's
Republic of China and Ukraine.**

**ADC NO 35/2015/NTC/CRC
January 13, 2017**

Final Determination and Levy of Definitive Anti-Dumping Duties on Dumped Imports of Cold Rolled Coils/Sheets into
Pakistan Exported from China and Ukraine

The National Tariff Commission (the "Commission") having regard to the Anti-Dumping Duties Act, 2015 (IV of 2015) (the "Act") and the Anti-Dumping Duties Rules, 2001 (the "Rules") is responsible to conduct investigation for imposition of anti-dumping duties to offset dumping of goods into the Islamic Republic of Pakistan ("Pakistan") after due process and determination of dumping and injury.

2. The Commission is conducting this investigation against imports of Cold Rolled Coils / Sheets into Pakistan Originating in and/or exported from People's Republic of China and Ukraine (the "Exporting Countries"), under the Act and the Rules. The Commission has made final determination in this investigation under Section 39 of the Act. This report on final determination has been issued in accordance with the Rule 15 of the Rules.

3. In terms of Section 29 of the Act, the Commission shall, except in special circumstances, conclude an investigation within twelve months, and in no case more than eighteen months, after initiation of an investigation. This investigation was initiated on July 16, 2015. The final determination is based on the data / information available to the Commission at this time.

A. PROCEDURE

4. The procedure set out below has been followed with regard to this investigation.

5. Receipt of Application

5.1 The Commission received a written application under Section 20 and 24 of the Antidumping Duties Ordinance, 2015 (now the Anti-Dumping Duties Act, 2015) from M/s Aisha Steel Mills Limited Karachi, (the "Applicant") on June 11, 2015. The Applicant has alleged that Cold Rolled ("CR") Coils/Sheets originating in and/or exported from the Exporting Countries are being dumped into Pakistan, which has caused and is causing material injury to the domestic industry producing CR Coils/Sheets.

5.2 The Commission informed the Government of the Exporting Countries of the receipt of application in accordance with the requirements of Section 21 of the Ordinance (now the Act) through their respective embassies in Islamabad vide note verbales dated June 22, 2015.

6. Evaluation and Examination of the Application

6.1 The examination of the application showed that it met the requirements of Section 20 of the Ordinance (now the Act) as it contained sufficient evidence of dumping of CR Coils / Sheets into Pakistan from the Exporting Countries and material injury to the domestic industry caused therefrom. Requirements of Rule 3 of the Rules, which relate to the submission of information prescribed therein were also found to have been met.

7. The Domestic Industry

7.1 Section 2(d) of the Act defines domestic industry as:

“domestic industry” means the domestic producers as a whole of a domestic like product or those of them whose collective output of that product constitutes a major proportion of the total domestic production of that product, except that when any such domestic producers are related to the exporters or importers, or are themselves importers of the allegedly dumped investigated product in such a case “domestic industry” shall mean the rest of the domestic producers”.

Explanation- For the purposes of this clause, producers shall be deemed to be related to exporters or importers only if;

- (i) one of them directly or indirectly controls the other;*
- (ii) both of them are directly or indirectly controlled by the same third person; or*
- (iii) together they directly or indirectly control a third person;*

Provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers and for that purpose one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter”.

7.2 The domestic industry producing CR Coils/ Sheets consists of following four units and its total capacity of CR Coils/Sheets during the period from April 2014 to March 2015 was 600,000 MT:

- i) Aisha Steel Mills Limited
- ii) International Steel Industries Limited
- iii) Pakistan Steel Mills Limited
- iv) AHN Steel Pvt. Limited

8. Standing of the Application

8.1 In terms of Section 24(1) of the Act;

“.... an application shall be considered to have been made by or on behalf of the domestic industry only if it is supported by those domestic producers whose collective output constitutes more than fifty percent of the total production of a domestic like product produced by that portion of the domestic industry expressing either support for or opposition to the application.”

8.2 Furthermore, Section 24(2) of the Act provides that:

“..... no investigation shall be initiated when domestic producers expressly supporting an application account for less than twenty five percent of the total production of the

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domestic like product produced by the domestic industry."

8.3 The application has been filed by the Applicant, which is one of the major producers of CR Coils / Sheets in Pakistan. According to the information provided in application, the Applicant produced 55.28 percent out of total production of 100 of CR Coils/Sheets from April 1, 2014 to March 31, 2015. In response to Commission's letter dated July 01, 2015, the other three domestic producers of CR Coils/Sheets have informed that they are in support of the application filed by the Applicant. The following table shows standing of the antidumping application as per Section 24 of the Act:

**Table – I
Standing of the Application**

S. No.	Name	Share in Domestic	Supporting/ Opposing/ Indifferent
		% age	
1.	Aisha Steel Mills Limited	55.28	Applicant
2.	International Steel Industries Limited	36.25	Supporting
3.	Pakistan Steel Mills Limited	2.43	Supporting
4.	AHN Steel Pvt. Limited	6.04	Supporting
	Total	100.00	

Source: Applicant

8.4 The application was filed by M/s Aisha Steel Mills Ltd., Karachi and was supported by other three domestic producers of CR Coils / Sheets, and none of the domestic producers have opposed the application, therefore, the application is considered to be filed by the domestic producers who represent 100 percent production of domestic like product. Therefore, it meets the requirement of Section 24(1) of the Act. Furthermore, the above table shows that the Applicant represents 55.28 percent of the total domestic production of like product (which is more than 25 percent required under Section 24 (2) of the Act) during the period April 1, 2014 to March 31, 2015. Thus the application filed with the Commission fulfills both the requirements of Section 24 of the Act.

8.5 Therefore, the application fulfills both the requirements of Section 24 of the Ordinance (now the Act) and it is determined that the application is made by or on behalf of the domestic industry.

9. Applicant' Views

9.1 The Applicant, *inter alia*, raised the following issues in application regarding alleged dumping of CR Coils/Sheets and material injury to the domestic industry caused therefrom:

- i. CR Coils/Sheets imported from the Exporting Countries into Pakistan and CR Coils/Sheets produced in Pakistan by the domestic industry are like products;
- ii. Exporters/producers from the Exporting Countries are exporting CR Coils/ Sheets to Pakistan at dumped prices; and

- iii. Exports of CR Coils/ Sheets by the exporters/producers from the Exporting Countries to Pakistan at dumped prices has caused and is causing material injury to the domestic industry producing CR Coils/ Sheets mainly through:-
- a. Increase in the volume of dumped imports
 - b. Price undercutting;
 - c. Price depression;
 - d. Profitability;
 - e. Decline in market share;
 - f. Decline in return on investment;
 - g. Decline in capacity utilization;
 - h. Negative effect on cash flow;
 - i. Negative effect on Inventories;
 - j. Negative effect on employment;
 - k. Negative effect on ability to raise capital; and
 - l. Magnitude of dumping margins

9.2 The Applicant has also claimed that there is threat of material injury to the domestic industry.

10. Exporters/ Producers of CR Coils / Sheets

The Applicant has identified twenty eight (28) exporters/producers involved in dumping of the investigated product from the Exporting Countries. The Applicant has stated that there may be other exporters /producers of the investigated product in the Exporting Countries, which are not known to it. Therefore, the Applicant has requested for imposition of antidumping duty on all imports of the investigated product originating in and/or exported from the Exporting Countries.

11. Initiation of Investigation

11.1 The Commission, in accordance with Section 23 of the Ordinance (now the Act) examined the accuracy and adequacy of the evidence provided in application, and established that there was sufficient evidence of alleged dumping of CR Coils/Sheets into Pakistan from the Exporting Countries and consequent material injury to the domestic industry. Accordingly, the Commission issued a notice of initiation in accordance with Section 27 of the Ordinance (now the Act), which was published in the Official Gazette¹ of Pakistan and in two widely circulated national newspapers² (one in English language and one in Urdu Language) on July 16, 2015. Investigation concerning alleged dumped imports of CR Coils/Sheets into Pakistan originating in and/or exported from the Exporting Countries was thus initiated on July 16, 2015.

¹ The official Gazette of Pakistan (Extraordinary) dated July 16, 2015.

² The daily "Dunya" and the daily "Dawn" of July 16, 2015 issue.

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11.2 In pursuance of Section 27 of the Ordinance (now the Act), the Commission notified Embassies of the Exporting Countries in Islamabad of the initiation of investigation (by sending a copy of the notice of initiation) on July 16, 2015 with a request to forward it to all exporters/producers involved in production, sales and export of CR Coils/ Sheets from the Exporting Countries. Copy of the notice of initiation was sent on July 16, 2015 to known exporters/producers of CR Coils/ Sheets from the Exporting Countries whose addresses were available with the Commission and also sent to known Pakistani importers and the Applicant on July 16, 2015.

11.3 In accordance with Section 28 of the Ordinance (now the Act), on July 23, 2015 the Commission sent copy of full text of the written application (non-confidential version) and Exporter's Questionnaire to the exporters/producers of the Exporting Countries. On July 23, 2015, copy of the full text of the written application along with Exporter's Questionnaire was also sent to Embassies of the Exporting Countries in Pakistan with a request to forward it to all exporters/producers involved in production and/or sale/export of CR Coils/ Sheets from the Exporting Countries. The Importer's Questionnaire was also sent to the importers of CR Coils/Sheets on July 27, 2015.

12. Investigated Product, Domestic Like Product and Like Product

12.1 Section 2 of the Act defines investigated product, domestic like product and like product as follows:

i. **Investigated Product:**

“a product, which is subject to an antidumping investigation as described in the notice of initiation of the investigation”.

ii. **Domestic Like Product:**

“means a like product that is produced by the domestic industry”.

iii. **Like Product:**

“a product which is alike in all respects to an investigated product or, in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the investigated product”.

12.2 For the purposes of this investigation and given the definitions set out above, investigated product, domestic like product and like product are identified as follows:

12.3 Investigated Product:

12.3.1 The investigated product is Cold Rolled Coils/Sheets of primary and secondary quality with a thickness of 0.15-2.50 mm and width of above 600 mm falling under Pakistan Customs

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Tariff (“PCT³”) No. 7209.1690, 7209.1790, 7209.1890, 7209.1610, 7209.1710, 7209.1810, 7209.2690, 7209.2790, 7209.2890, 7209.2610, 7209.2710 and 7209.2810 (the “investigated product”) originating in and/or exported from the Exporting Countries to Pakistan.

12.3.2 Investigated product is used for auto skin parts, auto sub-assembly/inner body parts, fabrication goods like doors/cabinets, pipes, tubes, refrigerators, washing machines, geysers, ovens etc.

12.3.3 Tariff structure during the last three years applicable on import of CR Coils/ Sheets is given in the following table:

Table - II
Tariff Structure

Year	Customs Duty		Customs Duty in China FTA	R.D	Sales Tax
	Prime Quality	Secondary Quality			
2012-13	10%	20%	5%	--	16%
2013-14	10%	20%	5%	--	17%
2014-15	10%	20%	5%	5%	17%

Source: FBR

12.4 **Domestic Like Product**

12.4.1 Under the Section 2(f) of the Act, “Domestic Like Product” means a like product that is produced by the domestic industry.

12.4.2 As per information provided in the application and obtained from the Applicant subsequently, the CR Coils/Sheets of primary and secondary quality with a thickness of 0.15-2.50mm and width of above 600mm falling under PCT Nos. 7209.1690, 7209.1790, 7209.1890, 7209.1610, 7209.1710, 7209.1810, 7209.2690, 7209.2790, 7209.2890, 7209.2610, 7209.2710 and 7209.2810 is the “Domestic Like product”.

12.4.3 Domestic like product is used for auto skin parts, auto sub-assembly/inner body parts, fabrication goods like doors/cabinets, pipes, tubes, refrigerators, washing machines, geysers, ovens.

12.5 **Like Product:**

The Applicant has submitted that the investigated product and the domestic like product are same due to following reasons:

- The basic raw materials used in their production are identical;
- Their production processes are comparable:

³ PCT heading in Pakistan is equivalent to Harmonized Commodity Description and Coding System up to six-digit level.

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- Their Physical properties, nature and quality are similar;
- Their tariff classification is the same. Domestically produced CR Coils/ Sheets and imported CR Coils/ Sheets are classified under the same PCT / HS Heading No. 7209.1690, 7209.1790, 7209.1890, 7209.1610, 7209.1710, 7209.1810, 7209.2690, 7209.2790, 7209.2890, 7209.2610, 7209.2710 and 7209.2810;
- They are capable of serving the same or similar end-uses and their practical utility is identical;
- CR Coils/ Sheets produced by the domestic industry and imported from the Exporting Countries is comparable in terms of physical and chemical characteristics, product specifications, chemical formulation, end uses and tariff classification of the goods etc. Investigated product and domestic like product are technically and commercially identical.

12.6 In light of the above, the Commission has determined that the investigated product and the domestic like product are like products.

13 Period of Investigation

13.1 In terms of Section 36 of the Act, Period of Investigation (“POI”) is:

- i. *“for the purposes of an investigation of dumping, an investigation period shall normally cover twelve months preceding the month of initiation of the investigation for which data is available and in no case the investigation period shall be shorter than six months.”*
- ii. *“for the purposes of an investigation of injury, the investigation period shall normally cover thirty-six months:*

“Provided that the Commission may at its sole discretion, select a shorter or longer period if it deems it appropriate in view of the available information regarding domestic industry and an investigated product”.

13.2 The POI selected for determination of dumping and injury, are, therefore, respectively, as follows:

For determination of dumping:	From April 01, 2014 to March 31, 2015
For determination of injury:	From April 01, 2012 to March 31, 2015

14. Information/Data Gathering

14.1 The Commission sent Exporter’s Questionnaire to the exporters/producers from the Exporting Countries whose addresses were available with the Commission on July 23, 2015 in order to collect the requisite data and information.

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14.2 The exporters/ producers from the Exporting countries were asked to respond within 37 days of dispatch of the Exporter's Questionnaire. On July 23, 2015 the Exporter's Questionnaire was also sent to the Embassies of the Exporting Countries in Islamabad with a request to forward it to the all exporters/producers of the investigated product in the Exporting Countries.

14.3 The Commission also sent Questionnaire on July 29, 2015 to domestic producers of CR Coils / Sheets, other than the Applicant, requesting them to provide data / information within 37 days of the issuance of the questionnaire for the purpose of determination of material injury to the domestic industry. None of the other domestic producers provided the data/information on the prescribed questionnaire to the Commission.

14.4 The Commission has access to database of import statistics of Pakistan Revenue Automation Limited ("PRAL"), the data processing arm of the Federal Board of Revenue, Government of Pakistan. For the purpose of this investigation the Commission has used import data obtained from PRAL in addition to the information provided by the Applicant and the exporters.

14.5 On July 27, 2015 questionnaires were sent to Pakistani importers of the investigated product known to the Commission and these importers were asked to respond to the Commission within 37 days of the dispatch of the questionnaires. None of the Pakistani importer responded to the Commission and did not provide requisite information.

14.6 Interested parties were also invited to make their views/comments and submit information (if any) relevant to this investigation within 45 days of initiation of investigation. Some of the interested parties have made comments /submitted information which has also been taken into consideration while making this final determination.

14.7 Thus the Commission has sought from all available sources, relevant data and information deemed necessary for the purposes of this final determination. In terms of Rule 12 of the Rules, during the course of this investigation, the Commission satisfied itself as to the accuracy of information supplied by the interested parties to the extent possible.

15. Questionnaire(s) Response by the Exporters/ Producers from the Exporting Countries

15.1 The Commission sent Exporter's Questionnaire to the exporters/producers from the Exporting Countries whose addresses were available with the Commission on July 23, 2015 in order to collect the requisite data and information. The exporters/ producers from the Exporting countries were asked to respond within 37 days of dispatch of the Exporter's Questionnaire.

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15.2 Following thirteen exporters/producers responded to the Commission's request to supply the requisite information on the prescribed Exporter's Questionnaire and requested for extension in time period (beyond 37 days) for submission of information:

China

- i. Shougang Group
 - a) Beijing Shougang Cold Rolling Company Limited
 - b) Shougang Jingtang United Iron & Steel Company Limited
 - c) Shougang Casey Steel Co. Ltd.
 - d) Shougang Holding Trade
 - e) Oriental United Resource (Hong Kong) Co. Ltd.
- ii. Handon Iron & Steel Group Han – Bao Co., Ltd.
- iii. Maanshan Iron & Steel Co. Ltd.
- iv. Qian'an Siwenkede Steel Strip Science and Technology Co. Ltd.

Ukraine

- i. Metinvest Group
 - a. Ilyich Iron and Steel Works Mariupol
 - b. Zaporizhstal Integrated Iron and Steel Works
 - c. Metinvest – Ukraine
 - d. Metinvest-SMC
 - e. Metinvest International SA

15.3 After taking into account the due cause shown by these exporters/producers in their requests, the Commission acceded to the requests and granted extension in time period for submission of information on Exporter's Questionnaire till September 15, 2015. Filled-in Exporter's Questionnaires from these exporters/producers were received at the Commission on September 11, 2015, September 14, 2015 and September 16, 2015. Upon examination of the information received from these exporters/ producers, certain deficiencies were found in the information supplied. These deficiencies were communicated to the exporters / producers and were requested to supply the deficient information. Further details are given at paragraph 15.5.4, 15.6.3, 15.7.3, 15.8.3, and 15.9.4 infra.

15.4 The Commission, after expiry of the time period given for submission of information on Exporter's Questionnaire informed the exporters/producers (who did not respond to Questionnaire) from the Exporting Countries through a letter dated August 08, 2015 that in case no information is provided in response to the Questionnaire, the Commission would be constrained to make its determination of dumping based on the 'Best Information Available' in terms of Section 32 of the Act and Article 6.8 and Annex II of the Agreement on Anti-dumping.

15.5 Questionnaire Response by Shougang Group, China

15.5.1 The Commission sent Exporter's Questionnaire to China Shougang International Trade on July 23, 2015. In response, Shougang Group in its email dated August 28, 2015

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requested for extension of time period for submission of response to questionnaire. The Commission granted extension for 13 days vide its letter dated September 02, 2015 after considering the reasons given in the request for extension. Its response was received in the Commission on September 14, 2015.

15.5.2 The Exporter's Questionnaire was submitted by five related companies within Shougang Group, who were involved into the production, sale and export of the investigated product to Pakistan during the POI. Following are five related companies / exporters from Shougang Group, China:

- i. Beijing Shougang Cold Rolling Company Limited
- ii. Shougang Jingtang United Iron & Steel Company Limited
- iii. Shougang Casey Steel Co., Limited
- iv. Shougang Holding Trade (Hong Kong) Limited
- v. Oriental United Resources (Hong Kong) Co., Limited

15.5.3 According to the information provided in response to the questionnaire. The companies mentioned at Sr. No. (i) to Sr. No. (iii) are producers or exporting producers of CR Coils/ Sheets, while the companies mentioned at Sr. No. (iv) and Sr. No. (v) are trading companies involved in exports of CR Coils/ Sheets in Pakistan during the POI.

15.5.4 The information submitted by the Shougang Group was analyzed at the Commission and certain deficiencies were identified. Accordingly, those data deficiencies were communicated to it vide Commission's letter dated October 22, 2015.

15.5.5 Shougang Group was asked to provide the deficient information/data no later than 10 days, so as to enable the Commission to consider and analyze the same for the purposes of this investigation. Shougang Group responded to the NTC's deficiencies letter vide its letter dated November 02, 2015.

15.6 **Questionnaire Response by Handan Iron & Steel Group Han – Bao Co., Limited, China**

15.6.1 Handan Iron & Steel Group Han – Bao Co. Limited ("Handan") through its letter dated July 31, 2015 requested the Commission to register the company as an interested party. The company further requested for extension in time period for submission of Exporter Questionnaire. The Commission granted the extension for 13 days vide its letter dated September 02, 2015 after considering the reasons given in the request for extension. Its response was received in the Commission on September 16, 2015.

15.6.2 According to the information provided in response to the questionnaire, Handan has been engaged in the manufacturing of CR Coils/ Sheets whereas, its related trading company i.e. Handan Iron & Steel Group Import and Export Co., Limited exported CR Coils/Sheets to Pakistan as well as to other countries during the POI.

15.6.3 The information submitted by Handan in response to the questionnaire was analyzed at the Commission and certain deficiencies were identified. Accordingly, those data deficiencies were communicated to it vide the Commission's letter dated October 22, 2015.

15.6.4 Handan was asked to provide the deficient information/data no later than 10 days of issuance of the letter, so as to enable the Commission to consider and analyze the same for the purposes of this investigation. Handan responded to the deficiencies letter vide its letter dated November 05, 2015.

15.7 **Questionnaire Response by Maanshan Iron & Steel Company Ltd., China**

15.7.1 The Commission sent Exporter's Questionnaire to Maanshan Iron & Steel Company Limited ("Maanshan") on July 23, 2015. In response, Maanshan in its letter dated September 11, 2015 requested for extension of time period for submission of response to questionnaire. The Commission granted extension for 18 days vide its letter dated October 01, 2015 after considering the reasons given in the request for extension. Its response was received in the Commission on September 14, 2015.

15.7.2 According to the information provided in response to the questionnaire, Maanshan has been engaged in the manufacturing, sale and export of CR Coils/ Sheets to Pakistan as well as to other countries and in its domestic market during the POI.

15.7.3 The information submitted by Maanshan in response to the Questionnaire was analyzed at the Commission and certain deficiencies were identified. Accordingly, those data deficiencies were communicated to it vide the Commission's letter dated October 23, 2015.

15.7.4 Maanshan was asked to provide the deficient information/data no later than 10 days of issuance of the deficiencies letter, so as to enable the Commission to consider and analyze the same for the purposes of this investigation. Maanshan responded to the deficiencies letter vide its letter dated November 02, 2015.

15.8 **Questionnaire Response by Qian'an Siwenkede Steel Strip Science and Technology, China**

15.8.1 The Commission sent Exporter's Questionnaire to Qian'an Siwenkede Steel Strip Science and Technology, China ("Qian'an") on July 23, 2015. Its response was received in the Commission on September 14, 2015.

15.8.2 According to the information provided in response to the questionnaire, Qian'an has been engaged in the manufacturing, sale and export of CR Coils/ Sheets to Pakistan as well as to other countries and in its domestic market during the POI.

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15.8.3 The information submitted by Qian'an in response to the questionnaire was analyzed at the Commission and vital deficiencies were identified. Accordingly, those data deficiencies were communicated to it vide the Commission's letter dated October 22, 2015.

15.8.4 Qian'an was asked to provide the deficient information/data no later than 10 days of issuance of this letter, so as to enable the Commission to consider and analyze the same for the purposes of this investigation. Qian'an did not respond to the deficiencies. The Commission, after expiry of the time period given for submission of deficient data/information of Qian'an through a letter dated November 09, 2015 that in case no information is provided in response to the deficiency letter, the Commission would be constrained to make its determination based on the 'Best Information Available' in terms of Section 32 of the Act and Article 6.8 and Annex II of the Agreement on Anti-dumping.

15.9 **Questionnaire Response by Metinvest Group, Ukraine**

15.9.1 The Commission sent Exporter's Questionnaire to Ilyich Iron and Steel Works Mariupol, Ukraine and Zaporizhstal Integrated Iron and Steel Works, Ukraine on July 23, 2015. In response, Metinvest Group, Ukraine requested through its letter dated July 22, 2015 to register the group as an interested party. Metinvest Group in its letter dated August 06, 2015 requested for extension of time period for submission of response to questionnaire. The Commission granted extension for two weeks vide its letter dated August 21, 2015 after considering the reasons given in the request for extension. Its response was received in the Commission on September 02, 2015.

15.9.2 The exporter's questionnaire is replied by five related companies within Metinvest Group, who were involved into the production, sale and export of CR Coils/Sheets to Pakistan during the POI. Among them, two companies are producers and three are trading companies. Following are the five related companies of Metinvest Group, Ukraine:

- i. Ilyich Iron and Steel Works Mariupol,
- ii. Zaporizhstal Integrated Iron and Steel Works
- iii. Metinvest-Ukraine
- iv. Metinvest-SMC
- v. Metinvest International SA

15.9.3 According to the information provided in response to the questionnaire. The companies mentioned at Sr. No. (i) and Sr. No. (ii) are producers of CR Coils/ Sheets, while the companied mentioned at Sr. No. (iii) to Sr. No. v are trading companies involved in domestic sales and exports of CR Coils/ Sheets in Pakistan during the POI.

15.9.4 The information submitted by the five companies mentioned at paragraph above were analyzed at the Commission and certain deficiencies were identified. Accordingly, those data deficiencies were communicated to it vide Commission's letter dated October 22, 2015.

15.9.5 Metinvest Group was asked to provide the deficient information/data no later than 10 days, so as to enable the Commission to consider and analyze the same for the purposes of this investigation. Metinvest Group responded to the deficiencies letter vide its letter dated November 02, 2015.

16. Verification of the Information

16.1 In terms of Sections 32(4) and 35 of the Act and Rule 12 of the Rules, during the course of an investigation, the Commission shall satisfy itself as to the accuracy of the information and for this purpose verify the information supplied by the interested parties. Accordingly the Commission has satisfied itself as to the accuracy and adequacy of information supplied by the interested parties to the extent possible for the purposes of this investigation.

16.2 In order to verify information/data provided by the Applicant and to obtain further information (if any), officers of the Commission conducted On-the-Spot Investigation at the office and plant of the Applicant from August 27 to 28, 2015.

16.3 On-the-Spot Investigations at the premises of exporters / producers from China and Ukraine, who provided information/data in response to the Exporter's Questionnaire was conducted from February 22 – March 3, 2016 and July 18 – 23, 2016 respectively.

17. Public File

The Commission, in accordance with Rule 7 of the Rules, has established and maintained a public file at its office. This file remains available to the interested parties for review and copying from Monday to Thursday between 1100 hours to 1300 hours throughout the investigation (except public holidays). This file contains non-confidential versions of the application, responses to the questionnaires, submissions, notices, correspondence, and other documents for disclosure to the interested parties.

18. Confidentiality

18.1 In terms of Section 31 of the Act, the Commission shall keep confidential any information submitted to it, which is by nature confidential, or determined by the Commission to be of confidential nature for any other reason, or provided as confidential by parties to an investigation, upon good cause shown to be kept confidential.

18.2 The Applicant has requested to keep confidential the information, which is by nature confidential in terms of Section 31 of the Act. This information includes data relating to sales, sale prices, cost to make and sell, inventories, production, profit/(loss), return on investment, cash flow, growth, investment, salaries & wages, number of employees and capacity. In addition to this, the Applicant and other interested parties also provided certain information on confidential basis, as its disclosure would cause adverse effect upon them.

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18.3 Pursuant to requests made by the Applicant and other interested parties to treat certain information as confidential, the Commission has determined the confidentiality in light of Section 31 of the Act and for the reasons that disclosure of such information may be of significant competitive advantage to a competitor, or because its disclosure would have a significant adverse effect upon the interested parties providing such information.

18.4 However, in terms of Sub-Section (5) of Section 31, non-confidential summaries of all confidential information, which provides reasonable understanding of the substance, have been placed in non-confidential file (public file).

19. Preliminary Determination

19.1 The Commission made a preliminary determination in this investigation on January 13, 2016 in terms of Section 37 of the Act. The Commission issued a notice of preliminary determination, which was published on January 13, 2016 in official gazette of Pakistan and in two widely circulated national newspapers⁴ notifying preliminary determination and imposition of provisional anti-dumping duties at the rates mentioned below on C&F value in *ad val.* terms on imports of CR Coils/Sheets importable from the Exporting Countries for a period of four months effective from the date of publication of notice in the press, on the following exporters/producers:

Provisional Antidumping Duties

Country/Exporter/Foreign Producer	Provisional Antidumping Duty Rates (%)
China	
Shougang Casey Steel Company Limited	19.04
Shougang Jingtang United Iron & Steel Co. Limited	15.93
Beijing Shougang Cold Rolling Company Limited	12.02
Handan Iron & Steel Group Han-Bao Co. Limited	8.31
Maanshan Iron & Steel Company Limited	17.69
All others	19.04
Ukraine	
Zaporizhstal Integrated Iron-and-Steel Works	18.92
Ilyich Iron and Steel Works of Mariupol	19.04
All others	19.04

19.2 The Commission also sent copy of notice of preliminary determination and imposition of provisional antidumping duties to the Embassies of China and Ukraine in Islamabad, the exporters / producers, the importers of CR Coils / Sheets and the Applicant in accordance with the requirements of Section 37(4) of the Act. The findings of the Commission in the preliminary determination were as follows:

⁴ Notice of Preliminary determination was published in one English "The News" and one Urdu Language "Express"

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- i. the application was filed by the domestic industry as the Applicant represent 55.28 percent of the production of the like product;
- ii. the investigated product and the domestic like product are like products;
- iii. during the POI, the investigated product was exported to Pakistan by the exporters/producers from China and Ukraine at prices below its normal value;
- iv. the volume of dumped imports of the investigated product and the dumping margin established for all the exporters/producers of the investigated product from China and Ukraine were above the negligible and *de minimis* levels respectively.
- v. The domestic industry suffered material injury during the POI on account of significant increase in volume of dumped imports, price undercutting, price depression, price suppression, decline in profit, in market share, production, sales, return on investment, negative effect on capacity utilization, inventories, cash flows, on ability to raise capital in terms of Section 15 and 17 of the Act; and
- vi. There was a causal relationship between dumped imports of the investigated product from the Exporting Countries and the material injury suffered by the domestic industry.

20. Disclosure Meetings after Preliminary Determination

20.1 In terms of Rules 11 of the Rules, the Commission, upon request made by exporters/producers within fifteen days of the publication of notice of preliminary determination, shall hold disclosure meeting with the producer or exporter to explain dumping calculation methodology applied for that producer/exporter. The Commission shall also provide an opportunity to producer or exporter or their legal representatives to examine and receive copies of the dumping calculation done by the Commission for their exports.

20.2 Handon Iron & Steel Group Han – Bao Co., Ltd., China, Maanshan Iron & Steel Co. Ltd., China, and Ilyich Iron & Steel Works Mariupol, Ukraine and Zaporizhstal Integrated Iron and Steel Works, Ukraine requested the Commission for disclosure meetings/documents. Disclosure meeting with the representatives of Handon Iron & Steel Group Han – Bao Co., Ltd., China was held at the offices of the Commission. Disclosure documents were provided to it, in which methodology applied for dumping calculations was explained and copies of the detailed calculations for normal value, export price and dumping margin were also provided to the representative of Handon Iron & Steel Group Han – Bao Co., Ltd., China. Disclosure documents along with methodology applied for dumping calculations and copies of the detailed calculations for normal value, export price and dumping margin were sent to Manshan, Ilych and Zaproizhstal through e-mail.

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21. **Hearing**

21.1 In terms of Rule 14 of the Rules, the Commission shall, upon request by an interested party made not later than thirty days after publication of notice of preliminary determination, hold a hearing at which all interested parties may present information and arguments.

21.2 Hearing in this investigation was held on October 18, 2016 upon the request of Embassy of Ukraine, MetInvest Group LLC and M/s Memon Steel Trading (importer of the investigated product). The Applicants and other interested parties attended the hearing. Record of hearing is placed in the public file.

22. **Written Submissions by the Interested Parties**

22.1 Views / comments received from the following interested parties during the investigation have been taken into consideration:

- i. Government of Ukraine;
- ii. Metinvest Group, Ukraine;
- iii. China Iron and Steel Association, China;
- iv. Siddiqsons Tinplate Limited, Karachi;
- v. Pakistan National Steel Association;
- vi. Pakistan Iron and Steel Merchants Association; and
- vii. Karachi Iron and Steel Merchants Association.

22.2 Views/comments and the information submitted by the above-mentioned interested parties have been considered in making this final determination. The views / comments of the interested parties and Commission's views are given in annotated form at Annex-I.

B. DETERMINATION OF DUMPING

23. **Dumping**

In terms of Section 4 of the Act dumping is defined as follows:

“an investigated product shall be considered to be dumped if it is introduced into the commerce of Pakistan at a price which is less than its normal value”.

24. **Normal Value**

24.1 In terms of Section 5 of the Act “normal value” is defined as follows:

“a comparable price paid or payable, in the ordinary course of trade, for sales of a like product when destined for consumption in an exporting country”.

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24.2 Further, Section 6 of the Act states:

“(1) when there are no sales of like product in the ordinary course of trade in domestic market of an exporting country, or when such sales do not permit a proper comparison because of any particular market situation or low volume of the sales in the domestic market of the exporting country, the Commission shall establish normal value of an investigated product on the basis of either:

“(a) the comparable price of the like product when exported to an appropriate third country provided that this price is representative; or

“(b) the cost of production in the exporting country plus a reasonable amount for administrative, selling and general costs and for profits.

“(2) Sales of a like product destined for consumption in domestic market of an exporting country or sales to an appropriate third country may be considered to be a sufficient quantity for the determination of normal value if such sales constitute five per cent or more of the sales of an investigated product to Pakistan.”.

24.3 Ordinary course of trade is defined in Section 7 of the Act as follows:

“(1) The Commission may treat sales of a like product in domestic market of an exporting country or sales to a third country at prices below per unit, fixed and variable, cost of production plus administrative, selling and other costs as not being in the ordinary course of trade by reason of price and may disregard such sales in determining normal value only if the Commission determines that such sales were made

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“(a) within an extended period of time which shall normally be a period of one year and in no case less than a period of six months;

“(b) in substantial quantities; and

“(c) at prices which do not provide for the recovery of all costs within a reasonable period of time.

“(2) For the purposes of sub-clause (b) of sub-section (1), sales below per unit cost shall be deemed to be in substantial quantities if the Commission establishes that –

“(a) a weighted average selling price of transactions under consideration for the determination of normal value is below a weighted average cost; or

“(b) the volume of sales below per unit cost represents twenty per cent or more of the volume sold in transactions under consideration for the determination of normal value.

“(3) If prices which are below per unit cost at the time of sale are above the weighted

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average cost for the period of investigation, the Commission shall consider such prices as providing for recovery of costs within a reasonable period of time.”

25. Export Price

The “export price” is defined in Section 10 of the Act as “*a price actually paid or payable for an investigated product when sold for export from an exporting country to Pakistan*”.

26. Dumping Determination

26.1 As stated earlier (paragraph 10 supra) the Applicant identified 28 exporters/producers from the Exporting Countries involved in alleged dumping of the investigated product. The Commission sent questionnaires to 28 exporters/producers whose complete addresses were available with the Commission (paragraph 14 supra). A copy of the questionnaire was also provided to the embassies of the Exporting Countries in Islamabad with a request to forward it to all exporters/producers of the investigated product based in the Exporting Countries to submit information to the Commission.

26.2 The Commission received response of the questionnaire from following 13 exporters/producers (paragraph 15.2 supra).

China

- i. Shougang Group
 - a) Beijing Shougang Cold Rolling Company Limited
 - b) Shougang Jingtang United Iron & Steel Company Limited
 - c) Shougang Casey Steel Co. Ltd.
 - d) Shougang Holding Trade
 - e) Oriental United Resource (Hong Kong) Co. Ltd.
- ii. Handon Iron & Steel Group Han – Bao Co., Ltd.
- iii. Maanshan Iron & Steel Co. Ltd.
- iv. Qian’an Siwenkede Steel Strip Science and Technology Co. Ltd.

Ukraine

- i. Metinvest Group
 - a. Ilyich Iron and Steel Works Mariupol
 - b. Zaporizhstal Integrated Iron and Steel Works
 - c. Metinvest – Ukraine
 - d. Metinvest-SMC
 - e. Metinvest International SA

26.3 Information supplied by the above-mentioned exporters/producers in response to the questionnaires was deficient, however, above-mentioned exporters/producers provided deficient information/documents except Qian’an Siwenkede Steel Strip Science and Technology Co., Ltd.,

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China. The Commission, after expiry of the time period given for submission of deficiency response informed Qian'an through a letter dated November 09, 2015 that in case no information is provided in response to the deficiency letter, the Commission would be constrained to make its determination based on the 'Best Information Available' in terms of Section 32 of the Act and Article 6.8 and Annex II of the Agreement on Anti-dumping.

26.4 In this investigation the Commission has determined individual dumping margins for the following seven producers who provided necessary information. Dumping margins for these producers have been determined on the basis of information provided by them:

- i. Shougang Casey Steel Company Limited, China
- ii. Shougang Jingtang United Iron & Steel Company Limited, China
- iii. Beijing Shougang Cold Rolling Company Limited, China
- iv. Handon Iron & Steel Group Han – Bao Co., Limited, China
- v. Maanshan Iron & Steel Company Limited, China
- vi. Zaporizhstal Integrated Iron and Steel Works, Ukraine
- vii. Ilyich Iron and Steel Works Mariupol, Ukraine

26.5 Normal value, export price and individual dumping margins for the above-mentioned exporters/producers have been determined in accordance with Part III, IV and V of the Act on the basis of the information provided by them. However, residual dumping margins/duty rates for non-cooperating exporters/producers have been determined as the highest dumping margin of the exporter/producer of the respective country.

27. **Determination of Export Price for Shougang Casey Steel Company Limited (“Shougang Casey”)**

27.1 Export price for Shougang Casey has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

27.2 According to the information, Shougang Casey exported 100 CR Coils/Sheets to all export markets including Pakistan. It exported 39.61 percent of its total exports of the investigated product to Pakistan during the POI. Shougang Casey exported SPCC-1B-A grade, SPCC-1B-B grade, SPCC-1B-C grade, SPCC-C grade, SPCC-SD-B grade and SPCC-SD-C grade types of the investigated product to Pakistan during the POI. Export sales to Pakistan, during POI, were directly to Pakistani customers and through an un-related trading company i.e. Wah Luen Enterprise International Limited, Hong Kong.

27.3 To arrive at the ex-factory level from C&F Price, Shougang Casey has reported adjustments on account of commission, inland freight, ocean freight, handling cost, credit cost, VAT non-refunded, and bank charges. The Commission has accepted these adjustments and the export price at ex-factory level has been worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

28. Determination of Normal Value for Shougang Casey

28.1 Normal value for Shougang Casey has been determined on the basis of the information provided by it on its domestic sales made during the POI.

28.2 According to the information, Shougang Casey sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Shougang Casey sold *** MT in the domestic market during POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of the export sales of the investigated product exported to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

28.3 Analysis of the information provided by Shougang Casey revealed that some sales of the comparable types were not in ordinary course of trade in terms of Section 7(2) of the Act. Sales of the comparable types, which were not in ordinary course of trade ranges from 82 percent to 100 percent of sales of a particular type of CR Coils/Sheets.

28.4 For the purposes of determination of normal value the Commission has disregarded sales, which were not in ordinary course of trade in accordance with Section 7 of the Act. Therefore, normal value for those types of CR Coils/Sheets whose 100 percent sales were not in ordinary course of trade has been constructed on the basis of cost of production plus administrative, selling and general costs provided by Shougang Casey and added profit @ 5% of cost to make & sell in accordance with Section 6 of the Act.

28.5 To arrive at the ex-factory level from delivered price, Shougang Casey has reported adjustment on account of inland freight. The Commission has accepted this adjustment and the normal value at ex-factory level has been worked out by deducting values reported for this adjustment from the gross value of sales transactions.

29. Determination of Export Price for Shougang Jingtang United Iron & Steel Company Limited (“Shougang Jingtang”)

29.1 Export price for Shougang Jingtang has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

29.2 According to the information, Shougang Jingtang exported 100 CR Coils/Sheets to all export markets including Pakistan. However, it exported 0.14 percent of its total exports of the investigated product to Pakistan during the POI. Shougang Jingtang exported C11SPCC (CRC, Full Hard), C21SPCC (CRC, Annealed) and C24SPCC (CRC, Batch Annealed) types of the investigated product to Pakistan during the POI. All export sales to Pakistan, during the POI, were through a related trading company i.e. Shougang Holding Trade (Hong Kong) Limited, Hong Kong.

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29.3 To arrive at the ex-factory level from FOB, Shougang Jingtang has reported adjustments on account of commission, inland freight, handling cost, credit cost, VAT non-refunded and bank charges. The Commission has accepted these adjustments and the export price at ex-factory level is worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

30. **Determination of Normal Value for Shougang Jingtang**

30.1 Normal value for Shougang Jingtang has been determined on the basis of the information provided by it on its domestic sales made during the POI.

30.2 According to the information, Shougang Jingtang sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Shougang Jingtang sold *** MT in the domestic market during POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of the export sales of the investigated product exported by it to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

30.3 Some sales of comparable types of CR Coils/Sheets by Shougang Jingtang in its domestic market, during the POI, were to related parties which were at arm's length. Analysis of the information provided by Shougang Jingtang revealed that all sales of the comparable types were in ordinary course of trade in terms of Section 7(2) of the Act.

30.4 Shougang Jingtang did not claim any adjustment to arrive at ex-factory level as the payment terms of all domestic sales were "advance payment" and delivery terms were "ex-works".

31. **Determination of Export Price for Beijing Shougang Cold Rolling Company Limited ("Shougang Cold Rolling")**

31.1 Export price for Shougang Cold Rolling has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

31.2 According to the information, Shougang Cold Rolling exported 100 MT CR Coils/Sheets to all export markets including Pakistan during the POI. It exported 6.17 percent of its total exports of the investigated product to Pakistan during POI. Shougang Cold Rolling exported CRC, Full Hard (42000417, 42000418, 42000419, 42000420, 42000421, 42000422, 42000423, 42000424, 42000425, 42000426, 42000427), CRC, Annealed (43000100, 43000101, 43000102, 43000104, 43000105, 43000106, 43000107, 43000108, 43000109, 43000110, 43000113, 43000115, 43000119, 43001144), and CRC, Batch Annealed (60000007, 60000009, 60000010, 60000011, 60000013, 60000015, 60000019) types of the investigated product to Pakistan during

the POI. Export sales to Pakistan, during the POI, were directly to Pakistani customers and through related trading companies i.e. Oriental United Resources (Hong Kong) Company Limited and Shougang Holding Trade (Hong Kong) Limited.

31.3 To arrive at the ex-factory level from C&F price, Shougang Cold Rolling has reported adjustments on account of commission, inland freight, ocean freight, handling cost, credit cost, VAT non-refunded and bank charges. The Commission has accepted these adjustments and the export price at ex-factory level is worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

32. Determination of Normal Value for Shougang Cold Rolling

32.1 Normal value for Shougang Cold Rolling has been determined on the basis of the information provided by it on its domestic sales made during the POI.

32.2 According to the information, Shougang Cold Rolling sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Shougang Cold Rolling sold *** MT in the domestic market during the POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these are more than 5 percent of the export sales of the investigated product exported by it to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

32.3 Analysis of the information provided by Shougang Cold Rolling revealed that some sales of the comparable types were not in ordinary course of trade in terms of Section 7(2) of the Act. Sales of the comparable types, which were not in ordinary course of trade ranges from 29 percent to 100 percent of sales of a particular type of CR Coils/Sheets.

32.4 For the purposes of determination of normal value the Commission has disregarded sales, which were not in ordinary course of trade in accordance with Section 7 of the Act. Therefore, normal value for those types where 100 percent domestic sales were not in ordinary course of trade has been constructed on the basis of information of cost of production plus administrative, selling and general costs provided by Shougang Cold Rolling and added profit @ 5% of cost to make & sell in accordance with Section 6 of the Act.

32.5 Shougang Cold Rolling did not claim any adjustment to arrive at ex-factory level as the payment terms of all domestic sales were “advance payment” and delivery terms were “ex-works”.

33. **Determination of Export Price for Handan Iron & Steel Group Han-Bao Company Limited (“Handan”)**

33.1 Export price for Handan has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

33.2 According to the information, Handan exported 100 MT CR Coils/Sheets to all export markets including Pakistan during the POI. It exported 1.53 percent of its exports of the investigated product to Pakistan during the POI. Handan exported SPCC and SAE1008 types of the investigated product to Pakistan during the POI. Export sales to Pakistan, during the POI, were through related trading company i.e. Handan Iron and Steel Group Import and Export Company Limited.

33.3 To arrive at the ex-factory level from FOB price, Handan has reported adjustments on account of inland freight, credit cost, VAT non-refunded and handling cost. The Commission has accepted these adjustments and the export price at ex-factory level is worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

34. **Determination of Normal Value for Handan**

34.1 Normal value for Handan has been determined on the basis of the information provided by it on its domestic sales made during the POI.

34.2 According to the information, Handan sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Handan sold *** MT in the domestic market during the POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of the export sales of the investigated product exported by it to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

34.3 Analysis of the information provided by Handan revealed that all sales of the comparable types were in ordinary course of trade in terms of Section 7(2) of the Act.

34.4 To arrive at the ex-factory level from delivered price, Handan has reported adjustment on account of inland freight. The Commission has accepted this adjustment and the normal value at ex-factory level is worked out by deducting values reported for this adjustments from the gross value of sales transactions.

35. Determination of Export Price for Maanshan Iron & Steel Company Limited (“Maanshan”)

35.1 Export price for Maanshan has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

35.2 According to the information, Maanshan exported 100 CR Coils/Sheets to all export markets including Pakistan during the POI. It exported 8.19 percent of its total exports of the investigated product to Pakistan during the POI. Maanshan exported SPCC, SPCE, SPCD and SPCC-SD types of the investigated product to Pakistan during the POI. Export sales to Pakistan, during the POI, were through un-related trading companies.

35.3 To arrive at the ex-factory level from FOB price, Maanshan has reported adjustments on account of inland freight, handling cost, VAT non-refunded and bank charges. The Commission has accepted these adjustments and the export price at ex-factory level has been worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

36. Determination of Normal Value for Maanshan

36.1 Normal value for Maanshan has been determined on the basis of the information provided by it on its domestic sales made during the POI.

36.2 According to the information, Maanshan sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Maanshan sold *** MT in the domestic market during the POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of the export sales of the investigated product exported by it to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

36.3 Analysis of the information provided by Maanshan revealed that some sales of the comparable types were not in ordinary course of trade in terms of Section 7(2) of the Act. Sales of the comparable types, which were not in ordinary course of trade ranges from 97 percent to 100 percent of sales of a particular type of CR Coils/Sheets.

36.4 For the purposes of determination of normal value the Commission has disregarded sales, which were not in ordinary course of trade in accordance with Section 7 of the Act. Therefore, normal value for those types where 100 percent sales were not in ordinary course of trade has been constructed on the basis of the information of cost of production plus administrative, selling and general costs provided by Maanshan and added profit @ 5% in accordance with Section 6 of the Act.

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36.5 To arrive at the ex-factory level from delivered price, Maanshan has reported adjustment on account of inland freight. The Commission has accepted this adjustment and the normal value at ex-factory level is worked out by deducting values reported for this adjustments from the gross value of sales transactions.

37. **Determination of Export Price for Zaporizhstal Integrated Iron-and-Steel Works, Ukraine (“Zaporizhstal”)**

37.1 Export price for Zaporizhstal has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

37.2 According to the information, Zaporizhstal exported 100 MT CR Coils/Sheets to all export markets including Pakistan. It exported 0.87 percent of its total exports of the investigated product to Pakistan during the POI. Zaporizhstal exported R08KP068, R08KP070, R08KP078, R08KP080, and R08KP118 types of the investigated product to Pakistan during the POI. Export sales to Pakistan, during the POI, were through related trading company i.e. Metinvest International SA, Switzerland.

37.3 To arrive at the ex-factory level from FOB price, Zaporizhstal has reported adjustments on account of credit cost, inland freight, and handling cost. The Commission has accepted these adjustments and the export price at ex-factory level is worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

38. **Determination of Normal Value for Zaporizhstal**

38.1 Normal value for Zaporizhstal has been determined on the basis of the information provided by it on its domestic sales made during the POI.

38.2 According to the information, Zaporizhstal sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Zaporizhstal sold *** MT in the domestic market during the POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of its export sales of the investigated product exported to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types which were comparable to the types of the investigated product.

38.3 All sales of comparable types of Zaporizhstal in its domestic market, during the POI, were to unrelated parties. Analysis of the information provided by Zaporizhstal revealed that all sales of the comparable types were in ordinary course of trade in terms of Section 7(2) of the Act.

38.4 To arrive at the ex-factory level delivered price, Zaporizhstal has reported adjustment on account of commission, inland freight and handling cost. The Commission has accepted this

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adjustment and the normal value at ex-factory level is worked out by deducting values reported for this adjustments from the gross value of sales transactions.

39. **Determination of Export Price for Ilyich Iron and Steel Works of Mariupol, Ukraine (“Ilyich”)**

39.1 Export price for Ilyich has been determined on the basis of the information provided by it on its export sales to Pakistan made during the POI.

39.2 According to the information, Ilyich exported 100 CR Coils/Sheets to all export markets including Pakistan during the POI. It exported 4.24 percent of its total exports of the investigated product to Pakistan during POI. Ilyich exported R08KP050, R08KP060, R08KP065, R08KP068, R08KP070, R08KP078, R08KP080, R08KP088, R08KP090, R08KP100, R08KP110, R08KP118, R08KP120, R08KP135, R08KP150, R08KP160 types of the investigated product to Pakistan during the POI. Export sales to Pakistan, during the POI, were through related trading company i.e. Metinvest International SA, Switzerland.

39.3 To arrive at the ex-factory level from FOB price, Ilyich has reported adjustments on account of credit cost and inland freight. The Commission has accepted these adjustments and the export price at ex-factory level has been worked out by deducting values reported for these adjustments from the gross value of the sales transactions.

40. **Determination of Normal Value for Ilyich**

40.1 Normal value for Ilyich has been determined on the basis of the information provided by it on its domestic sales made during the POI.

40.2 According to the information, Ilyich sold different types of CR Coils/Sheets in its domestic market including the types, which were alike to the types of the investigated product exported to Pakistan during the POI. Ilyich sold *** MT in the domestic market during the POI. These sales were in sufficient quantities to determine normal value in terms of Section 6(2) of the Act, as these sales were more than 5 percent of the export sales of its investigated product exported to Pakistan during the POI. For the purposes of like to like comparison, normal value is determined only for those types CR Coils/Sheets which were comparable to the types of the investigated product.

40.3 All sales of comparable types of Ilyich in its domestic market, during the POI, were to unrelated parties.

40.4 Analysis of the information provided by Ilyich revealed that some sales of the comparable types were not in ordinary course of trade in terms of Section 7(2) of the Act. Sales of the

comparable types, which were not in ordinary course of trade ranges from 58 percent to 100 percent of sales of a particular type of CR Coils/Sheets.

40.5 For the purposes of determination of normal value the Commission has disregarded sales, which were not in ordinary course of trade in accordance with Section 7 of the Act. Therefore, normal value for those types where 100 percent domestic sales were not in ordinary course of trade has been constructed on the basis of the information of cost of production plus administrative, selling and general costs provided by Ilyich and added profit @ 5% of cost to make & sell in accordance with Section 6 of the Act.

40.6 To arrive at the ex-factory level, Ilyich has reported adjustment on account of commission, inland freight, credit cost and handling cost. The Commission has accepted this adjustment and the normal value at ex-factory level is worked out by deducting values reported for this adjustments from the gross value of sales transactions.

41. Dumping Margin

41.1 The Act defines “dumping margin” in relation to a product as “*the amount by which normal value exceeds its export price*”.

41.2 Section 12 of the Act provides three methods for fair comparison of normal value and export price in order to establish dumping margin. The Commission has calculated dumping margin by comparing weighted average normal value with weighted average export price at ex-factory level.

41.3 The Commission has also complied with the requirements of Section 11 of the Act which states that the Commission shall, where possible, compare export price and normal value with the same characteristics in terms of level of trade, time of sale, quantities, taxes, physical characteristics, conditions and terms of sale and delivery at the same place.

41.4 The Commission has investigated all exporters/producers from the Exporting Countries who cooperated and responded to the Commission’s questionnaire. Individual dumping margins for the producers have been determined and the antidumping duty rate for those producers is determined on the basis of individual dumping margins calculated for each producer.

41.5 Dumping margin and antidumping duty rate for all other exporters from China and Ukraine, who did not cooperate, has been determined, as the highest dumping margin of the exporter/producer of the respective country.

41.6 Taking into account all the requirements set out above, the dumping margins have been determined as follows. Calculations of dumping margin are placed at Annexure -XVI:

Table-III Dumping Margins

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Country/Exporter/Foreign Producer	Dumping Margin as	
	% of Export Price	% of C&F Price
China		
Shougang Casey Steel Company Limited	29.79	25.56
Shougang Jingtang United Iron & Steel Co. Ltd.	22.06	20.16
Beijing Shougang Cold Rolling Company Limited	18.51	16.27
Handan Iron & Steel Group Han-Bao Co. Limited	14.66	13.17
Maanshan Iron & Steel Company Limited	23.38	21.69
All others	29.79	25.56
Ukraine		
Zaporizhstal Integrated Iron-and-Steel Works	19.87	18.92
Ilyich Iron and Steel Works of Mariupol	18.62	18.36
All others	19.87	18.92

42. De minimis Dumping Margins and Negligible Volume of Dumped Imports

42.1 In terms of Section 41(3) of the Act, dumping margin shall be considered to be negligible if it is less than two percent, expressed as a percentage of the export price. Dumping margins, set out in paragraph 38.6 supra, are above the *de minimis* level.

42.2 As regards the volume of dumped imports, Section 41(3) of the Act provides that the volume of such imports shall normally be regarded as negligible if the volume of dumped imports of an investigated product is found to account for less than three percent of total imports of a like product unless imports of the investigated product from all countries under investigation which individually account for less than three percent of the total imports of a like product collectively account for more than seven per cent of the imports of like product. The information/data on alleged dumped imports of the investigated product and other imports of CR Coils/Sheets has been obtained from PRAL. Volume of alleged dumped imports of the investigated product and the CR Coils/Sheets imported from other sources during the POI (April 01, 2014 to March 31, 2015) is given in the table below:

Table-IV
Volume of Imports of CR Coils/Sheets during the POI

Country Name	Share of total imports (%)
China	51.44
Ukraine	5.21
Other sources	43.35
Total	100.00

Source: PRAL

42.3 On the basis of above information, the Commission has determined that the volume of dumped imports of the investigated product from the Exporting Countries during the POI was well above the negligible threshold set-out in Section 41(3) of the Act.

C. INJURY TO DOMESTIC INDUSTRY

43. Determination of Injury

43.1 Section 15 of the Act sets out the principles for determination of material injury to the domestic industry in the following words:

“A determination of injury shall be based on an objective examination of all relevant factors by the Commission which may include but shall not be limited to:

- a) volume of dumped imports;*
- b) effect of dumped imports on prices in domestic market for like products;
and*
- c) consequent impact of dumped imports on domestic producers of such products...”*

43.2 Section 15 of the Act further provides that:

“ No one or several of the factors identified shall be deemed to necessarily give decisive guidance and the Commission may take into account such other factors as it considers relevant for the determination of injury”.

43.3 The Commission has taken into account all factors in order to determine whether domestic industry suffered material injury during the POI. Material injury to the domestic industry has been analyzed in the following paragraphs in accordance with Part VI of the Act.

44. Cumulation of Dumped Imports

44.1 Section 16 of the Act states that:

“where imports of a like product from more than one country are the subject of simultaneous investigation under this Ordinance, the Commission may cumulatively assess the effects of such imports on the domestic industry only if it determines that

“(a) dumping margin in relation to an investigated product from each country is more than the negligible amount as specified..., and volume of dumped imports from each investigated country is not less than the negligible quantity as specified.....; and

“(b) a cumulative assessment of the effects of the imports is appropriate in the light of:

- (i) the conditions of competition between the imports; and*
- (ii) the conditions of competition between the imports and a domestic like product”.*

44.2 Volume of dumped imports during the POI from the Exporting Countries was above the negligible quantity (paragraph 39.2 supra). Furthermore, dumping margins for each country was also more than the *de-minimis* level (paragraph 40 supra).

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44.3 Weighted average export price charged by the exporters from the Exporting Countries during the POI for dumping is given below which shows that there was a price competition between imports of the investigated product:

**Table – V
Weighted Average C&F Export Price**

Exporting Country	Weighted Average C&F Export Price (US\$/MT)
China	100
Ukraine	93

Source: PRAL

44.4 There is a competition between investigated product and the domestic like product in terms of price, market share, and sales etc. Conditions of competition between imports of the investigated product and the domestic like product are discussed in detail in paragraphs below.

44.5 For the reasons given above, the Commission has cumulatively assessed the effects of dumped imports from the Exporting Countries on the domestic industry in following paragraphs:-

45. Domestic Industry

45.1 As stated in paragraph 7.2 supra, for the purposes of this determination, the Commission has determined that domestic industry manufacturing domestic like product consists of four operational units. The four operational units are as follows:

- i. Aisha Steel Mills Limited
- ii. International Steel Industries (Pvt) Limited
- iii. Pakistan Steel Mills Limited
- Iv. AHN Steel Pvt. Limited

45.2 One of these four units (mentioned at S. No.(i), above) Aisha Steel is the “Applicant”. Other three units have shown their support but not furnished the data to the Commission. Details of production of the domestic industry during the POI are as follows:

**Table VI
Unit-wise Production**

Sr. No.	Name	Share in Domestic Production %age	Supporting/ Opposing/ Indifferent

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1.	Aisha Steel Mills Limited	55.28	Applicant
2.	International Steels Limited	36.25	Supporting
3.	Pakistan Steel Mills Limited	2.43	Supporting
4.	AHN Steel Pvt. Limited	6.04	Supporting
	Total	100.00	

Source: Applicant

45.3 According to the above information, the Applicant produced 55 percent of total domestic production of the domestic like product during the POI for dumping. The Commission's investigation also revealed that neither the Applicant was itself importer of the investigated product, nor was related to the Chinese and Ukrainian exporters, involved in dumping of the investigated product into Pakistan.

45.4 On the basis of the above information and analysis, for the purposes of this investigation, the Applicant is considered as the "domestic industry" in terms of Section 2(d) of the Act as it represents the major proportion of the total production of the domestic like product.

45.5 The other three units in the domestic industry representing about 45 percent of the total production of the domestic like product were asked to provide information on injury factors for the POI, but none of them provided the requisite information on prescribed questionnaire.

45.6 Analysis of injury factors carried out in this determination in the following paragraphs is, therefore, based on the information submitted by Applicant.

46. Volume of Dumped Imports

Facts

46.1 In order to ascertain the increase in the volume of dumped imports of the investigated product, the Commission obtained import data from PRAL.

46.2 With regard to the volume of dumped imports, in terms of Section 15(2) of the Act, the Commission considered whether there has been a significant increase in volume of dumped imports, either in absolute terms or relative to the production of the domestic like product in Pakistan. The following table shows imports of the investigated product during the POI:

**Table-VII
Volume of Dumped Imports**

Year	Dumped Imports of Investigated Product (MT)	%age Increase/ Decrease
2012-13	100	--

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2013-14	83	-16.57
2014-15	160	91.91

Source: PRAL Year: April 1 to March 31

Analysis

46.3 The above table shows that the volume of dumped imports decreased by 16.57% in 2013-14, which significantly increased by 91.91% in 2014-15 as compared to 2013-14. Thus there has been a significant increase in volume of dumped imports in absolute terms in 2014-15.

Conclusion

46.4 On the basis of the above analysis, the Commission has concluded that the volume of dumped imports increased in absolute terms during the POI for dumping and the domestic industry suffered material injury on account of significant increase in the volume of dumped imports.

47. Price Effects

47.1 Effect of dumped imports on sales price of domestic like product in the domestic market has been examined to establish whether there was significant price undercutting (the extent to which the price of the investigated product was lower than the price of the domestic like product), price depression (the extent to which the domestic industry experienced a decrease in its selling prices of domestic like product over time), or price suppression (the extent to which increased cost of production could not be recovered by way of increase in selling price of the domestic like product). Effects of dumped imports on price of the domestic like product are analyzed in following paragraphs:

47.2 Price Undercutting

Facts

47.2.1 Weighted average ex-factory price of the domestic like product has been calculated from the information submitted by the Applicant on quantity and value of sales during the POI. Landed cost of the investigated product has been calculated from the information obtained from PRAL. Comparison of weighted average ex-factory price of the domestic like product with the weighted average landed cost of the investigated product during the POI is given in following table:

Table-VIII

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Price Undercutting			(Rs/MT)
Year	Price of domestic like product	Landed cost of dumped imports	Price undercutting in %age
2012-13	100	102	Nil
2013-14	104	103	0.23%
2014-15	98	96	2.37%

Source: Applicant & PRAL Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the figures of 2012-13.

Analysis

47.2.2 The information provided in the above table shows that the weighted average landed cost of the investigated product remained lower than the weighted average ex- factory price of the domestic like product during 2013-14 and 2014-15. The landed cost of the investigated product undercut the price of the domestic like product by 2.37% in the POI for dumping. Due to this lower landed cost, the imports from dumped sources increased during the POI for dumping.

Conclusion

47.2.3 On the basis of the above, the Commission has concluded that the prices of the investigated product undercut the prices of domestic like product during the POI. The domestic industry suffered material injury on account of price undercutting due to dumped imports.

47.3 Price Depression

Facts

47.3.1 Applicant's sales prices of the domestic like product during the POI are given in table below:

Table – IX
Price Depression (Rs/MT)

Year	Price of domestic like product	Price Depression in Percentage
2012-13	100	--
2013-14	104	--
2014-15	98	5.06%

Source: Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the figures of 2012-13.

Analysis

47.3.2 The table above shows that the prices of domestic like product increased by 3.50 percent in 2013-14. However, the domestic industry had to reduce the prices of the domestic like product by 5.06 percent during the POI for dumping i.e. 2014-15. The domestic industry reduced prices during 2014-15 as compared to 2013-14.

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Conclusion

47.3.3 On the basis of the above, the Commission has concluded that the prices of the domestic like product decreased during the POI for dumping. The domestic industry suffered material injury on account of price depression due to dumped imports.

47.4 Price Suppression

Facts

47.4.1 Weighted average cost to make and sell and ex-factory prices of the domestic like product for the POI, calculated on the basis of information provided by the Applicant, are given in the following table:

Table - X
Cost to Make and Sell and Ex-factory Price of the Domestic Like Product (Rs/MT)

Year	Average cost of production of domestic like product	Average ex- factory price of domestic like product	Price Suppression	
			Increase/(decrease) in cost of production	Increase/ (decrease) in price
2012-13	100	76	--	--
2013-14	92	79	(8)	4
2014-15	81	75	(12)	(5)

Source: Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the figures of 2012-13.

Analysis

47.4.2 Above table shows that average cost to make and sell of the domestic like product decreased by 8 percent in 2013-14 as compared to year 2012-13 which further decreased by 12 percent in 2014-15 as compared to 2013-14. The sale price of domestic industry increased by 4 percent in 2013-14 over the preceding year i.e. 2012-13 and then decreased by 5 percent in 2014-15 over 2013-14. The domestic industry did not suffer price suppression during the POI.

Conclusion

47.4.3 On the basis of the above information and analysis, the Commission has concluded that the domestic industry did not suffer material injury on account of price suppression during the POI.

48. Effects on Market Share

Facts

48.1 Total domestic demand of CR Coils/ Sheets in Pakistan is met through local production and imports. Size of the domestic market is established by adding sales of domestic like product and imports of the investigated product from dumped sources and imports of CR Coils/ Sheets from other sources. Following table shows the market share from each source during the POI:

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**Table – XI
Market Share**

Year	Sales by the Domestic Industry*	Imports		Total domestic market
		Dumped Sources	Other than Dumped Sources	
2012-13	32	18	50	100
2013-14	56	15	26	96
2014-15	53	29	22	103

*Sale by the Domestic industry includes the sales of Applicant and other domestic producers

Source: PRAL & Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the figures of 2012-13.

Analysis

48.2 The above table shows that the domestic market of CR Coils/Sheets decreased by 3.62 percent during 2013-14 and it increased by 6.97 percent in 2014-15. The share of domestic industry in the domestic market increased from 32 percent in 2012-13 to 58 percent in 2013-14 (the second year of its production) and then decreased to 51 percent in 2014-15. Market share of the dumped imports decreased from 18 percent in 2012-13 to 15 percent in 2013-14 and then increased significantly to 28 percent in 2014-15. However, imports from other sources decreased from 50 percent in 2012-13 to 21 percent in 2014-15, indicating that dumped imports have also replaced imports from other sources. Had there been no dumping from the Exporting Countries, the market share of the domestic industry would have been much higher, as the total demand was around 96 per annum in 2014-15 and the installed production capacity of the domestic industry was 100 per annum.

Conclusion

48.3 On the basis of above information and analysis, the Commission has concluded that the domestic industry suffered material injury on account of loss of market share due to dumped imports of the investigated product during the POI.

49. Effects on Production and Capacity Utilization

Facts

49.1 The installed capacity, quantity produced and the capacity utilization of the Applicant during the POI were as follows:

**Table-XII
Installed Capacity, Production and Capacity Utilization**

Year	Installed Capacity	Capacity Utilization
2012-13	100	36.06%
2013-14	200	53.60%
2014-15	200	57.65%

Source: Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the figures of 2012-13.

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Analysis

49.2 It may be noted from the above table that the quantity produced and capacity utilization of the Applicant increased during the POI. Capacity utilization increased from 36 percent in 2012-13 to 58 percent in 2014-15. The reason for increase in production of domestic like product and capacity utilization was that the confidence of user industry on the quality of CR Coils/Sheets produced by the Applicant in Pakistan. Had there been no dumping from the Exporting Countries, the production and the capacity utilization of the domestic industry would have been higher, as the total domestic demand for CR Coils was much higher than the production of the Applicant and has been increasing during the POI.

Conclusion

49.3 Based on above facts and analysis, it is concluded that the domestic industry suffered material injury on account operating at around 58 percent capacity utilization during the POI.

50. Effects on Sales

Facts

50.1 The total sales of CR Coils / Sheets of the Applicant during the POI are given below:

Table- XIII

Sales by the Domestic Industry

Year	Sales (MT)
2012-13	100
2013-14	338
2014-15	373

Source: the Applicant Year April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the sales of 2012-13.

Analysis

50.2 The above table shows that the domestic industry's sales of domestic like product increased from 100 in 2012-13 to 338 in 2013-14. The reason for increase in sales of the domestic like product was that the Applicant started production of CR Coils in October 2012 and has been replacing the imports during the POI. The sales of the domestic industry further increased to 373 in 2014-15. Had there been no dumping from the Exporting Countries the sales of the domestic like product would have been higher.

Conclusion

50.3 On the basis of above information and analysis, the Commission has concluded that sales of the domestic like product increased during the POI, however, it could not achieve the desired level of sales in growing market demand for CR Coils and hence the domestic industry suffered material injury on account of sales.

51. Effects on Inventories

Facts

51.1 The data relating to accumulation of inventories of the domestic like product during the

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POI is given in the table below:

Table-XIV
Inventories (MT)

Year	Opening inventory	Production	Sales	Closing inventory
2012-13	0	100	85	15
2013-14	15	297	289	23
2014-15	23	320	318	25

Source: the Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the production of 2012-13.

Analysis

51.2 The above table shows that the closing inventory of the domestic like product has increased from 5,821 MT in 2013-14 to 9,794 MT in 2014-15 which is the POI for dumping. The closing inventories increased with increase in the production, which was increasing proportionally with the increase in the domestic market, as domestic market grew by 6.97% in 2014-15 and production grew by 7.56%. Closing inventories were 14.67% of the production in 2012-13, which decreased to 7.83% of production in 2013-14 and were 7.72% of production in 2014-15.

Conclusion

51.3 On the basis of the analysis above, the Commission has concluded that the domestic although the inventories increased in absolute terms, however, they decreased relative to production in 2013-14 and 2014-15.

52. Effects on Profit/Loss

Facts

52.1 The table below shows the net profit and loss figures of the Applicant for the POI:

Table -XV
Profit/(Loss) of the Applicant
(Rs. in million)

Year	Net Profit/(Loss)
2012-13	(100)
2013-14	(189)
2014-15	(103)

Source: Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the Net profit/(loss) of 2012-13

Analysis

52.2 The above table shows that the Applicant incurred losses during the whole POI. The net loss of the domestic industry increased by 89 percent in 2013-14 as compared to the year 2012-13 and then decreased by 45 percent in 2014-15. Due to significant increase in the

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volume of dumped imports in 2014-15 from the Exporting Countries, and price undercutting, the domestic industry incurred losses, however, the net losses decreased.

Conclusion

52.3 On the basis of the above facts, the Commission has concluded that the domestic industry did not suffer material injury on account of profit due to dumped imports.

53. Effects on Return on Investment

Facts

53.1 The following is the information regarding the return on investment of the Applicant:

**Table XVI
Return on Investment**

Year	Return on Investment
2012-13	-2.24%
2013-14	-2.56%
2014-15	-1.71%

Analysis

53.2 The above table shows that the Applicant's return on investment was negative throughout the POI from -2.24 percent in 2012-13 to -2.56 percent in 2013-14 and -1.71 percent in 2014-15. However, the percentage figure of negative return improved in 2014-15.

Conclusion

53.3 Based on above facts and analysis, it is concluded that the domestic industry did not suffer material injury on account of return on investment during the POI.

54. Effects on Cash Flow

Facts

54.1 The following is the information regarding the cash flow positions of the Applicant during POI:

**Table -XVII
Cash generated from operations
(Rs. in million)**

Year	Cash flow from operations
2012-13	(100)
2013-14	6
2014-15	(134)

Source: Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to the cash flow of 2012-13

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Analysis

54.2 The above table shows that the domestic industry's net cash flow from its operations were negative (cash outflow) (100) in 2012-13, which improved to 6 in 2013-14. However, in 2014-15 cash flow turned again to negative (cash outflow) of (134).

Conclusion

54.3 It is concluded from the above analysis that the domestic industry suffered material injury on account of cash flows during the POI.

55. Effects on Employment, Productivity and Salaries & Wages**Facts**

55.1 The data relating to the employment, salaries & Wages and productivity of the Applicant during the POI is given in the following table:

**Table – XVIII
Employment, Wages and Productivity**

Year	Number of Employees	Salaries & Wages (Rs. In Millions)	Domestic Production (MT)	Productivity per worker (MT)	Salaries & Wages (Rs./ MT)
2012-13	100	100	100	100	100
2013-14	257	124	297	116	42
2014-15	265	131	320	120	41

Source: Applicant Year: April 1 to Mar 31

Note: To maintain confidentiality, actual figures have been indexed with respect to figures of 2012-13

Analysis

55.2 The above table shows that the employment in the domestic industry increases during the POI because the Applicant started its commercial production in October 2012. Salaries and wages per MT decreased from Rs. 3,680 per MT in 2012-13 to Rs. 1,506 per MT in the year 2014-15. Productivity per worker of the domestic industry increased over the three years.

Conclusion

55.3 Based on above facts and analysis, it is concluded that the domestic industry did not suffer material injury on account of salaries and wages and productivity per worker during POI.

56. Effects on Growth**Facts/Analysis**

56.1 Total installed capacity of the domestic industry during the POI was 470,000 MT, whereas, the total domestic demand for CR Coils/Sheets was around 450,000 MT. Hence there is excess capacity of 20,000MT of domestic like product in Pakistan, therefore, there is no need to for more investment. The domestic industry has the capacity to cater the growing demand.

Conclusion

56.2 From the information and evidence submitted by the Applicant, it is concluded that the domestic industry did not suffer material injury on account of growth during the POI.

57. Ability to Raise Capital

Facts/Analysis

57.1 The Applicant is facing continuous negative return on investment, which affected its ability to raise capital through stock market, as the domestic industry was unable to provide dividends to its shareholders.

Conclusion

57.2 From the information and analysis above, it is concluded that the domestic industry suffered material injury on account of ability to raise capital during the POI.

58. Magnitude of Dumping Margins

Facts/Analysis

58.1 Dumping margin calculated ranges from 8.78 percent to 23.67 percent which can be considered as enough to cause injury to the domestic industry. Further, dumping margin of up to 23.67 percent is significant enough to cause injury the domestic industry.

Conclusion

58.2 On the basis of facts and analysis above, the Commission has concluded that the domestic industry has suffered material injury on account of magnitude of dumping.

59. Summing up of Material Injury

59.1 Facts and analysis in the preceding paragraphs shows that the domestic industry has suffered material injury due to dumped imports of the investigated product during POI on account of:

- a) Increased Volume of dumped imports;
- b) Price undercutting;
- c) Price depression;
- d) Negative effects on cash flows;
- e) Decline in market share;
- f) Negative effect on ability to raise capital; and
- g) Magnitude of the margin of dumping.

59.2 Since the Applicant in its application also mentioned of threat of material injury from dumped imports of the investigated product from the Exporting Countries, however, the injury

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analysis carried out in the forgoing paragraphs shows that the domestic industry has suffered material injury during the POI. Therefore, there is no requirement to examine and analyze threat of material injury in accordance with Section 19 of the Act.

D. CAUSATION

60. Other Factors

60.1 In accordance with Section 18(2) of the Act, the Commission also examined factors, other than dumped imports of the investigated product, which could at the same time causing material injury to the domestic industry, in order to ensure that possible injury caused by other factors is not attributed to the dumped imports.

60.2 The investigation of the Commission revealed that the domestic industry did not suffer material injury due to imports of CR Coils/Sheets from sources other than dumped source during the POI. Following table shows the volume and prices of imports from other than dumped source:

Table-XIX
Volume and Prices of CR Coils/Sheets imports from other than Dumped Source
(Rs./MT)

Year	Volume of imports from other than dumped source (MT)	Weighted Average landed cost of CR Coils/Sheets from other than dumped source	Weighted Average price of domestic like product
2012-13	100	100	100
2013-14	52	106	104
2014-15	44	110	98

Source: Applicant

Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to figures of 2012-13

60.3 The above table shows that the volume of imports from sources other than dumped source has decreased from 100 in 2012-13 to 44 in 2014-15 whereas, the weighted average landed cost of CR Coils/Sheets from sources other than dumped source was higher than the weighted average price of domestic like product throughout the POI. Hence it is concluded that the domestic industry did not suffer material injury due to imports of CR Coils/Sheets from sources other than dumped source during the POI.

60.4 In terms of Section 18(3) of the Act, the Commission analysed that whether there is contraction in demand of CR Coils/Sheets or there are changes in the patterns of consumption of CR Coils/Sheets in Pakistan. Following table shows the total domestic market of CR Coils/Sheets in Pakistan.

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Table-XX
Total Domestic Market of CR Coils/Sheets

Year	Sales by the Domestic Industry*	Imports		Total domestic market (MT)
		Dumped Sources	Other than Dumped Sources	
2012-13	32	18	50	100
2013-14	56	15	26	96
2014-15	53	29	22	103

*Sale by the Domestic industry includes the sales of Applicant and other domestic producers

Source: PRAL & Applicant Year: April 1 to March 31

Note: To maintain confidentiality, actual figures have been indexed with respect to figures of 2012-13

60.5 The above table shows that there is no contraction in demand of CR Coils/Sheets during the POI rather the total demand of CR Coils/Sheets increased from 434,162 MT in 2012-13 to 447,624 MT in 2014-15. Based on the above facts, the Commission has concluded that there is no contraction in demand of CR Coils/Sheets and there are no changes in the pattern of consumption of CR Coils/Sheets in Pakistan, hence, the domestic industry did not suffer material injury due to contraction in demand and changes in the pattern of consumption of CR Coils/Sheets during the POI.

60.6 The factors mentioned in Section 18(3) of the Act were also analyzed and it was found that:

- i. The domestic industry did not export, therefore, there is no effect on export performance and productivity of the domestic industry;
- ii. There was no change in trade restrictive practices and competition between foreign producers other than producers from the Exporting Countries and domestic producers; and
- ii. There was no considerable change in technology;

61. Effect of Dumped Imports

61.1 From the foregoing analysis it appears that the volume of the dumped imports significantly increased during 2014-15 which caused significant price undercutting, price depression, decline in market share, and return on investment. This also resulted in negative effect on cash flows, inventories, and ability to raise capital.

61.2 It appears from analysis that there was a perfect time correlation between increase in dumped imports and injury to domestic industry. Therefore it is concluded that following happened simultaneously during POI:

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- i. Volume of dumped imports of the investigated product increased significantly in absolute terms;
- ii. Domestic industry experienced price undercutting and price depression due to dumped imports of the investigated product;
- iii. Domestic industry experienced decline in market share, and return on investment and was unable to raise capital due to dumped imports;
- iv. Domestic industry faced negative effect on cash flows and inventories;
- v. the domestic industry has not only suffered material injury during the POI because of increased dumped imports but at the same time it is facing threat of material injury which is imminent in future.

E. CONCLUSIONS

62. The conclusions, after taking into account all considerations for this determination, are as follows:

- i. the application was filed by the domestic industry as the Applicant represent 55 percent of the production of domestic like product;
- ii. the investigated product and the domestic like product are alike products;
- iii. during POI, the investigated product was exported to Pakistan by the exporters/producers from the Exporting Countries at prices below its normal value;
- iv. the volume of dumped imports of the investigated product and the dumping margins established for the exporters/producers of the investigated product from the Exporting Countries are above the negligible and *de minimis* levels respectively;
- v. the dumping margins expressed as a percentage of weighted average adjusted export price at ex-factory level is ranging between 14.66 percent to 29.79 percent for exporters/foreign producers from the Exporting Countries;
- vi. the domestic industry suffered material injury on account of volume of dumped imports, price undercutting, price depression, decline in market share, negative effect on cash flow, negative effect on return on investment and negative effect on ability to raise capital in terms of Section 15 and 17 of the Act; and
- vii. there is a causal relationship between dumped imports of the investigated product and the material injury to the domestic industry.

F. IMPOSITION OF DEFINITIVE ANTIDUMPING DUTIES

63. In view of the analysis and conclusions with regard to dumping, material injury, and causation, imposition of definitive provisional antidumping duty on dumped imports of the investigated product is needed to prevent injury being caused to the domestic industry in accordance with Section 43 of the Act.

64. Individual dumping margins have been determined for the exporters / producers of the investigated product who supplied information for this investigation and the provisional rate of antidumping duty for these exporters/producers is determined.

65. However, for the purpose of imposition of lesser duty in terms of Section 43 (1) of the Act the Commission has calculated injury margin to ascertain whether a lower duty would be adequate to remove injury being suffered by the domestic industry due to dumped imports of investigated product from the Exporting Countries. The calculation of injury margin for April 2014 to March 2015 is given at Annexure XVII. :

Table-XXI
Calculation of Injury Margin

	(Rs./MT)
Cost to make & Sell of Domestic industry	100
Estimated Profits (5% of cost to make & sell)	5
Estimated non-injurious price	105
C & F price of investigated product	79.87
Landed cost of investigated product	89.79
Injury Margin (Non-injurious price-landed cost)/C & F Price *100	19.04 %

66. It may be observed from the above that injury margin works out to 19.04 percent, which is lower than the dumping margins determined for some of the exporters/producers from the Exporting Countries paragraph 39 supra. Therefore, in terms of Section 43 (1) of the Act, lesser duty would be adequate to remove injury to the domestic industry.

67. In terms of Section 43 of the Act, following definitive antidumping duty rates are hereby imposed on the dumped imports of the investigated product importable from the Exporting Countries for a period of five years with effective from January 13, 2016. The definitive antidumping duties rates are determined on C&F value in *ad val.* terms. CR Coils/Sheets is classified under PCT heading Nos. 7209.1690, 7209.1790, 7209.1890, 7209.1610, 7209.1710, 7209.1810, 7209.2690, 7209.2790, 7209.2890, 7209.2610, 7209.2710 and 7209.2810.

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Table-XXII
Definitive Anti-dumping Duties

Country / Exporter / Producer	Definitive Antidumping Duty Rate (%)
China	
Shougang Casey Steel Company Limited	19.04
Shougang Jingtang United Iron & Steel Co. Ltd.	19.04
Beijing Shougang Cold Rolling Company Limited	16.27
Handan Iron & Steel Group Han-Bao Co. Limited	13.17
Maanshan Iron & Steel Company Limited	19.04
All others	19.04
Ukraine	
Zaporizhstal Integrated Iron-and-Steel Works	18.92
Ilyich Iron and Steel Works of Mariupol	18.36
All others	18.92

68. CR Coils/Sheets imported from sources, other than the Exporting Countries shall not be subject to these definitive antidumping duties.

69. In accordance with Section 51 of the Act, the definitive antidumping duty shall take the form of *ad valorem* duty and be held in a non-lapsable personal ledger account established and maintained by the Commission for the purpose. Release of the investigated product for free circulation in Pakistan shall be subject to imposition of such antidumping duty.

70. Definitive antidumping duty levied would be in addition to other taxes and duties leviable on import of the investigated product under any other law.

71. The antidumping duties would be collected in the same manner as customs duty is collected under the Customs Act, 1969 (IV of 1969) and would be deposited in Commission's Non-lapsable PLD account No. 187 with Federal Treasury Office, Islamabad.

(Tipu Sultan)
Member
January 13, 2017

(Abdul Khaliq)
Member
January 13, 2017

(Robina Ather)
Member
January 13, 2017

(Qasim M. Niaz)
Chairman
January 13, 2017

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Annexure-I

Comments of Interested Parties	NTC View
<p><u>Government of Ukraine</u></p> <p>“Imports from Ukraine to Pakistan are insignificant and could not have caused any alleged material injury to the domestic industry: Imports of the product concerned from Ukraine into Pakistan were insignificant and almost at the de minimis levels both in terms of total import volume (5.2%) and of the market share (approximately 2.5%) in Pakistan during the period of investigation.”</p> <p>“Imports from Ukraine should not be cumulated with imports from China: Given that imports of CRC/S from china are incomparably larger than imports from Ukraine it is clear that one of the key requirements for the cumulation of the imports from several countries subject to an investigation (Ukraine and China in this case), namely, that “a cumulative assessment of the effects of the imports is appropriate in the light of the conditions of the competition between the imports” is not met. Indeed imports from Ukraine, which are only a fraction of those from China and cannot compete with Chinese product on the market of Pakistan”</p> <p>“Concerning injury to domestic industry: According to the statement of essential facts, a positive trend has been defined for the following indicators of the Pakistani domestic industry during 2014-2015 as compared to 2012-2013:</p> <ol style="list-style-type: none"> i. Market share of domestic industry increased by 21 percentage points ii. Production increased 3 times iii. Domestic sales increased almost 4 times iv. Installed capacity increased 2 times v. Salaries increased by 31% vi. Number of employees increased by 165% vii. Capacity utilization increased by 22 percentage points.” <p>“Concerning causal relationship between the dumped imports and injury to the domestic industry: The Applicant’s share in the domestic</p>	<p>Volume of the dumped imports from Ukraine during the dumping POI is above the negligible volume. Reference paragraph 39 of the report of final determination.</p> <p>The Commission has cumulatively assessed the effects of dumped imports from the Exporting Countries on the domestic industry as it met the conditions as mentioned in Section 16 of the Act. Reference paragraph 41 of the report of final determination.</p> <p>Please refer to “Part C-Injury to the domestic industry” paragraphs 40 to 56 of this final determination report.</p> <p>Please refer to “Part D – Causal Link” of this final determination report.</p>

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sales was 55.28%, the share of the other Pakistani producers on the domestic market was 44.72%. Therefore, competition between the domestic producers had significant impact on the Applicant and could be the reason why the Applicant did not increase its sales even more.

China Iron & Steel Association (CISA)

“The product scope of current investigation was too wide: Cold roll steel plate consists of products of various types, grades with significant different product specifications and purposes of uses, which, among others make their costs and prices quite different. CISA and its member corporations submit that the IA shall exclude the same from the scope of investigation, or, as an alternative, do not make any determination of dumping on such goods and do not impose any dumping duty/measure on such goods. .”

“Concerns on the consistence of data concerning Pakistani domestic industry: CISA and its member corporations have concerns about the consistency of data used for injury determination purpose, i.e. whether these data provide and considered by the Authority reflected the situation of petitioner itself or of the Pakistani domestic industry as a whole.”

“Issue concerning the increase of import quantity of the investigated product from subject countries: The increase of imported investigated product is closely related to the increase of demands of Pakistani domestic market. Pakistan’s total steel production in 2007 and 2008 was around 3,575,000 MT, while that in 2011 was around 4 million MT. The domestic production was not able to meet the rapidly increased demand of Pakistan, inevitably leading to the increase of imported steel.”

“Issues concerning the price effects of the investigated product from subject countries: As CISA and its member corporations have already mentioned in earlier submission, the applicant, in comparing the prices of investigation imports with like products, took all types of cold rolled flat steel products as one

The investigated product is Cold Rolled Coils/Sheets of :primary and secondary quality with a thickness of 0.15-2.50 mm and width of above 600 mm falling under Pakistan Customs Tariff (“PCT”) No. 7209.1690, 7209.1790, 7209.1890, 7209.1610, 7209.1710, 7209.1810, 7209.2690, 7209.2790, 7209.2890, 7209.2610, 7209.2710 and 7209.2810 (the “investigated product”) originating in and/or exported from the Exporting Countries to Pakistan.

The injury analysis in this report is based on the information submitted by the Applicant.

The domestic market of CR Coils/Sheets in Pakistan increased over the years. The domestic industry’s market share increased from 32 percent in 2012-13 to 58 percent in 2013-14 and then decreased to 51 percent in 2014-15. Market share of the dumped imports increased from 18 percent in 2012-13 to 28 percent in 2014-15. However, imports from other sources decreased from 50 percent in 2012-13 to 21 percent in 2014-15. Reference paragraph 45 of the final determination.

Please refer to paragraph 44 of the report of final determination which provides the detailed analysis of price undercutting, price depression and price suppression to the domestic industry.

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<p>single product without considering their different grades/types or characteristics, and failed to subdivide products into smaller groups to achieve the fair comparison..”</p> <p>“Other Factors:</p> <p>China-Pakistan FTA: In 2006, China and Pakistan signed Free Trade Agreement, in which a custom duty concession of 5% was made.</p> <p>Gross misuse of Duty and Tax Remission for Re-export (DTRE) scheme for CRC: A number of pipe mills are importing CRC Steel under DTRE Scheme and on papers showing that they are converting this CRC Steel into pipes for re-export usage in home appliances, motorcycle and bicycle industry etc.</p> <p>Gross misuses of CRC import by mis-declaring it as alloy steel and/or silicon steel: According to the applicant’s 2013 annual report, “Alloy Steel enjoys 0% Custom Duty ... and therefore unscrupulous importer mafia has started importing CRC Steel by mis-declaring it as Alloy Steel to avoid paying any Custom Duty.</p> <p>Discount on Secondary Goods: Pakistan imported secondary quality CRC steel at a price 11-36% lower than the global price, which could possible cause injury to its domestic CRC steel industry. “</p> <p><u>M/s Siddiqsons Tinplate Ltd.</u></p> <p>“The Applicant does not manufacture Cold Rolled Coils/ Sheets of thickness 0.30 mm and below which are being used by STPL.”</p>	<p>Please refer to paragraph 57 of the report of final determination which provides the detailed analysis of other factors in terms of Section 18(2) of the Act.</p> <p>The Applicant and International Steel Industries Limited (a supporting domestic producer) claimed that the domestic industry has the capability to produce the thickness ranging from 0.15mm – 0.30mm but it has also produced and sold to its customers including STPL and submitted evidence of such claim.</p> <p>The comments of M/s Siddiqsons Tinplate were included in the SEF circulated to all interested parties on November 25, 2016.</p> <p>The Applicant and M/s International Steel in their comments on SEF stated that they produced the CR Coils of thickness of less than 0.30mm during the POI and Siddiqsons was one of their customers. In support of their claim the Applicant and M/s International Steel provided</p>
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<p><u>Pakistan Iron and Steel Merchant’s Association</u></p> <p>“Data of current half year is not incorporated because it is not suitable for local industries. M/s Aisha Steels Mills was operating at 40% to 50% design capacity utilization due to which the cost of production was on the higher side. Nowadays M/s. Aisha Steel Mill is operating 100% capacity utilization 700 tons per day around 210000m/tons per year Further M/s. Aisha Steel Mills is going to install GP plant in their house and feasibility report under process.</p> <p>Government of Pakistan has given extra benefits to local industries for the imposition of Regulatory duty (RD) on CR products @ 10% Ad val for commercial importers While the Government of Pakistan & Chinese Government has agreed for free trade agreement. So why does the Government of Pakistan not fulfill this bilateral agreement on which Government of China has serious concerns.</p>	<p>copies of invoices of their sales made to M/s Siddiqsons Tinplate during the POI.</p> <p>The Investigation Team of NTC officers conducted On-the-Spot-Investigation at the office of the Applicant and while verifying the sales figures of the Applicant, it showed that M/s Siddiqsons Tinplate is one of their main customers of CR Coils of less than 0.30mm thickness.</p> <p>The period of investigation (POI) for injury for this investigation is April 01, 2012 to March 31, 2015</p> <p>The purpose of antidumping duties is to create level playing field whereas the regulatory duties are imposed for different purpose.</p>
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