

**ADC No. 16/2008/NTC/SQTP
Government of Pakistan
National Tariff Commission**

NOTIFICATION

Final Determination and Levy of Definitive Anti-Dumping Duties on Dumped Imports of Secondary Quality Tinplate into Pakistan Originating in and/or Exported from Belgium, France, Germany, Netherlands and USA.

The National Tariff Commission (the "Commission") initiated an anti-dumping investigation on January 16, 2009 under Section 23 of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") after establishing that the application lodged by M/s Siddiqsons Tin Plate Limited, D-53, Textile Avenue, S.I.T.E., Karachi-75700, Pakistan, (the "Applicant") has been filed by the domestic industry manufacturing Tinplate (both prime and secondary quality) of thickness of less than 0.5mm and of width of 600mm or more, (the "domestic like product") was in accordance with Sections 20 and 24 of the Ordinance. The investigation concerns dumping of secondary quality Tinplate of thickness of less than 0.5mm and of width of 600mm or more, originating in and/or exported from the Kingdom of Belgium, French Republic, Federal Republic of Germany, Kingdom of the Netherlands and the United States of America (hereinafter collectively referred to as the "Exporting Countries"), into Pakistan and material injury to the domestic industry producing domestic like product. The Commission made a preliminary determination in this case in terms of Section 37 of the Ordinance and a provisional anti-dumping duty was levied on imports of secondary quality Tinplate from the Exporting Countries at the rate ranging from 11.78% to 39.99% from July 16, 2009. In accordance with the Ordinance and the Antidumping Duties Rules, 2001 (the "Rules") the Commission has made its affirmative final determination as follows:

Exporters and Foreign Producers

The Applicant identified 20 exporters/producers involved in alleged dumping of the secondary quality Tinplate from the Exporting Countries. In terms of Sections 27 and 35 of the Ordinance, the Commission, upon initiation of the investigation sent a copy of the notice of initiation of investigation and questionnaire to all exporters/producers whose complete addresses were available with the Commission on January 21, 2009. The Commission also forwarded notice of initiation and the questionnaire to the Embassies of Exporting Countries in Islamabad with a request to forward the same to all exporters/producers of secondary quality Tinplate based in the Exporting Countries in order to respond to the Commission.

None of the exporters/producers from the Exporting Countries responded to the Commission's questionnaire. However, Corus Staal BV, a producer of investigated product in Netherlands, registered itself as interested party after initiation of investigation and provided requisite information in response to the Questionnaire on March 31, 2009.

Product under Investigation

The investigated product is secondary quality Tinplate of thickness of less than 0.5mm and of width of 600mm or more, originating in and/or exported from the Exporting Countries and is classified under Pakistan Customs Tariff classification number 7210.1210 (the "investigated product"). Raw materials used for the production of the investigated product are "Tin Mill Black Plate (TMBP)", tin ingots, and chemicals. It is used for packaging of edible oils, foodstuff, paints, petroleum products etc.

Like Product

In terms of Section 2 of the Ordinance, the examination of the information showed that the investigated product and secondary quality Tinplate produced by the domestic industry are produced with the similar raw materials and similar manufacturing process. Both have the same physical characteristics, usage, and tariff classification. Thus it is established that both the investigated product and domestic like products are "like products".

Period of Investigation (POI)

For determination of dumping and injury, the POI is as follows:

For determination of dumping:	From July 1, 2007 to June 30, 2008
For determination of material injury:	From July 1, 2005 to June 30, 2008

Determination of Dumping

Normal value and export price of the investigated product for the exporters/producers from the Exporting Countries (except for Corus Staal BV, Netherlands, who provided information on questionnaire) has been determined on the basis of best available information pursuant to Section 32 and Schedule to the Ordinance.

Dumping Margin

The dumping margin for Corus Staal BV, Netherlands has been calculated in accordance with Section 12(1) of the Ordinance by comparing the weighted average normal value at ex-factory level, whereas for all exporters/producers from the Exporting Countries the dumping margins have been determined on the basis of the best information available with the Commission expressed as percentage of weighted average C&F export price. The dumping margins thus calculated are given below:

Exporting Countries	Dumping Margin as % of Export Price
Belgium	28.62
France	31.31
Germany	23.73
Netherlands	
i) Corus Staal BV	23.96
ii) All Others Rate	39.99
USA	11.78

Injury to the Domestic Industry

Injury to the domestic industry has been determined in accordance with Section 15 and 17 of the Ordinance. The injury analysis carried out by the Commission shows that the domestic industry suffered material injury during the POI on account of, significant increase in the volume of dumped imports, price undercutting, price depression, price suppression, decline in market share, production, capacity utilization, sales, profits, return on investment and negative effect on cash flow.

The Commission has therefore, determined that the domestic industry suffered material injury during the POI due to dumped imports from the exporting countries.

Injury Factors other than Dumped Imports

The Commission has also examined factors other than dumped imports, which were causing injury to the domestic industry. Analysis showed that the domestic industry also suffered some injury due to imports of secondary quality Tinplate from sources other than the dumped source during the POI. However, injury caused by such other factors is not significant.

Imposition of Definitive Anti-dumping Duty:

In reaching this affirmative final determination, the Commission is satisfied that the investigated product has been imported into Pakistan at dumped prices. This has caused material injury to domestic industry, producing like product, during the POI. In terms of Section 50 of the Ordinance, the Commission is required to impose definitive anti-dumping duty on dumped imports of the investigated product equal to dumping margin. Therefore, anti-dumping duties at the rate of 11.78% to 39.99% on C&F value in ad val. terms are imposed on all imports of secondary quality Tinplate importable from the Exporting Countries for a period of five years effective from July 16, 2009:

Exporting Countries	Definitive Anti-Dumping duties in percentage
Belgium	28.62
France	31.31
Germany	23.73
Netherlands	
i) Corus Staal BV	23.96
ii) All others Rate	39.99
USA	11.78

The definitive anti-dumping duties shall be held in a Non-lapsable PLD Account No. 187 with Federal Treasury Office Islamabad. The anti-dumping duties would be collected in the same manner as customs duty under the Customs Act, 1969 (IV of 1969) and would be in addition to taxes and duties due otherwise under any other law.

Disclosure meeting: Pursuant to Rule 16 of the Rules, the exporters/foreign producers of the investigated product may request for a disclosure meeting within 15 days of the date of publication of this notice.

Further Information

A non-confidential version of the report of final determination has been placed on public file established and maintained by the Commission. It has also been posted on the Commission's website: www.ntc.gov.pk. The public file shall be available to interested parties, registered with the Commission for the purposes of this investigation, for review and copying from Monday to Thursday between 1100 hrs to 1300 hrs (except public holidays).

Authority Under Law

This investigation has been conducted under the Ordinance (No. LXV of 2000). This notice is published pursuant to Section 39 of the Ordinance.

By the order of the Commission.

(Imran Zia)
Director
November 14, 2009