

ADC No. 47/2016/NTC/PA
Government of Pakistan
National Tariff Commission

Notice of Final Determination
in Anti-dumping Investigation on Dumped Imports of Phthalic Anhydride
Into Pakistan Originating in and/or Exported From Russian Federation

The National Tariff Commission (the "Commission") initiated an anti-dumping investigation on December 03, 2016, under Section 23 of the Anti-Dumping Duties Act, 2015 (the "Act") after establishing that the application lodged by Nimir Chemicals Pakistan Limited, Lahore (the "Applicant"), on behalf of domestic industry producing Phthalic Anhydride ("PA") was in accordance with Sections 20 and 24 of the Act. The investigation concerns dumping of PA, originating in and/or exported from the Russian Federation ("Russia") into Pakistan and material injury caused therefrom to the domestic industry producing PA. The Commission made a preliminary determination in this case in terms of Section 37 of the Act on May 31, 2017. In accordance with provisions of the Act, and Anti-Dumping Duties Rules, 2001 (the "Rules"), the Commission has, after investigation, made negative final determination in this case as follows:-

Product under Investigation: The product being dumped into Pakistan is PA originating in and/or exported from Russia and is classified under Pakistan Customs Tariff Headings No. 2917.3500 (the "investigated product").

Period of Investigation (POI): For determination of dumping and injury, the POI is fixed as follows:

For determination of dumping: From October 1, 2015 to September 30, 2016

For determination of injury: From October 1, 2013 to September 30, 2016

Determination of Dumping: The normal value and export price of PA has been determined on the basis of best information available in terms of Section 32 and schedule of the Act, as none of the exporter/foreign producer from Russia provided the requisite information to the Commission. Dumping margin is 13.87 percent of C&F price for exporters/foreign producers from Russia.

Injury to the domestic industry: Injury to the domestic industry has been determined in accordance with Part VI of the Act. The Commission has established that despite increase in volume of dumped imports and price undercutting, the domestic industry was able to increase its sales and profits during the POI, which clearly reveal that the dumped imports of the investigated product were not the reason for the injury to the domestic industry. It was noted by the Commission that the Applicant is selling a major portion of the domestic like product to its related party at a price which does not even cover its cost to make and sell. The Commission is of the view that this practice of the domestic industry is a major source of injury. In case a major portion of the sales of domestic like product is sold to related party at a fair price (which covers cost to make and sell and reasonable profit), the state of domestic industry must have been quite better

Conclusion of investigation without imposition of measures:-: In reaching this final determination, in view of the analysis and conclusions with regard to dumping, material injury, and causation, the Commission has decided to conclude this investigation without imposition of measures under Section 42 of the Act.

Authority under Law: This notice is published pursuant to Section 42 of the Act by order of the Commission.

Ali Muhammad Shah
Secretary
December 16, 2017

