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PART III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN
NATIONAL TARIFF COMMISSION

NOTIFICATION

Islamabad, the 6th November, 2023

Decision of the National Tariff Commission Pursuant to Remand Order dated December 20, 2022 by the Antidumping Appellate Tribunal Regarding Antidumping Investigation against Dumped Imports of Polyester Filament Yarn (PFY) into Pakistan Originating in and /or Exported from the People's Republic of China and Malaysia

ADC No. 46/2015/NTC/PFY.—The National Tariff Commission (the “Commission”) initiated an anti-dumping investigation on February 27, 2016, under Section 23 of the Anti-Dumping Duties Act, 2015 (the “Act”) after establishing that the application lodged by M/s Gatron Industries Limited, Karachi and

(2629)

Price: Rs. 6.00

[2142(2023)/Ex. Gaz.]

Rupali Polyester Limited, Lahore (the “Applicants”), on behalf of domestic industry producing Polyester Filament Yarn (“PFY”), was in accordance with Sections 20 and 24 of the Act. The Commission made final determination in this investigation under Section 39 of the Act on August 25, 2017. Pursuant to the Final Determination made by the Commission, importers and exporters of PFY being aggrieved of the imposition of antidumping duties, filed appeals before the Anti-Dumping Appellate Tribunal (“the Tribunal”) under Section 70 (1) (ii) of the Act.

The Tribunal remanded the case back to the Commission to re-investigate the matter strictly in accordance with the law vide its order dated December 03, 2021. In pursuance of the Tribunal’s order dated December 3, 2021, the Commission re-investigated the matter to the extent of re-determination of dumping margins and carried out the causation analysis of other known factors and issued a Final Determination dated January 25, 2022 and imposed definitive antidumping duties ranging from 2.78 percent to 6.82 percent on the dumped imports of the investigated product from China and Malaysia (the “Exporting Countries”) till August 25, 2022.

The Commission’s determination dated January 25, 2022 pursuant to Remand Order dated December 3, 2021 of the Tribunal was again challenged by numerous importers of PFY before the Tribunal. The Tribunal, after hearing the parties, vide its judgment dated December 20, 2022, remanded the case to the Commission with the direction for de-novo consideration after hearing the appellants.

The Commission, consequent upon its constitution on September 4, 2023, conducted a hearing on September 19, 2023 and made the following decision:

Product Under Investigation:

A sunset review in this case was initiated on August 24, 2022. In the sunset review the scope of the product under review has been changed and now it consists of Drawn Textured Yarn (DTY) only, excluding Fully Drawn Yarn (FDY) and colored PFY. Therefore, the analysis of the Commission in the original investigation for both FDY and DTY is not maintainable.

Effects on Determination of Dumping, Injury and consequent causation analysis by excluding FDY

The effect of the Commission’s decision to exclude FDY from the scope of the investigated product, the earlier determination of dumping margins as well as determination of injury are not representative for consequent causation analysis.

Presently, the domestic industry is reasonably protected by way of customs duty and regulatory duty. Nevertheless, the domestic industry still has right to file a fresh application containing the requisite data /information of DTY only, for imposition of antidumping duties to remedy unfair trade practice of exporters /foreign producers of PFY, if any.

Termination of Antidumping Investigation

In view of the above, the Commission has decided to terminate the anti-dumping investigation and imposition of antidumping duties against dumped imports of PFY from China and Malaysia

This issues with the order of the Commission.

ALI MUHAMMAD SHAH,
Secretary, NTC.