

ADC No. 07/2005/NTC/PFY/NR/10
National Tariff Commission
Government of Pakistan

Notice of Initiation of Newcomer Review of Definitive Antidumping Duties Imposed on Dumped Imports of Polyester Filament Yarn Originating in and/or Exported from Indonesia, Korea, Malaysia and Thailand

The National Tariff Commission (the "Commission") received an application under Section 60 of Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") on June 01, 2010 from M/s TK Chemical Corporation, 14th Floor Singsong Centre Building, 25-12 Yoido-dong, Youngdungpo, Seoul, South Korea (the "Applicant"), exporter of Polyester Filament Yarn ("PFY"), requesting the Commission to determine individual dumping margin for its exports of PFY to Pakistan.

Existing Anti-dumping Duty

Earlier, upon request of the domestic industry, the Commission had conducted an anti-dumping investigation on dumped imports of PFY originating in and/or exported from the Republic of Indonesia ("Indonesia"), Republic of Korea ("Korea"), Malaysia, and the Kingdom of Thailand ("Thailand") (collectively referred as "Exporting Countries") in the year 2005 (A.D.C No. 07/2005/NTC/PFY). The Commission made an affirmative final determination of dumping of PFY and material injury to the domestic industry on March 17, 2006 and imposed definitive anti-dumping duties on dumped imports of PFY originated in and/or exported from the Exporting Countries, ranging from zero percent to 29.68 percent. The Applicant is liable to pay 6.92 percent anti-dumping duty on its export of PFY to Pakistan.

Grounds for Newcomer Review under Section 60 of the Ordinance

The Applicant has stated that: (i) it did not export PFY to Pakistan during the period of investigation (from January 1, 2004 to December 31, 2004), on basis of which the anti-dumping duty was imposed; (ii) it is not related to any exporter or producer who is subject to anti-dumping duty; and (iii) it exported PFY into Pakistan after imposition of anti-dumping duty on the investigated product.

Product under Review

The product under review is Polyester Filament Yarn produced and exported by the Applicant. The product under review is an industrial raw material, mainly used in the manufacturing of art silk fabrics and garments. The product under review is classified under Pakistan Customs Tariff ("PCT") Heading Nos. 5402.3300 and 5402.4700.

Initiation of Newcomer Review

Upon examination of the applications, the Commission hereby initiates a review pursuant to Section 60(2) of the Ordinance to determine that:

- (i) the Applicant has not exported product under review to Pakistan during the original POI;
- (ii) the Applicant is not related to any of the exporters or producers who are subject to the anti-dumping duty imposed by the Commission following the original investigation;
- (iii) the Applicant has exported product under review to Pakistan in commercial quantities after imposition of definitive anti-dumping duty on PFY originating in and/or exported from the Exporting Countries to Pakistan; and
- (iv) individual dumping margin for the Applicant.

Period of Review ("POR")

POR for determination of individual dumping margin for the Applicant is from July 1, 2009 to June 30, 2010

Investigation Schedule

Date of initiation of Review: The date of publication of this notice in the press in Pakistan
Date of Completion of the Review: Within six months of the date of publication of notice of initiation of review, but in any event not later than twelve months in accordance with Section 60(1) of the Ordinance

Requirement of Security Cash Deposit

Imports of PFY from the Applicant shall be liable a cash deposit in the amount equal to the residual anti-dumping duty rate of 6.92% *ad val*, determined pursuant to sub-section (5) of section 51 of the Ordinance on its exports to Pakistan to ensure that, should the determination of review results in an affirmative dumping margin with respect to the Applicant, anti-dumping duty can be levied retroactively from the date of initiation of the review. The reason for collection of such cash deposit is that during the review no anti-dumping measures shall be imposed on imports from the Applicant pursuant to Section 60(3) of the Ordinance. The cash deposit would be collected in the same manner as definitive anti-dumping duty being collected by the Federal Board of Revenue in accordance of the Commission's notification dated March 30, 2007 and will be deposited in the Commission's Non-lapsable PLD Account No. 187 with Federal Treasury Office, Islamabad.

Interested Parties

Interested parties, as defined in Section 2(j) of the Ordinance, are requested to identify themselves to the Secretary, National Tariff Commission, State Life Building No. 5, Blue Area, Islamabad, Tel: +9251-9202839 Fax: +9251-9221205 not later than 10 days of the publication of this notice. An interested party applying for registration with the Commission in this review should submit; the name of the company, its line of business, name of authorized person, address, telephone number and fax number.

All interested parties are invited to make their views/comments known to the Commission, and to submit information and documents (if any) not later than 30 days of the date of publication of this notice in the press in Pakistan. All data and information in this regard should be submitted to the Secretary of the Commission.

Hearing

Any interested party may, if it so wishes, request a hearing in accordance with Rule 14 of the Anti-Dumping Duties Rules 2001 (the "Rules") within 45 days of the publication of this notice by contacting Secretary of the Commission.

Use of Best Information Available

Where any interested party refuses or otherwise does not provide the required information within the prescribed time limit or significantly impedes the review, conclusion of the review by the Commission will be made on the basis of best information available in accordance with Section 32 of the Ordinance and the Schedule appended the Ordinance.

Public File

In accordance with Rule 7 of the Anti-Dumping Duties Rules, 2001, the Commission has established and maintained a public file at its offices, which shall be available to the interested parties for review and copying from Monday to Thursday (except public holidays) between 1100 hours to 1300 hours throughout the review.

Further Information

For further information please contact, Director, National Tariff Commission, Tel: +92 51 9218961, Fax: +92 51 9221205. General information may also be obtained by accessing the Commission's official website www.ntc.gov.pk

By order of the Commission.

(Muhammad Shahid)
Secretary
September 27, 2010