

08/2005/NTC/PA/SR/10
National Tariff Commission
Government of Pakistan

Notice of Initiation of Review of Definitive Anti-Dumping Duty levied on Dumped Imports of Phthalic Anhydride into Pakistan Originating in and / or Exported From India

The National Tariff Commission (the "Commission") received an application for review under Section 58(3) of the Anti-Dumping Duties Ordinance, 2000 (the "Ordinance") on January 11, 2010 from Nimir Chemicals Pakistan Limited, (the "Applicant"), a domestic producer of Phthalic Anhydride ("PA"). This application was made following the publication (published in national press and official Gazette on November 12, 2010) of a notice of impending expiry of definitive anti-dumping duty levied on dumped imports of PA into Pakistan originating in and/or exporting from the Republic of India. The Applicant has alleged that expiry of anti-dumping duty on PA would likely to lead to continuation or recurrence of dumping of PA and injury to the domestic industry producing PA.

Product under Review

The product under review is Phthalic Anhydride (PA) originating and/or exported from India. It is classified under PCT no. 2917.3500. The product under review is used in production of plasticizers, alkyd resins, polyester resins, dyes and pigments etc.

Anti-dumping Duty in force

The Commission initiated an anti-dumping investigation against dumping of PA from India into Pakistan on August 11, 2005. The Commission imposed definitive anti-dumping duty on all exporters/producers from India @ 10.94% for a period of five years with effect from February 13, 2006.

Application/Basis for Review

The Applicant has claimed that the expiry of anti-dumping duty on PA would lead to likely recurrence of dumping of PA, and injury to the domestic industry. The Applicant is of the view that if anti-dumping duty is removed, dumped imports from India would resume, which reduced to zero due to imposition of anti-dumping duty. This would lead to recurrence of material injury to the domestic industry, mainly, by way of: decline in sales, decline in profit, decline in output, decline in market share, decline in utilization of production capacity, decline in productivity, decline in return on investment, negative effect on cash flow and employment, negative effect on wages and growth and negative effect on ability to raise capital or investment.

Initiation of Review

The Commission hereby initiates a review pursuant to Section 58(3) of the Ordinance to determine whether the expiry of the anti-dumping duty imposed on PA would likely to lead to continuation or recurrence of dumping and injury, or not.

Level of Anti-dumping Duty

If the Commission determines, as a result of this review, that there is likely continuation and or/recurrence of dumping of the product under review and injury to domestic industry, level of definitive anti-dumping duty would be re-determined.

Continuation of Anti-dumping Duty

In terms of Section 58(3) of the Ordinance, the anti-dumping duty imposed on dumped imports of PA from India will remain in-force pending the outcome of the review.

Period for Review (POI)

The sunset review would be conducted on the basis of information of last three years. The dumping margin would be determined on the data for one year from 1st January to 31st December 2010.

Schedule of Review

Date of initiation of review:
Date of conclusion of review:

The date of publication of this notice in the press in Pakistan
Within twelve months of the date of publication of notice of initiation of the review.

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: +9251-9218963 Fax: +9251-9221205 not later than 10 days after 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 45 days of the date of publication of this notice in the press in Pakistan. All data and information regarding this investigation should be submitted to the Secretary of the Commission.

Hearing

Any party as defined in Section 2(j) of the Ordinance may, if it so wishes, request a hearing in accordance with Rule 14 of the Rules within 45 days of the publication of this notice by contacting Secretary, National Tariff Commission, State Life Building No.5, Blue Area, Islamabad. Telephone No. +92-51-9218963. Fax No. +92-51-9221205

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, the Commission will make its determination on the basis of best information available in accordance with Section 32 of the Ordinance and the Schedule appended thereto.

Public File

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

Further Information

For further information please contact, Director, National Tariff Commission, Tel: +9251-9218968, Fax: +92-51-9221205. General information may also be obtained by accessing the Commission's official website www.ntc.gov.pk.

By the order of the Commission.

(Muhammad Shahid)
Director General
February 12, 2011