

ADC No. 46/2016/NTC/PFY/NR/2020
National Tariff Commission
Government of Pakistan

Notice of Termination of Newcomer Review of Definitive Antidumping Duties Imposed on Dumped Imports of Polyester Filament Yarn from People’s Republic of China and Malaysia

The National Tariff Commission (the “Commission”) has initiated a newcomer review on February 21, 2020 after establishing that the application lodged by M/s Suzhou Rusheng Chemical Fiber Co., Ltd, Jiangsu China (the “Applicant”) was *prima facie* in accordance with requirements of Section 60 of the Anti-Dumping Duties Act, 2015 (the “Act”). The newcomer review was concerned with definitive antidumping duties imposed on dumped imports of Polyester Filament Yarn (“PFY”) originating in and /or exported from People’s Republic of China and Malaysia (the “Exporting Countries”). In accordance with the provision of the Act and the Antidumping Duties Rules, 2001 (the “Rules”), the Commission has determined the following in this review:

Anti-dumping Duties In-Force:

The Commission imposed anti-dumping duties on dumped imports of PFY produced and/or exported from the People’s Republic of China and Malaysia (“the Exporting Countries”) to Pakistan ranging from 3.25 percent to 11.35 percent with effect from August 25, 2017 for a period of five years.

Product Under Review:

The product under review is PFY, excluding coloured PFY. It is classified under Pakistan Customs Tariff (“PCT”) Heading Nos. 5402.3300 (Drawn Textured Yarn), 5402.4700, (Fully Drawn Textured Yarn) and 5402.6200 (Multiple (folded) or cabled PFY in two or three ply) imported from the Exporting Countries. Product under review is mainly used as raw material in the manufacturing of art silk fabrics and other fabrics.

Period of Review:

January 01, 2019 to December 31, 2019

Imports of the Product under Review:

The Commission’s investigation has revealed that the Applicant did not export the product under review during original period of investigation (“POI”). The Applicant started exporting product under review to Pakistan in the Year 2019. As per the information submitted by the Applicant and obtained from PRAL, the Applicant exported 159.43 MT of the product under review to Pakistan during the POR.

Determination of *Bona fide* Exporter/Exports:

On the basis of information gathered, the Commission cannot convincingly conclude that the Applicant was bona fide exporter of the product under review.

Individual Dumping Margin for the Applicant:

The Commission has not determined individual dumping margin for the Applicant due to the following reasons:

- i. Non provision of grade wise domestic sales
- ii. Lack of provision of documentary evidence in support of adjustments claimed in domestic and export sale transactions.

Termination of Newcomer Review:

The Commission initiated this newcomer review to determine individual dumping margin for the Applicant. However, after this newcomer review, the Commission has concluded that the Applicant individual dumping margin cannot be determined. This newcomer review thus stands terminated.

Antidumping Duty Applicable to the Applicant:

As the Commission has not determined individual dumping margin for the Applicant, residual antidumping duty at the rate of 11.35% percent *ad valorem*, determined in the original investigation is maintained and would be applicable on exports of the product under review into Pakistan by the Applicant.

Retroactive Application of Anti-dumping Duty:

In notice of initiation of this newcomer review, in accordance with Section 60(3) of the Act, no anti-dumping was imposed on imports of the product under review exported by the Applicant, whilst this newcomer review was

being carried out. However, importers of the product under review were required to make a cash deposit equal to the residual anti-dumping duty rate. 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.

Since the Commission has terminated this newcomer review, residual antidumping duty at the rate of 11.35 percent *ad valorem* on Applicant's exports is levied retroactively with effect from February 21, 2020 under Section 60(3) of the Act on imports of the product under review after initiation of this newcomer review.

In accordance with Section 51 of the Act, the residual anti-dumping duty shall be held in a non-lapsable personal ledger account established and maintained by the Commission for this purpose. Release of the product under review for free circulation in Pakistan shall be subject to imposition of such residual anti-dumping duty.

Residual anti-dumping duty levied would be in addition to other taxes and duties leviable on import of the product under review under any other law. Residual anti-dumping duty would be collected in the same manner as customs duty is collected under the Customs Act, 1969 (IV of 1969) and would be deposited in Commission's Non-lapsable PLD account No. 187 with Federal Treasury Office, Islamabad.

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 between 1100 hours to 1300 hours throughout the review.

Further Information

For further information please contact, Director Investigation-I, National Tariff Commission, Tel: +92-51-9212521, Fax: +92-51-9221205. General information may also be obtained by accessing the Commission's official website www.ntc.gov.pk

Issued by order of the Commission.

Ali Muhammad Shah
Secretary
February 19, 2021