

ADC No. 22/2012/NTC/SR-II/2020
National Tariff Commission
Government of Pakistan

Notice of Conclusion of Sunset Review and Termination of Anti-dumping Duties Imposed on Dumped Imports of BOPP Film Originating in and/or Exported from China, Oman, Saudi Arabia and United Arab Emirates

The National Tariff Commission (the "Commission") on July 27, 2020, initiated second sunset review of antidumping duties imposed on dumped imports of Biaxially Oriented Poly Propylene ("BOPP") Film originating in and /or exported from People's Republic of China, Sultanate of Oman, Kingdom of Saudi Arabia and United Arab Emirates (the "Exporting Countries"), after establishing that the application lodged by M/s Tri-Pack Films Limited, Karachi (the "Applicant") a domestic producer of BOPP Film, which was *prima facie* in accordance with requirements of Section 58 of the Anti-Dumping Duties Act, 2015 (the "Act"). Pursuant to Section 58(3) of the Act, the antidumping duties shall remain in force pending the outcome of Sunset Review.

Anti-dumping Duties In-Force:

The Commission initiated an anti-dumping investigation against dumped imports of BOPP Film from the Exporting Countries into Pakistan on April 12, 2010. The Commission imposed definitive anti-dumping duties ranging from 22.95 percent to 57.09 percent ad val on dumped imports of BOPP Film on all exporters/producers from the Exporting Countries for a period of three years with effect from August 15, 2012. The Commission continued with the imposition of the antidumping duties @ 22.95% to 57.09% against dumped imports of BOPP Films from the Exporting Countries for another period of five years on the conclusion of first Sunset Review on December 06, 2015.

Product Under Review:

The product under review is BOPP Film of a thickness of eight (08) microns or above, excluding capacitor grade BOPP Film originating in and/or exported from the Exporting Countries. It is classified under Pakistan Customs Tariff classification No. 3920.2010 (BOPP plain Film), and 3920.2030 (BOPP metalized Film).

Period of Review:

The POR for this sunset review was from January 01, 2017 to December 31, 2019.

Termination of Definitive Antidumping Duties:

The United Arab Emirates challenged the imposition of the antidumping duties on dumped imports of BOPP Film exported by the exporters /producers of UAE in the WTO Dispute Settlement Body (DSB). The WTO Panel issued its report in Case No. WT/DS538/R on January 18, 2021 and gave its findings with regard to the Final Determination in the original investigation and first sunset review conducted by the Commission. The Panel held that there was a significant temporal gap of two years between the POI and initiation of original investigation. The Commission based its final determination on an outdated POI and evidence of dumping and injury. Due to the existence of such temporal gap, the Panel determined that Pakistan's determination was inconsistent with various Articles of the Agreement on Antidumping.

Panel also held that Pakistan had acted inconsistently with Article 5.3 because such temporal gap had prejudiced the accuracy and adequacy of the evidence provided for initiation of the investigation. The Panel found that Pakistan acted inconsistently with Articles 2.1, 2.2, 2.2.1, 2.2.2, 3.2, 5.1, 5.3, 5.8, 5.10, 9.1, 9.3, 11.1 and 11.4 of the Agreement on Antidumping and may withdraw the antidumping measures on imports of BOPP Film to bring its measures into conformity with its obligations under the Agreement on Antidumping.

The Commission notes that proceedings of the second sunset review are based on the original investigation and first sunset review. To implement the recommendation of WTO Panel regarding original investigation and first sunset review, the Commission has decided to terminate antidumping duties imposed on imports of BOPP Film originating in/and or exported from the Exporting Countries.

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
July 16, 2021