

**ADC No. 54/2018/NTC/ABC**  
**Government of Pakistan**  
**National Tariff Commission**

**Notice of Final Determination and Levy of Definitive Anti-Dumping duties on dumped Imports of Aluminium Beverage Cans into Pakistan originating in and/or Exported from Jordan, Sri Lanka and UAE**

The National Tariff Commission (the “Commission”) initiated an anti-dumping investigation on November 01, 2018, under Section 23 of the Anti-Dumping Duties Act, 2015 (the “Act”) after establishing that the application lodged by M/s Pakistan Aluminium Beverage Cans Limited (the “Applicant”), on behalf of domestic industry producing Aluminium Beverage Cans (“Cans”) was in accordance with Section 20 and 24 of the Act. The Commission made final determination in this investigation under Section 39 of the Act on February 20, 2020. Pursuant to the Final Determination made by the Commission, the Applicant being aggrieved of the negative final determination, filed an Appeal No. 349 of 2020 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 for de novo determination strictly in accordance with the law. Relevant concluding paragraph of the Tribunal’s judgment dated June 25, 2021 is reproduced below:

*“Thus having discussed as above, we are of the view that the Commission’s findings and conclusion are not consistent with facts and law. Accordingly, the Final Determination impugned herein dated 20.02.2020 is not affirmed and the matter is remanded to the Commission for de novo determination strictly in accordance with the law”*

In the light of the above Judgment, the Commission has determined the following on definitive basis:-

**Product under Investigation:** The product being dumped into Pakistan is Aluminium Beverage Cans of capacities 250 ml to 300 ml imported from Jordan, Sri Lanka and UAE classified under Pakistan Customs Tariff (“PCT”) Heading Nos. 7612.9010 and 7612.9030 (the “investigated product”). Basic raw material used for the production of the investigated product is Aluminium Coil.

**Period of Investigation (POI):** For determination of dumping and injury, the POI is as follows:

For determination of dumping:	From September 01, 2017 to June 30, 2018
For determination of material retardation of establishment of domestic industry:	From September 01, 2017 to June 30, 2018

**Determination of Dumping:** Individual dumping margin in this final determination was determined for Ceylon Beverage Cans, Sri Lanka on the basis of the information provided by it. For determination of dumping margin for the exporters/foreign producers of Jordan and UAE, the Commission has relied on the information provided by the co-operating exporter of Sri Lanka and data obtained from Pakistan Customs.

**Injury to the domestic industry:** The Commission, on definitive basis, established that domestic industry has not been established yet and could not achieve commensurate market share. Its establishment was materially retarded during the POI due to dumped imports, price undercutting, price depression, profit and profitability, output, capacity utilization, return on investment, negative effects on inventories, negative effects on cash flows, negative effects on ability to raise capital and forced reduction in prices.

**Imposition of Definitive Anti-Dumping Duties:** In reaching this final determination, the Commission is satisfied that the investigated product has been imported at dumped prices. Therefore, the Commission is required to impose antidumping duty on dumped imports under Section 50 (1) of the Act. Further, for the purpose of imposition of lesser duty in terms of Section 50 (2) of the Act, the Commission has calculated injury margin to ascertain whether a lower duty would be adequate to remove injury being suffered by the domestic industry due to dumped imports of the investigated product from the Exporting Countries. However, the injury margin worked out by the Commission is higher than the dumping margins. The Commission has therefore, decided to impose antidumping duties on the basis of dumping margins. The Commission, pursuant to the powers conferred upon it under Section 50 of the Act, has decided to impose definitive anti-dumping duties at the rates mentioned below on C&F value in *ad val.* terms on imports of Aluminum Beverage Cans of capacities 250 ml to 300 ml falling under PCT Nos. 7612.9010 & 7612.9030 importable from the Exporting Countries. Hence, antidumping duties shall be applicable from the date of publication of this notice in the newspaper till February 19, 2025 on the following exporters/producers:-

**Definitive Antidumping Duty Rates**

Exporting Country	Exporter/Foreign Producer	Definitive Antidumping Duty Rates (%)
Sri Lanka	Ceylon Beverage Cans	23.24
	All other Exporters/ Foreign Producers	23.24
Jordan	All Exporters/Foreign Producers	26.54
UAE	All Exporters/Foreign Producers	22.06

**Authority under Law:** This notice is published pursuant to Section 39 of the Act by order of the Commission.

**(Mahmood Alam)**  
**Deputy Director**  
December 30, 2021