



**Government of Pakistan  
National Tariff Commission**

**FINAL DETERMINATION AND LEVY OF DEFINITIVE ANTIDUMPING DUTIES  
ON IMPORTS OF POLYESTER FILAMENT YARN (PFY) INTO PAKISTAN  
ORIGINATING IN AND/OR EXPORTED FROM THE PEOPLE'S REPUBLIC OF  
CHINA AND MALAYSIA.**

**A.D.C No.46/2016/NTC/PFY**

**January 25, 2022**

**Final Determination and Levy of Definitive Antidumping Duties on Dumped Imports of Polyester Filament Yarn  
Originating in and/or Exported from China and Malaysia**

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**Introduction:**

The National Tariff Commission (hereinafter referred to as the “Commission”) having regard to the Anti-Dumping Duties Act, 2015 (hereinafter referred to as the “Act.”) and the Anti-Dumping Duties Rules, 2001 (hereinafter referred to as the “Rules”) relating to investigation and determination of dumping of goods into the Islamic Republic of Pakistan (hereinafter referred to as “Pakistan”), injury to the domestic industry caused by such imports, and imposition of anti-dumping duties to offset the impact of such injurious dumping, and to ensure fair competition thereof and to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the “Agreement on Anti-dumping”).

2. The Commission had conducted an investigation against alleged dumping of Polyester Filament Yarn (“PFY”) into Pakistan originating in and/or exported from China and Malaysia (the “Exporting Countries”), under the Act and the Rules. The Commission made final determination in this investigation under Section 39 of the Act. The report of final determination had been issued in accordance with Section 39(5) of the Act and Article 12.2 of the Agreement on Antidumping on August 25, 2017.

3. In the Final determination dated August 25, 2017, the Commission concluded that:-

- (1) the application was filed on behalf of the domestic industry as the Applicants represented 69% of the domestic production. Application was supported by 100% of the producers who were expressing their opinion on application;
- (2) the investigated product and the domestic like product were like products;
- (3) the volume of dumped imports of the investigated product and the dumping margins established for the exporters/producers of the investigated product from the Exporting Countries were above the negligible and *de minimis* levels respectively.
- (4) the domestic industry suffered material injury during the POI on account of increase in volume of dumped imports, price undercutting, decline in production, decline in sales, decline in market share, negative effect on productivity and wages, decline in profits and negative effect on return on investment in terms of Section 15 and 17 of the Act; and
- (5) there was a causal relationship between dumped imports of the investigated product and the material injury suffered by the domestic industry.
- (6) The Commission was of view that injury to the domestic industry was material to justify imposition of definitive measures. Therefore, definitive measures were recommended.

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4. The Commission was satisfied that the investigated product was imported at dumped prices from the Exporting Countries. This had caused material injury to domestic industry during the POI.
5. The Commission imposed definitive antidumping duties ranging from 3.25 percent to 11.35 percent on the dumped imports of the investigated product importable from the Exporting Countries for a period of five years effective from August 26, 2017. The definitive antidumping duty rates were determined on C&F value in *ad val.* terms. Definitive antidumping duties at C&F value were equivalent to the final dumping margins determined at ex-factory price level. The dumped investigated product was classified under PCT heading No. 5402.3300, 5402.4600 and 5402.6600 excluding colored PFY.
6. Pursuant to the Final Determination made by the Commission, importers of PFY namely M/s Pakistan Yarn Merchants Association (“PYMA”) (Appeal No. 220 of 2017), M/s Fabtex International, M/s Naveed Industries, M/s J.K Traders, M/s M. Imran, M/s Western Silk Mills, M/s A.B. International Agency, M/s Yarn Solution (Appeal No. 224 of 2017), M/s Apparel Merchandising Industries, M/s Rizwan Traders, M/s Sharif & Co. (Appeal No. 225 of 2017), M/s Dua Industries, M/s ZIF Agencies, M/s Mohammad Salman (Appeal No. 222 of 2017) and exporters of PFY namely M/s Suzhou Shenghong Fiber Co. Ltd., M/s Jiangsu Zhonglu Technology Development Co. Ltd., M/s Jiangsu Guowang High-Technique Fiber Co. Ltd., (Appeal No. 219 of 2017), M/s Recron (Malaysia) SDN. BHD., (Appeal No. 221 of 2017), M/s Zhejiang Hengyi Petrochemicals Co. Ltd., (Appeal No. 226 of 2017), M/s Tongkun Group Company Limited, M/s Tongkun Group Zhejiang Hengsheng Chemical Fiber Co. Ltd., (Appeal No. 227 of 2017), and M/s Fujian Jinlun High-Tech Fiber Co. Ltd., (Appeal No. 223 of 2017) being aggrieved of the imposition of antidumping duties, filed aforementioned appeals before the Anti-Dumping Appellate Tribunal (“The Tribunal”) under Section 70 (1) (ii) of the Act.
7. The Tribunal heard the parties in appeals wherein various issues were discussed. The Tribunal bifurcated its judgment into two parts, first was related to importer’s appeals and second part related to exporter’s appeals. In part one of judgment, the Hon’ble Tribunal framed five issues and gave its findings on every issue separately. The **issues framed by the Tribunal** and respective findings are summarized as follows:

**ISSUE NO. 1**

***Whether the NTC acted inconsistently with the ADD Act while defining the ‘domestic like product’, ‘investigated product’ and ‘like product’?***

- (1) The Tribunal held that the investigating authority was not bound to identify product under consideration (investigated product) as there were no guidelines provided

in the ADD Act as well as in the Anti-Dumping Agreement and we were of the view that the NTC did not violate any provision of law by combining three sub-groups of PFY in a single investigation. We noticed that the NTC had used weighted average for computation of antidumping duty, therefore, combining or separating DTY and FDY into one or two investigations had no impact on the decision in any way.

**ISSUE No. 2**

***Whether the NTC examined the standing of the Applicants as domestic industry in accordance with the provisions of the ADD Act?***

(2) Tribunal took into account the percentage share of each domestic manufacturer in total production and noted that as per relevant provision of the law, an application made by or on behalf of the domestic industry must have the support of domestic producer who constituted fifty percent share of the domestic production. It was evident from the share of the Applicants that they held 69 percent share in total domestic production, and this fulfilled the requirement of section 24(1) of the ADD Act.

**ISSUE NO. 3**

**Whether the timeline provided in section 29 of the ADD Act was directory or mandatory in nature?**

(3) The Tribunal relied on the earlier judgment in appeal No. 13 of 2013 where it was held that,

“A careful reading of the above rule reflects that neither any penalty nor any consequence has been provided in case of non-compliance. It is well settled that provision would be considered mandatory in nature where the legislature has provided a penalty or consequence of non compliance .....”

(4) The Tribunal followed same reasoning in Appeal No. 216 of 2017 and adhered to the earlier precedent in this appeal as well.

**ISSUE NO. 4**

**Whether the injury analysis made by the NTC of the investigated product was based on ‘objective examination’ of all relevant evidence?**

(5) The Tribunal held that the domestic industry in their financial statements had listed certain factors hurting their business. All of these could not be categorized as

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‘inherent factors’ to the domestic industry that remained unchanged during the period considered by the authority for the purpose of its injury analysis. The appellants cited inventory losses due to volatility in the international prices of PTA & MEG, decline in sales due to higher input cost, the abnormal increase in GIDC through Finance Act, 2015, currency devaluation resulting in escalation of cost etc., etc. In order to see that investigating authorities, applying Article 3.5, were able to ensure that the injurious effects of the other known factors were not “attributed” to dumped imports, they must appropriately assess the injurious effects of those other factors. Logically, such an assessment must involve separating and distinguishing the injurious effects of the other factors from the injurious effects of the dumped imports. If the injurious effects of the dumped imports were not appropriately separated and distinguished from the injurious effects of the other factors, the authorities will be unable to conclude that the injury they ascribed to dumped imports was actually caused by those imports, rather than by the other factors. Between injury and dumping margins there was a big difference i.e., more than 30% which suggested that both dumped imports and other known factors were causing injury to the domestic industry. Under the circumstances, it was for the NTC to ensure that the injurious effects of the ‘other known factors’ were not attributed to the dumped imports and thus required to assess the injurious effects of those other factors.

**ISSUE NO. 5**

**Whether the NTC by issuing the SEF report prior to finalization of on-the-spot verification report violated rule 14(8) of the Rules?**

(6) The Tribunal observed that after having heard both the sides and perusing the record and examining the relevant rules, it was clear that all the information was shared and supplied to the appellants and they furnished their replies thereof; however, report in writing was issued later. We understood that due to litigations, the NTC was running out of time on completion of investigation in 18 months. To match the timeline the NTC issued the SEF but kept on working with the exporters by issuing report and seeking new information that was incorporated in Final Determination report. Though the NTC committed a procedural mistake but it did not have any adverse consequence on the final determination and the requirement of sharing the information stood fulfilled; therefore, the Tribunal did not deem appropriate to issue any direction in this regard.

(7) Tribunal in the same judgement disposed off Appeals No. 217, 220, 221, 226 and 227 of 2017 filed by the exporters of PFY.

8. The Commission has gone through judgement of the Honorable Tribunal dated December 03, 2021 and amended the Final Determination by the Commission dated August 25,

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2017 to the extent of re-examining the effects of other known factors on injury and recalculating the dumping margins of exporters in light of observations made by the Appellant Tribunal.

**A. Other Factors**

9. Under the direction of the Tribunal, the Commission has deliberated on past reports of the WTO with regard to the methodologies that can be adopted by Investigating Authorities. Appellate Body report in US – Hot rolled steel in Japan at paragraph 224 holds that there are no particular methods prescribed by the Agreement under which a non-attribution analysis is to be carried. Similarly, in the panel report of US – Certain Coated paper cited as WT/DS491/R held at paragraph 209 and 210 that there is no specific method prescribed with regard to non-attribution analysis that must be adopted by an investigation authority. It was further held that an investigating authority is not obligated to rely on quantitative assessments and economic constructs or models while making a non-attribution analysis.

10. Considering judgment passed by the Tribunal and above-mentioned Panel reports of WTO, the Commission has analyzed below factors to ensure that possible injury caused by these factors is not attributed to the dumped imports of the investigated product and the injury caused by these factors is separated and distinguished from the injury caused by dumped imports.

11. In the Final Determination dated August 25, 2017, the Commission in accordance with Section 18(2) of the Act, has already examined factors other than dumped imports of the investigated product, which could have at the same time caused material injury to the domestic industry, in order to ensure that possible injury caused by other factors is not attributed to the dumped imports.

12. Section 18(3) of the Act states that the other factors which may be relevant for the purpose of examination may include the following:

- 1) volume of imports not sold at the dumped prices;
- 2) price of imports not sold at the dumped prices;
- 3) contraction in demand or changes in the patterns of consumption;
- 4) trade restrictive practices of and competition between foreign and domestic producers;
- 5) development in technology; and
- 6) export performance and productivity of domestic industry

(a) **Volume of Imports of Polyester Filament Yarn from Other Sources:**

- (i) Following table shows volume of imports of the investigated product and Polyester Filament Yarn imported from other (non-dumped) sources:

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**Table-I**  
**Volume of Imports (MT)**

Period	Dumped Imports	Imports from Other Sources
(1)	(2)	(3)
2012-13	84	11
2013-14	93	10
2014-15	100	8

Note: For the purpose of confidentiality actual figures have been indexed by taking dumped imports for 2014-2015 as 100.

(ii) It appears from the above information that imports from other sources declined significantly by 27 percent whereas dumped imports of the investigated product from the Exporting Countries increased by 7 percent during the POI for dumping. Thus, the domestic industry, did not suffer material injury on account of volume of imports of Polyester Filament Yarn from other (non-dumped) sources.

(b) **Prices of Imports of Polyester Filament Yarn from Other (Non-dumped) Sources**

(i) Following table shows prices (landed cost) of imports of the investigated product and Polyester Filament Yarn imported from other (non-dumped) sources:

**Table-II**  
**Landed Cost and domestic Price (Rs. /MT)**

Year	Landed Cost of:		Domestic industry's price
	Dumped imports	Other imports	
(1)	(2)	(3)	(4)
2012-13	115	134	123
2013-14	116	142	127
2014-15	100	127	112

Note: For the purpose of confidentiality actual figures have been indexed by taking landed cost of dumped imports for 2014-2015 as 100.

(ii) The above table shows that the landed cost of Polyester Filament Yarn imported from other (non-dumped) sources was much higher than the landed cost of the investigated product from the Exporting Countries as well as the prices of the domestic like product during the POI. Therefore, the domestic industry, did not suffer material injury on account of prices of imports of Polyester Filament Yarn from other sources.

(c) **Contraction in Demand or Change in Pattern of Consumption**

(i) Information obtained from PRAL and submitted by the Applicants shows that, there was no contraction in demand during the POI. Following table shows size of the market during the POI:



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**Table-III  
Total Domestic Market**

Year	Volume (MT)
(1)	(2)
2012-13	94
2013-14	95
2014-15	100

Note: For the purpose of confidentiality actual figures have been indexed by taking total domestic market for 2014-2015 as 100.

(ii) The above information shows that there was no contraction in domestic demand during the POI as total domestic demand of polyester filament yarn increased during the POI. Therefore, the domestic industry did not suffer material injury due to contraction in demand during the POI.

(d) **Trade restrictive practices and competition between foreign and domestic producers**

(i) There was no such policy by the Government of Pakistan during the POI that have negatively affected the domestic industry and created distortion in the competitive environment between foreign and domestic producers.

(e) **Developments in Technology**

(i) There was no development in technology during the POI that could have contributed to the material injury of the domestic industry. Further, the Commission's investigation has shown that, during the POI, the domestic industry produced domestic like product by applying continuous production process directly from PTA and MEG as well as by applying batch process from yarn grade chips. Thus, the domestic industry has the latest technology for production of polyester filament yarn.

(f) **Export Performance of Domestic Industry**

i) The domestic industry did not export PFY during the POI for injury meaning thereby that injury to domestic industry is not because of its export performance.

**13. Other Factors Affecting Performance of the Domestic Industry during the POI**

(1) Interested parties, however, in addition to above other factors, identified following factors and alleged that the domestic industry suffered material injury, if any, during the POI due to these factors:

- (a) increased prices of raw materials;
- (b) gas and electricity outages;
- (c) higher cost of production due to old technology i.e. two stage manufacturing process;
- (d) unplanned plant closure;

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- (e) higher waste production;
- (f) abnormal increase in GIDC through Finance Act, 2015; and
- (g) Increased financial charges.

(2) All the above-mentioned factors relate to the cost of production of the domestic industry. Therefore, the Commission has analyzed them as change in cost of production of the domestic like product.

**14. Change/Increase in Raw Materials (PTA and MEG) Prices**

(1) Following table shows average prices of raw materials (PTA and MEG) obtained from ICIS magazine during the POI for injury:

**Table-IV  
PTA and MEG Prices**

Year	PTA		MEG	
	US\$/MT	% change	US\$/MT	% change
(1)	(2)	(3)	(4)	(5)
2012-13	169.26	--	127.77	--
2013-14	147.63	-13	125.22	-2
2014-15	100.00	-32	100.00	-20

Source: ICIS magazine

Note: For the purpose of confidentiality actual figures have been indexed by taking figures of respective columns for 2014-2015 as 100.

(2) The information provided in the above table shows that the prices of raw materials of the polyester filament yarn (PTA and MEG) declined significantly by 32 percent in case of PTA and 20 percent in case of MEG during the POI for dumping. Thus, change in raw material prices during POI was not a reason for material injury to the domestic industry.

(3) All other factors (gas and electricity outages, higher cost of production due to old technology i.e. two stage manufacturing process, unplanned plant closure, higher waste production, abnormal increase in GIDC through Finance Act, 2015; and increased financial charges. etc.) identified by the interested parties relate to conversion cost of production of the domestic like product. Therefore, the Commission has analyzed changes in cost of production of the domestic like product during the POI for dumping, which is provided in the following table:

**Table-V  
Change in Cost of Production**

Description of cost item	% change in 2014-15
(1)	(2)
Raw materials cost	-13
Energy cost (gas, power etc.)	-02
Repair & maintenance	-28

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Stores & spares	15
Salaries and wages	18
Cost of production	-07
Selling & distribution expenses	-22
Financial expenses	06
Cost to Make & Sell	-09

(4) The above table shows that assertions of interested parties that domestic industry's cost of production increased during the POI for dumping due to increase in raw materials price, energy cost, finance cost and other cost elements is not correct. The raw materials cost declined by 13 percent, energy cost declined by 2 percent, repair & maintenance declined by 28 percent and selling & distribution cost declined by 22 percent during the POI for dumping. However, there was 6 percent increase in finance cost, 9 percent in store spares, 6 percent in other production costs and 18 percent in salaries & wages cost. As a result of decline in raw materials and other costs, the overall cost of production declined by 7 percent and cost to make and sell declined by 9 percent during the POI for dumping. Thus, increase in cost of production was not the cause for material injury to the domestic industry during the POI for dumping.

**15. Causal Relationship between Dumped Imports of the Investigated Product and Material Injury to the Domestic Industry**

(1) Examination of the volume and prices of the dumped imports show a causal relationship between dumped imports of the investigated product and material injury suffered by the domestic industry during the POI, as volume of dumped imports increased significantly at dumped prices which simultaneously undercut and depress prices of the domestic like product and adversely affected market share, capacity utilization, cash flows, return on investment, profitability and productivity of the domestic industry. Information and analysis of the "Other factors" has shown that these factors were not cause of the material injury to the domestic industry during the POI for dumping.

(2) Comparison of dumping margins with injury margins by the Tribunal to assess cause of material injury by the other factors is not a relevant because dumping margins are calculated on the basis of exporters' domestic price and export price, whereas injury margins are determined by comparing exporter's export price with domestic industry's cost to make & sell plus a reasonable profit. Basis of comparison in dumping margin and injury margin are different..

**B. Appeals by Exporters**

16. The Tribunal has given a collective decision on appeals filed by the exporters. However, the Commission has segregated the observations made in each appeal.

**17. Appeal No. 219 (M/s Suzhou Shenghong Fiber Co. Ltd, M/s Jiangsu Zhonglu Technology Development Co. Ltd, M/s Jiangsu Guowang High-Technique Fiber Co. Ltd.)**

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(1) The Tribunal observed that the appellants provided the data to the officers conducting on-the-spot investigation, but the NTC did not take into account while calculating dumping margin.

(2) There was a controversy regarding submission of grade-wise data by M/s Suzhou Shenghong Fiber Co. Ltd and receipt thereof by the Commission. During hearing in the Tribunal, the representative of the exporter was asked to substantiate its claim that it had provided grade wise export sales to the Commission. The representative of the exporter stated that it had provided the data in flash drive. As per the Commission's record, even after on-the-spot investigation, the revised C-3 submitted by the exporter's representative on June 02, 2017, did not contain grade wise details. In absence of grade wise export sales to Pakistan, the Commission could not make like to like comparison with grade wise domestic sales. In pursuance of Honorable Tribunal's directions, the Commission decided to obtain grade wise domestic and export sales data from the Shenghong Group. On December 31, 2021, requisite information was submitted by the exporter's representative. The Commission has revised the dumping margins after making grade wise comparison. Furthermore, the Commission has applied actual profits rate of the company for DTY and FDY business while constructing normal value for variants where warranted. In case a company is making loss for a particular business segment, the average profit rate of the sampled companies was taken into account for construction of normal value.

**18. Appeal No. 221 (M/s Recron (Malaysia) SDN. BHD.)**

(1) The Tribunal noted that "the NTC adjusted the prices in construction of normal value in the matter of DTY however, in the matter of FDY it skipped from the accounts and they could not adjust the value loss adjustment in different variants of FDY. Furthermore, while comparing the cost to make and self of the FDY and DTY of M/s Recron, the NTC excluded foreign exchange gain from the financial charges which were to be included as per accounting practice while examining cost for construction of normal value. "

(2) Dumping margin has been revised after taking into account value loss adjustment for FDY sales. Further, components of cost to make and sell including, financial charges which were negative due to foreign exchange gain, were also made part of cost to make and sell which was be used for determination of normal value. Furthermore, the Commission has applied actual profits rate of the company for DTY and FDY business while constructing normal value for variants where warranted.

**19. Appeal No. 226 (Zhejiang Hengyi Petrochemicals Co. Ltd.)**

(1) Representative of the exporter emphasized before the Tribunal that the NTC disregarded the cost of types exported to Pakistan but not sold domestically whereas the appellant provided all the information required by the NTC in its questionnaire response. The appellants requested the NTC for a number of times but the NTC did not provide its variant wise cost of FDY and DTY nor did the on-the-spot verification report contain the same. The NTC rejected the information of the appellants and calculations were made on the basis of their own cost without asking any clarification from the Appellant and without affording any opportunity to the Appellant to provide explanations as required under section 32(2) of the ADD Act and Article

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6.8 paragraph No. 3 of Annex-II of the WTO Anti-Dumping Agreement. He also referred to paragraph No. 7.355 Of WTO Panel Report (WT/DS337/R) in dispute of European Communities-Anti Dumping Measure on Farmed Salmon from Norway to support his arguments.”

(2) In the Final Determination dated August 25, 2017, the Commission decided that since Sales of some of the models in domestic market were in ordinary course of trade while others were not in ordinary course of trade. In cases where sales in ordinary course of trade were more than 5% of export sales to Pakistan of relevant model, the normal value has been worked out on the basis of domestic sales in ordinary course of trade. In all other models, the normal value was determined on the basis of cost to make and sell plus a reasonable amount added for profit. Cost to make & sell, of variants not sold in the domestic market, was determined by taking the raw material cost of the closest variant produced for domestic sales and conversion cost of the same variant, if available in cost of production for exports, was used.

(3) The Tribunal did not made observation in the case of Zhejiang Hengyi Petrochemicals Co Ltd. However, the Commission has acknowledged the arguments of the exporter and provide a remedy.

(4) The Commission has now constructed normal value by taking the weighted average raw material cost used for exports. For conversion cost, administrative, selling & distribution and financial expenses, weighted average conversion cost of closest variants was adopted. Moreover, the Commission has applied actual profits rate of the company for DTY and FDY business while constructing normal value for variants where warranted. In case a company is making loss for a particular business segment, the average profit rate of the sampled companies was taken into account for construction of normal value. The Commission has revised dumping margins after taking into account abovementioned changes.

**20. Appeal No. 227 (M/s Tongkun Group Co. Ltd and Tongkun Group Zhejiang Hengsheng Chemical Fiber Co Ltd.)**

(1) Representative of exporters raised two issues. First, that while calculating the normal value, the NTC used 5% profit rate for construction of normal value for the variants exported to Pakistan but not sold in the domestic market which was totally arbitrary as Yarn industry never posted 5% profit rate and the Appellant had provided its actual profit rate during on-the-spot verification.

(2) The Commission has accepted this and applied actual profit rates of the company for DTY and FDY business while constructing normal value for variants where warranted. The Commission has followed the same approach for other cooperating exporters.

(3) Secondly, the NTC did not take average sale price of each variant of DTY and FDY instead it took other production cost for both DTY and FDY on the bases of standard production time. The issue of raw material cost allocation for DTY was addressed by the Commission while making final determination dated August 25, 2017. The Commission allocated raw material cost

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for DTY on the basis of sales price of partially oriented yarn (POY). This was done because of the fact that raw material for DTY is POY. It was observed during the investigation that cooperating exporters maintain POY cost separately for each variant and such cost varies for each variant. However, Tongkun Group was not maintaining POY cost for each variant rather it was allocating same cost for each DTY variant. It is a fact that POY cost for each variant is different, and each POY variant cannot be used for production of a specific DTY variant. For production of specific variant of DTY, a specific variant of POY is required. This phenomenon is known as POY to DTY matching/mapping. As Tongkun Group was not maintaining variant wise cost for DTY variants, the Commission decided to allocate total DTY cost into DTY variants based on POY price. The Commission is of the view that its allocation methodology for DTY business of Tongkun Group is appropriate as it was followed by other cooperating exporters/producers of the DTY.

**21. Appeal No. 223 (M/s Fujian Jinlun High-Tech Fiber Co Ltd.)**

(1) The Tribunal noted that Mr. Salman Farooq, counsel of the Appellant in Appeal No. 223 adopted the arguments of Mr. S. U. Khan, counsel in other connected appeals of the exporters from China and Malaysia. One of the arguments taken in the other connected appeals was that while calculating the normal value the NTC used 5% profit rate for construction of normal value for the variants exported to Pakistan but not sold in the domestic market which was totally arbitrary as Yarn industry never posted 5% profit rate and the Appellant had provided its actual profit rate during on-the-spot verification.

(2) The Commission has accepted this and applied actual profit rates of the company for DTY and FDY business while constructing normal value for variants where warranted. The Commission has followed the same approach for other cooperating exporters.

**C. IMPOSITION OF DEFINITIVE ANTIDUMPING DUTIES**

22. Individual dumping margins have been re-determined for exporters namely, M/s Suzhou Shenghong Fiber Co. Ltd., M/s Jiangsu Zhonglu Technology Development Co. Ltd., M/s Jiangsu Guowang High-Technique Fiber Co. Ltd., (Appeal No. 219 of 2017), M/s Recron (Malaysia) SDN. BHD., (Appeal No. 221 of 2017), M/s Fujian Jinlun High-Tech Fiber Co. Ltd. (Appeal No. 223 of 2017) M/s Zhejiang Hengyi Petrochemicals Co. Ltd., (Appeal No. 226 of 2017) and M/s Tongkun Group Company Limited, M/s Tongkun Group Zhejiang Hengsheng Chemical Fiber Co. Ltd., (Appeal No. 227 of 2017). Rate of definitive antidumping duty for these exporters was determined on the basis of their individual dumping margins.

23. In accordance with Section 51(3) of the Act, the Commission has revised the definitive antidumping duty rates for exporters/producers not included in the sample for examination. Further, a residual dumping margin and antidumping duty rate for all other exporters from the

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Exporting Countries, who did not cooperate, was determined on the basis of best available information in terms of Section 32 of the Act.

24. For the purpose of imposition of lesser duty rule in terms of Section 50 (2) of the Act, the Commission has considered injury margin to see whether a lower duty would be adequate to remove injury of the domestic industry. Injury margins works out to be higher than the dumping margins therefore duty is imposed equal to the dumping margins.

25. In terms of Section 50 of the Act, definitive antidumping duties given in the following table are hereby imposed on the dumped imports of the investigated product importable from the Exporting Countries from the publication of the notice of final determination till August 25, 2022. The definitive antidumping duty rates are re-determined on C&F value in *ad val.* terms. Definitive antidumping duties at C&F value are equivalent to the final dumping margins determined at ex-factory price level. The dumped investigated product is classified under PCT heading No. 5402.3300, 5402.4600 and 5402.6600 excluding colored PFY.

**Table-VI  
Definitive Antidumping Duty Rates**

Country	Exporter Name	Definitive Antidumping Duty (%)
(1)	(2)	(3)
China	i) Zhejiang Hengyi Petrochemicals Co. Ltd.	6.82
	ii) Shaoxing Huaqing Polyester and Textile Co. Ltd.	4.90
	iii) Fujian Jinlun Fiber Shareholding Co. Ltd	6.39
	iv) Suzhou Shenghong Fiber Co. Ltd formerly known as Jiangsu Shenghong Science and Technology Corp. Ltd	2.79
	v) Jiangsu Guowang High-Technique Fiber Co., Ltd.	
	vi) Jiangsu Zhonglu Technology Development Co Ltd.	
	vii) Jiangsu Shenghong Petro Chemical Group Ltd	
	viii) Jiangsu Shenghong Technology Trading Co., Ltd	
	ix) Tongkun Group Co. Ltd.	2.78
	x) Tongkun Group Zhejiang Hengsheng	
	xi) All other cooperating exporters/producers	
	xii) All other exporters/producers	6.82
Malaysia	xiii) Recron (M) Sdn, Bhd	3.16
	xiv) All other exporters/producers	3.16

**Final Determination and Levy of Definitive Antidumping Duties on Dumped Imports of Polyester Filament Yarn  
Originating in and/or Exported from China and Malaysia**

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26. PFY imported from sources, other than the Exporting Countries shall not be subject to definitive antidumping duties. Further, in accordance with Section 51(1)(e) of the Act, definitive antidumping duty will not be levied on imports of the investigated product that are to be used as inputs in products destined solely for exports and are covered under any scheme exempting customs duty for exports under the Customs Act 1969.

27. In accordance with Section 51 of the Act, the definitive antidumping duties shall take the form of *ad val.* duty and be held in a non-lapsable personal ledger account established and maintained by the Commission for the purpose. Release of the dumped investigated product for free circulation in Pakistan shall be subject to imposition of such antidumping duties.

28. Definitive antidumping duties levied would be in addition to other taxes and duties leviable on import of the investigated product under any other law.

29. The definitive antidumping duties 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.

(Anjum Assad Amin)  
Member  
January 25, 2022

(Robina Athar)  
Chairperson  
January 25, 2022

(Muhammad Saleem)  
Member  
January 25, 2022