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**PART II**

**Statutory Notifications (S. R. O.)**

**GOVERNMENT OF PAKISTAN  
MINISTRY OF COMMERCE**

**NOTIFICATION**

*Islamabad, the 17th July, 2023*

**S.R.O. 1014(I)/2022.**—In exercise of the powers conferred by section 74 of the Anti-Dumping Duties Act, 2015 (XIV of 2015), the Federal Government is pleased to make the following rules, namely:—

**CHAPTER-I**

**GENERAL**

1. **Short title and commencement.**—(1) These rules shall be called the Anti-Dumping Duties Rules, 2022.  
(2) They shall come into force at once.
2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

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- (a) "Act" means the Anti-Dumping Duties Act, 2015 (XIV of 2015);
- (b) "application" means an application made under section 20 of the Act;
- (c) "cost to make and sell" means cost of production including administrative, selling, financial and general costs;
- (d) "fair selling price" means a price which is fair and reasonable as determined by the Commission keeping in view conditions of the producer and quality of the product in question;
- (e) "non-injurious price" means a price that the domestic industry would have charged under normal circumstances, which enables it reasonable recovery of cost to make and sell plus a reasonable profit as determined by the Commission; and
- (f) "schedule" means the schedule annexed to these rules.

(2) All words and expressions used in these rules but not defined herein shall have the meaning assigned thereto in the Act.

#### CHAPTER-II

### APPLICATION AND INITIATION OF AN INVESTIGATION

3. **Disclosure in an application.**—An application shall, in addition to the information specified in section 20 of the Act, contain such information as is reasonably available to an applicant on the following, namely:—

- (a) name, address, telephone number, mobile number, facsimile number and electronic mail address of the applicant;

imports, the effect of such imports on prices of a domestic like product in domestic market and the consequent impact of the imports on domestic industry as demonstrated by relevant factors and indices having a bearing on the state of domestic industry, including those listed in sections 15, 16, and 17 of the Act; and

- (j) information on existence of a causal link within the meaning of section 18 of the Act.

4. **Commission to avoid publicizing the application.**—Unless expressly provided in the Act, the Commission shall not publicize an application unless a decision has been made to initiate an investigation.

5. **Initiation of an investigation.**—The Commission shall normally decide whether or not to initiate an investigation within a period of forty-five days of the date of receipt of an application compliant with the requirements of section 20 of the Act:

Provided that when such application involves complex issues, or if the Commission has sought additional information from the applicant, the time period may, if the Commission so deems fit, be extended to sixty days.

6. **Disclosure in notice of initiation of an investigation.**—The notice of initiation of an investigation referred to in section 27 of the Act shall contain adequate information set forth or otherwise make available through a separate report on the following, namely :—

- (a) the name of the country or countries of export and, if different, the country or countries of origin of an investigated product;
- (b) a complete description of an investigated product, including characteristics and uses of such product and its current tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (c) a description of the alleged dumping to be investigated, including the basis for such allegation;
- (d) a summary of the factors on which the allegation of injury are based;
- (e) the address where information and comments may be submitted and the time period allowed to interested parties for making their views and comments;
- (f) the date of initiation of an investigation; and
- (g) the proposed time-frame for the investigation.

### CHAPTER-III

#### INFORMATION TO INTERESTED PARTIES AND ACQUISITION OF INFORMATION

7. **Public file for interested parties.**—(1) To provide an opportunity to all interested parties to see information submitted by the interested parties or gathered by the Commission relating to an investigation or a review under the Act, the Commission shall establish and maintain a public file relating to each investigation or a review pursuant to the Act and subject to the requirement to protect confidential information under section 31 of the Act and the Commission shall place in such file—

- (a) all public notices relating to an investigation or a review;

- (b) all materials, including questionnaires, responses to questionnaires and written communications submitted to the Commission;
- (c) all other information developed or obtained by the Commission; and
- (d) any other documents the Commission deems appropriate for disclosure to an interested party.

(2) The public file to be maintained under sub-rule (1) shall be available to any interested party for a review and copying at the offices of the Commission, during such time as the Commission may notify, throughout the course of an investigation or a review and any appeal under section 70 of the Act.

(3) The Commission, on request, shall provide a copy of the public file to the interested parties on payment of charges for copying as specified in the second schedule.

**8. Official file to be maintained by the Commission.—** (1) The Commission shall establish and maintain an official file relating to each investigation or a review pursuant to the Act and shall place in such file—

- (a) all materials, papers and documents, confidential or otherwise, including questionnaires, responses to questionnaires, written communications submitted to the Commission and Commission's correspondence with interested parties in connection with any investigation or a review.
- (b) all documents relating to or setting out any calculations made by the Commission in connection with any investigation or a review.
- (c) all internal correspondence or memoranda of the Commission relating to or in connection with any investigation or a review that are relevant to the calculation of dumping margin or determination of injury including any correspondence with or between any other Ministry, Division, department, agency or instrumentality of the Federal Government or any Provincial Government;
- (d) any other information developed, obtained or relied on by the Commission in connection with any investigation or a review; and
- (e) any other document or information that the Commission deems appropriate for placing in the official file.

(2) The official file to be maintained under sub-rule (1) shall only be for internal use of the Commission and for the Appellate Tribunal in connection with appeal under section 70 of the Act.

9. **Acquisition of information.**—The Commission shall solicit, gather, obtain and accept or reject information under section 35 of the Act for the purposes of an investigation or a review in accordance with the following, namely:—

- (a) upon initiation of an investigation or a review, the Commission shall send questionnaires to acquire such information as the Commission deems necessary to any person or party or from any Ministry, Division, Federal or Provincial Department, private or public entity or agency who may have information relevant to an investigation or a review, including known domestic producers, importers, exporters and foreign producers;
- (b) the Commission shall give exporters and foreign producers receiving a questionnaire at least thirty days for reply and the time limit shall be counted from the date of receipt of the questionnaire which, for this purpose shall be deemed to have been received one week from the date on which it was sent to the respondent or transmitted to the appropriate diplomatic or official representative of an exporting country:

Provided that the Commission shall give due consideration to any request for an extension of such thirty day period and shall grant an extension, whenever practicable, upon good cause shown, taking into account the time limits for an investigation;

- (c) the Commission may disregard any reply to a questionnaire, which is not submitted within the time provided and in the form requested;
- (d) the Commission may, during the course of an investigation or a review, request further information from interested parties, in the form of supplementary questionnaires or written requests for clarification or additional information and such requests shall state the date by which reply is due and sufficient time shall be granted by the Commission in order to allow meaningful replies;
- (e) any interested party may, on its own initiative, submit to the Commission in writing any information it considers relevant to an investigation or a review and the Commission shall consider such information unless such consideration would be unduly burdensome to the Commission or disrupt the timely progress of an investigation or a review:

Provided that any voluntary submission of factual information relevant to the determination of dumping or injury shall be submitted to the Commission in writing, prior to the date of preliminary determination in an investigation or prior to ninety days of the proposed date of conclusion of a review; and

- (f) the Commission may allow industrial users or association of the users of an investigated product in Pakistan and representative consumer organizations in cases where an investigated product is commonly sold at the retail level in Pakistan, to provide information in writing concerning matters relevant to an investigation or a review regarding dumping and injury.

10. **Written arguments.**—Not later than sixty days after initiation of an investigation or a review, and not later than forty-five days after preliminary determination in an investigation, interested parties may file written arguments with the Commission concerning any matter relevant to an investigation or a review.

11. **Verification of information or on-the-spot investigation.**—(1) As provided for in sections 32(4) and 35 of the Act, the Commission shall, during the course of an investigation or a review, satisfy itself as to the accuracy of information provided by interested parties upon which its findings are based.

(2) In order to verify the information or to obtain further details, the Commission may carry out on-the-spot investigations within Pakistan or in other countries as may be required, provided that it shall obtain the agreement of the firms concerned and in case of other countries the representative of the government of the country in question shall be notified, unless the latter objects to an investigation.

(3) The procedures set out in the first schedule shall apply to any verification and on-the-spot investigation carried out in the territory of other countries.

(4) The Commission shall prepare a report on any verification or on-the-spot investigation conducted pursuant to this rule and such report shall be available to the company to which it pertains in full and a non-confidential version shall be placed in the public file kept under rule 7.

(5) The Commission shall endeavor to complete any such verification and on the-spot investigation prior to the date of any hearing in an investigation or a review.

12. **Disclosure in notice of preliminary determination.**—The notice of preliminary determination referred to in sub-section (2) of section 37 of the Act shall set forth or otherwise make available, through a separate report, the following information, namely:—

- (a) description of an investigated product, which is sufficient for customs purposes, including the current customs tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);

- (b) the names of the known exporters and producers of an investigated product;
- (c) the amount of dumping margin, if any, found to exist and the basis for such determination including a description of the methodology used in determining normal value, export price and any adjustment made in comparing the two;
- (d) if the method for comparison of normal value and export price is used as provided for in sub-section (2) of section 12 of the Act, the explanation required under clause (b) of sub-section (2) of section 12 of the act;
- (e) if the Commission declined to determine an individual dumping margin on the basis of voluntary response as provided for in sub-section (4) of section 14 of the Act, the basis for that decision;
- (f) the factors that have led to the determination of injury including information on factors other than dumped imports that have been taken into account;
- (g) the existence of a causal link within the meaning of section 18 of the Act; and
- (h) the amount of any provisional measures to be applied and the reasons why such provisional measures are necessary to prevent injury caused during the course of an investigation.

13. **Disclosure after preliminary or final determination.**—The officers of the Commission shall, on request made within fifteen days of publication of the notice of preliminary or final determination, hold separate disclosure meetings with exporters or foreign producers or their representatives requesting such a meeting, to explain the dumping calculation methodology applied for that exporter or producer. An opportunity to the exporters or producers or their representatives shall be provided to examine and receive copies of the dumping calculations done by the Commission for their exports of the investigated product to Pakistan.

14. **Hearing.**—(1) The Commission shall, upon request by an interested party made within the time period provided for this purpose in the notice of initiation of an investigation or a review or preliminary determination in an investigation, hold a hearing at which all interested parties may present information and arguments:

Provided that such a hearing shall be held not later than sixty days prior to the date proposed for final determination of an investigation or conclusion of a review.

(2) There shall be no obligation on any interested party to attend a hearing and failure to do so shall not be prejudicial to that interested party's case.

(3) A hearing shall to the maximum extent possible, be organized by the Commission so as to take into account the convenience of the interested parties.

(4) Interested parties intending to appear at a hearing shall notify the Commission, the names of their representatives and witnesses who shall appear at a hearing at least seven days before the date of the hearing.

(5) A hearing shall be organised in such manner so as to ensure that all parties participating have an adequate opportunity to present their views.

(6) The Secretary to the Commission shall maintain a record of the hearing, which subject to the requirement to protect confidential information under section 31 of the Act shall be promptly placed in the public file to be maintained under rule 7.

(7) Interested parties shall also have the right, on justification, to present other information orally to the Commission or during meetings with officials of the Commission:

Provided that such information shall only be taken into consideration by the Commission if such information is confirmed in writing to the Commission within ten days of the hearing and made available to other interested parties. Such information shall be deemed to have been made available to third parties upon it being placed by the Commission in the public file to be maintained under rule 7.

(8) Interested parties may also request the Commission for in-camera hearing to provide confidential information as defined in section 31 of the Act. The Commission may on its discretion accept or reject the request for in-camera hearing, depending upon the parties concerns about confidential information.

(9) Not later than seven days before the specified date of a hearing, any interested party may submit written arguments to the Commission concerning any matter it considers relevant to an investigation or a review. Following the hearing, interested parties who participated in the hearing may, within ten days, submit further written arguments to the Commission in response to arguments and information presented at the hearing.

15. **Disclosure of essential facts.**—(1) At least thirty days before the proposed date for final determination of an investigation or conclusion of a review, the Commission shall inform all interested parties of the essential facts under consideration which shall form the basis of a decision whether to apply



definitive measures under the Act, in writing, subject to the requirement to protect confidential information under section 31 of the Act:

Provided that such information shall not indicate whether a final determination is affirmative or negative.

(2) Interested parties may file comments, if any, on the information disclosed to them by the Commission pursuant to sub-rule (1), in writing, not later than fifteen days of such disclosure by the Commission.

**16. Disclosure in the notice of final determination.**—The notice of final determination provided for in sub-section (4) of section 39 of the Act shall set forth or otherwise make available through a separate report, the following information, namely:—

- (a) description of an investigated product, which is sufficient for customs purposes, including the current customs tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (b) the names of the known exporters and producers of an investigated product;
- (c) the amount of dumping margin, if any, found to exist and the basis for such determination including a description of the methodology used in determining normal value, export price and any adjustment made in comparing the two;
- (d) if the method for comparison of normal value and export price is used as provided for in sub-section (2) of section 12 of the Act, the explanation required under clause (b) of sub-section (2) of section 12 of the Act;
- (e) if the Commission declined to determine an individual dumping margin on the basis of voluntary response as provided for in sub-section (4) of section 14 of the Act, the basis for that decision;
- (f) the factors that have led to the determination of injury including information on factors other than dumped imports that have been taken into account;
- (g) the existence of a causal link within the meaning of section 18 of the Act;
- (h) the amount of definitive duty, if any, to be applied
- (i) any other reasons leading to final determination; and

- (j) the reasons for the acceptance or rejection of relevant arguments or claims made by interested parties.

**17. Notice of withdrawal of an application.**—(1) If the Commission decides to terminate an investigation upon a written request for withdrawal of an application pursuant to section 40 of the Act, it shall issue a notice of termination of the investigation.

(2) Notice of termination of an investigation under sub-rule (1) shall be published in the official Gazette and in at least one issue each of a daily newspaper in the English and Urdu languages having wide circulation in Pakistan.

**18. Notice of termination of investigation for insufficient evidence.**— (1) If the Commission decides to terminate an investigation for insufficient evidence of either dumping or injury in accordance with section 41 of the Act, it shall issue a notice of termination of the investigation. Such notice of termination of the investigation shall set forth or otherwise make available through a separate report in detail the findings and conclusions reached on all material issues of facts and law.

(2) The provisions of sub-rule (2) of rule 17 shall also apply to notice of termination of an investigation under sub-rule (1).

**19. Disclosure in notice of acceptance or termination of price undertaking.**—(1) The notice of acceptance or termination of a price undertaking by the Commission referred to in sub-section (6) of section 47 of the Act shall set forth or otherwise make available through a separate report the following information, namely:—

- (a) description of an investigated product which is sufficient for customs purposes, including the current customs tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (b) the names of the exporters or producers from whom the price undertaking is accepted or terminated;
- (c) in case of acceptance of price undertaking, the agreed prices of the investigated product;
- (d) the factors that have led to the determination of level of removal of injury to the domestic industry;
- (e) the main reasons leading to the acceptance or termination of price undertaking by the Commission;

- (f) the fate of the investigation *i.e.* suspension, termination or continuation; and
- (g) in case of termination of price undertaking, the level of antidumping duty, if any.

(2) If the Commission decides to continue an investigation pursuant to subsection (1) of section 48 of the Act, it shall issue a notice of continuation of the investigation, setting forth the proposed date for final determination and any other modifications to the proposed schedule of the investigation as originally set out in the notice of initiation of the investigation. Such notice shall be published in the manner provided for in sub-rule (2) of rule 17.

20. **Application fee and other charges**—(1) The fee payable to the Commission at the time of filing of an application shall be in the amount set out in the second schedule.

(2) All expenses for publication of notices in the newspapers in an investigation or in a review shall be borne by the applicant on actual basis. For the purpose of publication charges, approximate amount determined by the Commission shall be deposited by the applicant with the Commission in the form of bank draft or pay order at the time of filing an application.

(3) Subject to sub-rule (2), the bank draft or pay order may be cashed by the Commission and shall be kept as security, which shall be adjusted against bills for publication of notices. The difference, if any, shall be charged or returned to the applicant on conclusion of the investigation or a review.

#### CHAPTER-IV

### DETERMINATION OF PRICE AND COST TO MAKE AND SELL FOR LIKE PRODUCTS

21. **Determination of non-injurious or fair price**.—(1) The Commission may determine non-injurious or fair selling price of the domestic like product, as the case may be, to determine level of provisional or definitive anti-dumping duty under section 43 and section 50 of the Act.

(2) Save as provided for in sub-rule (4), the non-injurious or fair selling price for the domestic like product may be determined on the following basis, namely:—

- (a) available information relating to cost to make and sell during the period of investigation for dumping in respect of the domestic industry plus a reasonable profit; or

- (b) landed cost of the imports of like product during the period of investigation for dumping from sources other than dumped source(s); or
- (c) price of the domestic like product during the period of investigation for dumping plus level of aggregate effect of price undercutting, price suppression and price depression; or
- (d) any other reasonable method.

(3) In case there is more than one domestic producers in the domestic industry information of which is available and price is determined on the methods provided in clauses (a) or (c) of sub-rules (2), the weighted average of non-injurious prices of individual domestic producers may be considered. The respective share of domestic sales of the subject goods may be taken as basis for computation of weighted average non-injurious price for the domestic industry as a whole.

(4) The Commission may determine non-injurious price in an investigation, however, imposition of lesser duty in terms of sub-section 1 of section 43 or sub-section 2 of section 50 of the Act shall rest with the Commission.

22. **Determination of cost to make and sell.**—The following elements may be examined to determine or adjust the cost to make and sell the domestic like product, the investigated product or the like product in the exporting country, namely:—

- (a) the efficient utilization of raw materials, utilities and capacities etc;
- (b) the propriety of all expenses, grouped and charged to the cost of production may be examined and any extra-ordinary or nonrecurring expenses may be adjusted accordingly to the cost of production;
- (c) to ensure the reasonability of amount of depreciation charged to cost of production, it may be examined that no charge has been made for the facilities not deployed on the production of the subject product, particularly in respect of multi-product companies. The depreciation of re-valued assets, if any, may be identified and brought to a reasonable level while arriving at a fair cost of production;
- (d) the expenses to the extent identified to the product concerned are to be directly allocated and common expenses or overheads classified under factory, administrative and selling overheads may be apportioned on reasonable basis such as machine hours, occupancy, direct labor hours, production quantity, sales value, etc., as applied

consistently by the producer. The reasonability and justification of various expenses claimed for the period of investigation may be examined and scrutinized by comparing with the corresponding immediate preceding year or period;

- (e) a reasonable return or profit (pre-tax) on average capital employed for the product concerned may be allowed;
- (f) reasonableness of interest cost may be examined to ensure that normal expenditure on account of interest has been charged. Details of term loans, cash credit limits, short term loans, deposits and other borrowings taken by the company and interest paid thereon may be examined along with the details of assets deployed; and
- (g) in determining cost to make and sell for purposes of the non-injurious price, current customs tariff may be applied on inputs of the domestic like product. For determination of injury margin, current customs tariff may be applied on investigated product.

#### CHAPTER-V

### ANTI-CIRCUMVENTION MEASURES

23. **Application for anti-circumvention measures.**—(1) The Commission may initiate an anti-circumvention investigation on receipt of an application from any interested party. The application shall contain evidence and information of circumvention of anti-dumping duties imposed along with prescribed fee set out in second schedule.

(2) An application for initiation of anti-circumvention investigation may be withdrawn prior to initiation and in such case, it shall be considered not have been made:

Provided that upon withdrawal of an application any fee paid along with the application shall not be refunded.

24. **Notice to the government of exporting country.**—On receipt of an application for anti-circumvention investigation, the Commission shall notify to the government of the exporting and originating country about receipt of such application.

25. **Disclosure in the application for anti-circumvention measures.**—(1) An application for anti-circumvention shall contain such information and evidence as is reasonably available to an applicant on the following, namely:—

- (a) name, address, telephone number, facsimile number and electronic mail address of the applicant;

- (b) name, address, telephone number, facsimile number and electronic mail address of the exporters and producers liable to anti-dumping duty and involved in circumvention of anti-dumping duties;
- (c) volume and value of exports of the dumped product for the period for which circumvention is alleged;
- (d) the rate or level of anti-dumping duty imposed;
- (e) the ways and means through which the anti-dumping duties are being circumvented in terms of section 63 of the Act;
- (f) complete description of the products being imported, including the technical characteristics and uses of such product and its current customs tariff classification number as specified in the First Schedule to the Customs Act, 1969 ( IV of 1969);
- (g) the country in which the dumped product is manufactured or produced and, if it is imported from a country other than the country of manufacture or production, the intermediate country from which the product is exported;
- (h) changes in dumping in relation to the normal values previously established for the investigated or like product, if necessary, in accordance with the provisions of the Act;
- (i) evidence of injury or that the remedial effects of the anti-dumping duty are being undermined in terms of the prices or quantities of the like product;
- (j) information on evolution of volume of the allegedly circumvented imports, the effect of such imports on prices of a domestic like product in domestic market and the consequent impact of such imports on domestic industry as demonstrated by relevant factors and indices having a bearing on the state of domestic industry; and
- (k) any other relevant information.

**26. Initiation of an anti-circumvention investigation.**—The Commission shall examine the accuracy and adequacy of the evidence and information provided in the application to decide whether there is sufficient evidence to justify an anti-circumvention investigation. The Commission shall decide whether or not to initiate an anti-circumvention investigation within forty five days of receipt of the application and in no case later than sixty days if additional information has been sought from the applicant or the application involves complex issues.

**27. Notice of initiation of an anti-circumvention investigation.—**

(1) The commission shall :—

- (a) give a notice of initiation of an anti-circumvention investigation to all exporters, importers and any representative association of importers or exporters known to the Commission to be concerned, as well as representatives of the exporting country, the applicant, the domestic producers and other interested parties known to the Commission to have an interest in the investigation; and
- (b) publish a copy of the notice of initiation in the manner as provided for in sub-rule (2) of rule 17.

(2) Initiation of an anti-circumvention investigation shall be effective from the date on which the notice of initiation is published in the newspapers provided in clause (b) of sub-rule (1).

(3) Subject to the requirement to protect confidential information pursuant to section 31 of the Act, the Commission shall, after initiation of an anti-circumvention investigation, provide to any interested party the full text of the written application received by the Commission:

Provided that where the Commission determines that the number of interested parties is large, the Commission shall only provide the full text of the written application received by it to the exporting country or to the relevant trade association of exporting country.

**28. Disclosure in notice of initiation.—**The notice of initiation of an anti-circumvention investigation shall contain adequate information set forth or otherwise make available through a separate report on the following, namely:—

- (a) the name of the exporters' or producers and country or countries of export, and if different, the country or countries of origin of an investigated product;
- (b) a complete description of an investigated product, including characteristics and uses of such product and its current tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (c) a description of the alleged circumvention, including the basis for such allegation;
- (d) the address where information and comments may be submitted and the time period allowed to interested parties for making their views and comments; and
- (e) the proposed schedule for the investigation.

29. **Collection of information.**—The Commission shall solicit, gather, obtain, verify, accept and reject information for the purposes of an anti-circumvention investigation as provided in rule 9.

30. **Determination in an anti-circumvention review.**—(1) The Commission shall make a determination in an anti-circumvention investigation within nine months of the date of publication of a notice of initiation.

(2) The determination shall be based on information obtained by the Commission during the course of the investigation that has been disclosed by the Interested parties:

Provided that the Commission shall not be precluded from taking into consideration information or data received or collected from any other source.

(3) The Commission may consider, while making the determination, all available known factors to see whether circumvention has taken place or not. These factors may include but not limited to value addition, economic conditions and changes in trade patterns etc.

(4) The Commission shall, subject to the requirements for the protection of confidential information under section 31 of the Act, issue a notice of the determination, whether affirmative or negative, containing relevant information on the matters of fact and law and reasons that have led to the determination.

(5) The Commission shall publish a copy of the notice of the determination in the manner provided for in sub-rule (2) of rule 17 and such notice may, if the Commission deems it fit, only contain a summary of the salient features of the determination and details made available through a separate report of the determination of anti-circumvention investigation subject to the requirements of confidentiality in accordance with section 31 of the Act.

(6) A copy of the notice of the determination shall be forwarded to the exporting country and to other known interested parties.

(7) Such determination of the Commission under sub-rule (1) shall be considered as the final determination for the purposes of appeal as provided under section 70 of the Act.

31. **Disclosure in the notice of anti-circumvention determination.**—The notice of determination of an anti-circumvention investigation shall set forth or otherwise make available through a separate report, the following information namely:—



- (a) description of the investigated product, which is sufficient for customs purposes, including the current customs tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (b) the names of the countries, exporters and producers involved in circumvention of the anti-dumping duty;
- (c) the factors that have led to the determination of circumvention of anti-dumping duty;
- (d) the amount of definitive duty, if any, to be applied;
- (e) any other reasons leading to the determination; and
- (f) the reasons for the acceptance or rejection of relevant arguments or claims made by interested parties.

#### CHAPTER-VI

#### REVIEWS

32. **Disclosure in the application for a sunset review.**—A request from the domestic industry to initiate a review under section 58 of the Act shall include evidence of likelihood of continuation or recurrence of dumping and injury, as is reasonably available to the applicant including the following, namely:—

- (a) information demonstrating that the request is made by or on behalf of the domestic industry within the meaning of sub-clause (d) of section 2 and section 24 of the Act;
- (b) the identity of each known exporter or foreign producer liable to the anti-dumping duty;
- (c) information on the current normal value of the product under review and the current export prices thereof or, where appropriate, the current constructed export price thereof and information, where the export price is not available, on the prices at which the product is sold from the country or countries of origin or export to a third country or countries and the prices in the country of origin or export;
- (d) likely effects of expiry of anti-dumping duty on dumping;
- (e) information on whether exporters of the exporting country have developed other export markets after imposition of anti-dumping duty;

- (f) likely impact of dumped imports on the domestic industry, as demonstrated by relevant factors and indices, such as those listed in sections 15 and 17 of the Act; and
- (g) development of the condition of domestic industry since the imposition of the anti-dumping duty, the present condition of the domestic industry and the potential impact of continuation or recurrence of dumping if the anti-dumping duty is terminated.

33. **Disclosure in the application for a review under section 59 of the Act.**— The Commission may initiate a review under section 59 of the Act on receipt of an application along with prescribed fee set out in the second schedule from any interested party. The application shall contain relevant evidence and information of change in circumstances which leads to justify such a review, *inter alia*, on the following, namely:—

- (a) name, address, telephone number, facsimile number and electronic mail address of the applicant;
- (b) details of circumstances which warrant a review and effects of such circumstances on volume and prices of imports of the product under review;
- (c) complete description of the product being imported, including the technical characteristics and uses of such product and its current customs tariff classification number as specified in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (d) the name and address of exporters and producers subject to the anti-dumping duties;
- (e) information on normal value of the product under review and on any adjustments as provided for in section 11 of the Act, which may be the—
  - (i) prices at which the product in question is sold for consumption in domestic market of the country of export or origin; or
  - (ii) prices at which the product in question is sold from the country of export or origin to an appropriate third country; or
  - (iii) constructed normal value in accordance with clause (b) of subsection (1) of section 6 of the Act;
- (f) information on export price of the product under review or, where appropriate, the prices at which such product is first re-sold to an

independent buyer in Pakistan and on any adjustments as provided for in section 11 of the Act;

- (g) information on an evolution of volume of imports of the product under review, the effect of such imports on prices of a domestic like product in domestic market and the consequent impact of the imports on domestic industry as demonstrated by relevant factors and indices having a bearing on the state of domestic industry, including those listed in sections 15, 16, and 17 of the Act; and
- (h) any other relevant information.

**34. Disclosure in the application for a newcomer review.**—The Commission may initiate a newcomer review under section 60 of the Act on receipt of an application from an exporter or producer along with prescribed fee set out in the second schedule. The application shall contain such information relevant to calculate individual dumping margins is reasonably available to the applicant on the following, namely:—

- (a) name, address, telephone number, facsimile number and electronic mail address of the applicant;
- (b) a complete description of the product under review, including the technical characteristics and uses of such products and its current customs tariff classification or harmonized code number;
- (c) an affidavit that the applicant did not export the product under review to Pakistan during the period of investigation;
- (d) an affidavit that the applicant is not related to any exporter or producer of the investigated product in the exporting country who are subject to the anti-dumping duties;
- (e) volume of exports of the product under review to Pakistan and other countries during last twelve months;
- (f) information on normal value of the product under review and on any adjustments as provided for in section 11 of the Act, which may be—
  - (i) prices at which the product under review is sold for consumption in domestic market of the exporting producer in country of export or origin; or
  - (ii) prices at which the product under review is sold by the exporting producer to an appropriate third country; or

- (iii) constructed normal value in accordance with section 8 of the Act;
- (g) cost to make and sell of the like product for the period of review and a complete previous financial year of the producer of the product under review;
- (h) export price of the product under review or, where appropriate, the prices at which such product is first re-sold to an independent buyer in Pakistan, and on any adjustments as provided for in section 11 of the Act; and
- (i) any other relevant information.

35. **Withdrawal of an application of a review.**—An application for initiation of a review may be withdrawn prior to initiation, in which case it shall be considered not to have been made:

Provided that upon withdrawal of an application any fee paid along with the application shall not be refunded.

36. **Initiation of a review.**—(1) The Commission may examine the accuracy and adequacy of the evidence and information provided in the application for a review to determine whether there is sufficient evidence to justify the initiation of a review under sections 58, 59 or 60 of the Act;

(2) A review under section 58 or 59 of the Act, shall not be initiated unless the Commission has determined, on the basis of an examination of the degree of support for, or opposition to, the application expressed by domestic producers of the like product, that the application has been made "by or on behalf" of the domestic industry within the meaning of section 2 (d) and section 24 of the Act, if such review is requested by domestic industry.

37. **Notice of initiation of a review.**—(1) The Commission shall—

- (a) give a notice of initiation of the review to the domestic producers, exporters, importers and any representative association of importers or exporters known to the Commission to be concerned, as well as representatives of the exporting country, the applicant and other interested parties known to the Commission to have an interest in the review; and
- (b) publish a copy of the notice of initiation in the manner provided for in sub-rule (2) of rule 17.

(2) Initiation of a review shall be effective on the date on which the notice of initiation is published in the newspapers specified in sub-rule (2) of rule 17.

(3) Subject to the requirement to protect confidential information pursuant to section 31 of the Act, the Commission shall, after initiation of a review, provide to any interested party the full text of the written application received by the Commission:

Provided that where the Commission determines that the number of interested parties is high, the Commission shall only provide the full text of the written application received by it to the exporting country or to the relevant trade association of exporting country.

**38. Disclosure in notice of initiation of a review.**—The notice of initiation of a review shall contain adequate information set forth or otherwise make available through a separate report on the following, namely:—

- (a) the name of the applicant, exporters, producers, importers, domestic industry, country of export and if different, the country of origin of the product under review;
- (b) complete description of the product under review, including the technical characteristics and uses of such product and its current tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (c) summary of the factors on the basis of which a review is requested;
- (d) the address where information and comments may be submitted and the time period allowed to interested parties for making their views and comments;
- (e) the date of initiation of the review; and
- (f) the proposed schedule for the review.

**39. Information gathering.**—The Commission shall solicit, gather, obtain, verify, accept and reject information for the purposes of a review as provided in rule 9.

**40. Determination of likely continuation or recurrence of dumping in a sunset review.**—The determination whether expiry of the anti-dumping duty will likely lead to continuation or recurrence of dumping of the product under review shall be based on positive evidence and an objective examination of all relevant factors, including the following, namely:—

- (a) whether exporters or producers of the exporting country stopped or continued to export to Pakistan the product under review after imposition of anti-dumping duties;

- (b) calculation of likely dumping margins for exporters or producers of the exporting country:

*Explanation.*— The decision to change the dumping margins and duty rates pursuant to a sunset review rests with the Commission despite change in the dumping margins from the original investigation.

- (c) the past and likely future performance of the exporters, foreign producers, including production, capacity utilization, the potential to extend production facilities, costs, sales volumes, prices, inventories, market share, exports, exportable surplus, profits, etc.;
- (d) whether the exporting country has developed other export markets after imposition of anti-dumping duties;
- (e) trade remedial actions taken by other countries on exports of the product under review and whether such actions are likely to cause a diversion of imports into Pakistan;
- (f) changes in market conditions in the exporting country and internationally, including changes in the supply of and demand for the product under review; and
- (g) conditions of competition with non-dumped imports of the like product.

**41. Determination of likely continuation or recurrence of injury in a sunset or changed circumstances review.**—The determination whether expiry of the anti-dumping duty will likely lead to continuation or recurrence of injury to the domestic industry shall be based on positive evidence and an objective examination of all relevant factors, including the following, namely:—

- (a) volume of imports of the product under review and likely effect on volume of imports if the duty is allowed to expire. In particular, whether there is likelihood of a significant increase in the volume of imports of the product under review;
- (b) the likely prices of the product under review if the measure is allowed to expire and their effect on the prices of the domestic like product. In particular, whether imports of the product under review are likely to undercut or lead to price depression or price suppression of the prices of the domestic like product;
- (c) the likely impact of imports of the product under review on the domestic industry if the measure is allowed to expire, having regard

to all relevant factors and indices, including any potential decline in output, sales, market share, profits, productivity, return on investments or utilization of production capacity and any potential negative effects on cash flow, inventories, employment, wages, growth or the ability to raise capital; and

- (d) changes in market conditions in the economy of Pakistan and internationally, including changes in the supply of and demand for the imports of the product under review.

**42. Disclosure of individual dumping calculations.**—At least thirty days before conclusion of a review conducted under section 59 or 60 of the Act, the Commission shall disclose dumping calculation methodology and dumping calculations to be applied for the individual exporter or producer. Not later than fifteen days after such disclosure the exporter or producer may submit written arguments on its dumping calculation methodology and dumping calculations.

**43. Notice of conclusion of a review.**—(1) The Commission shall, subject to the requirements for the protection of confidential information under section 31, issue a notice of conclusion of the review conducted under Chapter XV of the Act, whether affirmative or negative.

(2) The Commission shall publish a copy of the notice of conclusion of the review in the manner provided for in sub-rule (2) of rule 17 and such notice may, if the Commission deems it fit, only contain a summary of the salient features of the determination of the review and details made available through a separate report the complete determination of the review investigation subject to the requirements of confidentiality in accordance with section 31 of the Act.

(3) A copy of the notice of the determination under sub-rule (1) shall be forwarded to the exporting country and to other known interested parties.

**44. Disclosure in the notice of conclusion of the review.**—The notice of conclusion of a review shall set forth, or otherwise make available through a separate report, the following information, namely:—

- (a) description of the product under review, which is sufficient for customs purposes, including the current customs tariff classification number as contained in the First Schedule to the Customs Act, 1969 (IV of 1969);
- (b) the names of the countries, exporters and producers of the product under review;
- (c) the factors that have led to the determination of—

- (i) likely continuation or recurrence of dumping and injury, in case of sunset or changed circumstances review; or
  - (ii) change in circumstances in case of changed circumstances review; or
  - (iii) individual dumping margin in case of newcomer review.
- (d) the amount of definitive duty, if any, to be applied;
  - (e) any other reasons leading to conclusion of the review; and
  - (f) the reasons for the acceptance or rejection of relevant arguments or claims made by interested parties.

#### CHAPTER VII

### REFUND OF ANTI-DUMPING DUTIES

45. **Refund of anti-dumping duties.**—The refund of anti-dumping duties may be carried out in the situations arising out under sections 52, 55 or 60 of the Act, or as a consequence of judgment, decree, order or direction of a court of law or the anti-dumping Appellate Tribunal.

46. **Refund application.**—(1) Where an importer has paid anti-dumping duty in excess of the level of anti-dumping duty in forced in an investigation in relation to any imported goods, he or his authorized representative may make an application for refund of such duty to the Secretary of the Commission.

(2) An application under section 52 of the Act may be made to the Commission for refund of anti-dumping duties collected within any twelve months period not later than sixty days from the end of such period.

(3) If definitive anti-dumping duty is lower than the amount of provisional anti-dumping duty paid, the difference shall be refunded by the Commission under section 55 of the Act. For this purpose, the importer or his authorized representative may make an application to the Commission within fifteen days of the publication of notice of final determination.

(4) The application may be made by the importer or his authorized representative within a period of forty-five days computed from the date of judgment, decree order or direction by the court of law or the Tribunal.



(5) An application for refund of anti-dumping duty may be made to the Commission within forty-five days from the date of notice of conclusion of a review under section 60 of the Act.

47. **Disclosure in the application for refund.**—(1) The application for refund of anti-dumping duty shall be accompanied by original documents confirming the payment of such duty in respect of which refund has been claimed along with the following, namely:—

- (a) a statement claiming the refund and declaring that the dumping margin of the applicant's exporter or exporting producer on the basis of which the duties have been paid has decreased or eliminated or the basis for such statement i.e. sections 55 or 60 of the Act or the order of the court or the Tribunal;
- (b) a statement, along with documentary evidence, to the effect that the incidence of the anti-dumping duty has not been passed on to any customer or buyer and a consent to allow on-the-spot investigations to verify the information;
- (c) identification of the specific transactions for which refund is claimed and the total amount of refund requested;
- (d) declarations, as per specimen attached with the specified format for refund application, stating the following that—
  - (i) the anti-dumping duties for which refund is sought have been fully paid;
  - (ii) the duty has not been reimbursed to any party and no future request would be made for the same duty;
  - (iii) the prices on which application is based are genuine; and
  - (iv) there is no compensatory arrangement made between exporter/exporting producer and the importer for the sales under consideration;
- (e) the application for refund of anti-dumping duty shall clearly mention period for which refund is claimed and shall contain following documents, namely:—
  - (i) original Customs Goods Declaration (Importer's Copy). In case it is computer generated, the importer should sign it and

mark as "generated from the system and certified to be correct";

- (ii) original Cash Receipt (bank challan) on which duty was paid;
  - (iii) original commercial Invoice;
  - (iv) original or certified copy of Letter of Credit;
  - (v) original or certified copy of bill of lading;
  - (vi) relevant evidence that the incidence of duty has not been passed on to any customer or buyer; and
  - (vii) any other supporting document and information; and
- (f) in case the application is made under section 52 of the Act, in addition to the information and evidence narrated at clauses (a) to (e), the following information shall also be provided in the application, namely:—
- (i) sufficient information to enable the Commission to calculate normal value, export price and dumping margin in accordance with provisions of Part III, IV and V of the Act for the period for which the refund is requested;
  - (ii) where such information is not submitted along with the application, a certificate or undertaking from the exporter or exporting producer that such information will be provided directly to the Commission by the concerned exporter or producer; and
  - (iii) a consent by the exporter or exporting producer for on-the-spot investigations.

**48. Deficiency in application for refund.**—(1) On receipt of an application, it shall be scrutinized to ensure completeness of the application and where the application is found to be deficient, it shall be returned to the applicant within twenty-one days pointing out the deficiencies:

Provided that where such evidence and information is not forthcoming in a complete form from the applicant, exporter, producer or importers within a reasonable period of time, as determined by the Commission, the application shall be liable to be rejected by the Commission.

(2) The applicant may re-submit the application after removing deficiencies within fifteen days of communication thereof.

(3) In case the application is filed under section 52 of the Act and it does not contain information necessary to calculate normal value, export price and dumping margin in accordance with provisions of Part III, IV and V of the Act for the period for which he refund is requested, the Commission shall:

- (a) send questionnaires to acquire such information as the Commission deems necessary to concerned exporters and foreign producers;
- (b) give at least thirty days for reply to the exporters and foreign producers receiving a questionnaire and the time limit shall be counted from the date of receipt of the questionnaire which, for this purpose shall be deemed to have been received one week from the date on which it was sent to the respondent or transmitted to the appropriate diplomatic or official representative of an exporting country:

Provided that the Commission shall give due consideration to any request for an extension of such thirty-day period and shall grant an extension, whenever practicable and upon good cause shown, taking into account the time limits for determination of the refund investigation;

- (c) the Commission may disregard any reply to a questionnaire, which is not submitted within the time provided and in the form requested; and
- (d) the Commission may, during the course of a refund investigation, request further information from interested parties, in the form of supplementary questionnaires or written requests for clarification or additional information and such requests shall state the date by which reply is due and sufficient time shall be granted in order to allow meaningful replies.

49. **Confidentiality.**— Provisions of section 31 of the Act shall be followed, *mutatis mutandis*, in all cases of refund of anti-dumping duties.

50. **Investigation for refund claims under section 52 of the Act.**—(1) For the purposes of determining dumping margin under section 52 of the Act, the Commission shall specify the period to be investigated which may normally include the date of invoicing of the transaction for which a refund is sought. This period shall cover one year and include a period from the date of invoicing of the first transaction by the exporter or exporting producer to the applicant.

(2) The exporter or exporting producer who supplied the information to the applicant and, where appropriate, any other importer may be asked to submit information concerning all sales to Pakistan and not only sales to the applicant. The information may be sought by means of a questionnaire to be sent to the applicant's exporter, exporting producer and to any other exporter or importer.

(3) The application shall only be considered by the Commission on receipt of all information and complete questionnaire responses from the applicant's exporter or exporting producer, including replies to any material deficiencies which may have been identified in the replies to the questionnaires and is duly supported by evidence.

(4) The Commission shall inform about the refund investigation to the concerned importers, exporters or foreign and domestic producers and may afford them an opportunity to comment.

(5) The Commission shall satisfy itself of the accuracy of the information provided by the applicant, exporter or foreign producer and other interested parties, if any. For this purpose, the Commission may conduct on-the-spot investigations at premises of the parties supplying information.

(6) Dumping margin for the purposes of refund of anti-dumping duties will be established in accordance with the relevant provisions of Part III, IV and V of the Act. In determination of dumping margin, unless circumstances have changed, the same methodology shall be used which was used in the original investigation.

(7) The dumping margin shall be determined in respect of all exports of the investigated product made by the exporter or foreign producer to Pakistan during the specified period and not only for the importer claiming the refund. Consequently, determination of the dumping margin shall cover all types/models of the investigated product as set out in the report of final determination of the original investigation and not only those types or models imported by the applicant.

(8) Where the number of types or models of the investigated product or transactions concerned is so large that individual examinations would be unduly burdensome and prevent completion of the refund investigation in a reasonable time, the Commission may base the calculation of the dumping margin on a sample of the types or models of the investigated product concerned on the basis of the provisions of section 14 of the Act.

(9) Where the export price appears to be unreliable and is thus constructed pursuant to section 10 of the Act, the Commission shall calculate it with no deduction for the amount of anti-dumping duties paid when conclusive

evidence is provided that the duty is duly reflected in resale prices and the subsequent selling prices in Pakistan.

(10) In cases where the applicant or the exporter or exporting producer supplies false or misleading information or refuses access to relevant information or does not provide it within a reasonable period of time or significantly impedes the refund investigation, including impeding the verification of the information to the extent deemed necessary, the information shall be disregarded and the facts available shall be used. In such cases, the dumping margin established during the original investigation or a review, which led to the imposition of the duty for which refund is claimed shall normally be considered to be the best available information and evidence. It shall therefore be considered that the dumping margin had not decreased and the application shall be liable to be rejected.

(11) Dumping margin determined in accordance with sub-rules (6) to (10) shall be applicable to refund request only. Anti-dumping duty shall continue to be levied as per notice of final determination under section 39 of the Act or notice of conclusion of the review under Part XV of the Act.

**51. Determination of passage of incidence of duty.**—For the purposes of refund claims, the Commission shall satisfy itself whether the applicant has passed on the incidence of the anti-dumping duty to any customer, buyer or person. For this purpose, the determination shall be based on an objective examination of the facts and evidence available before the Commission. The Commission may seek any information, document or evidence for this purpose from the applicant or from any other source, which may include independent customer, buyer or person. Such information, document or evidence must be susceptible of verification by the Commission.

**52. Verification of the refund claim.**—The claim for refund shall be verified from customs authority concerned. For this purpose, a list showing name of importer, exporter and the amount of anti-dumping duty paid shall be sent to the relevant customs authority. In case of any delay by the customs authority, the payment of duty may be confirmed from the import data showing collection by the customs authority. Concurrently, confirmation of payment of anti-dumping duty may also be sought from the concerned bank.

**53. Disposal of the refund application.**—On completion of refund investigation, the applicant shall be informed about the outcome of the Commission's determination. The amount of anti-dumping duty to be refunded, if any, to the applicant shall normally be calculated as the difference between the anti-dumping duty paid and the actual duty due:

Provided that the amount of anti-dumping duty refundable under sections 52, 55 and 60 of the Act or where such duty has become refundable as a

consequence of court or Tribunal's order shall instead of being refunded to the importer, be transferred to appropriate fiscal authority of the Federal Government if the incidence of such duty has been passed on to an independent buyer.

154. **Sanctioning authority.**—The Commission shall satisfy itself that antidumping duty paid is duly transferred in the Commission's personal ledger account. Based on the refund investigation and upon satisfaction, the Commission may authorize the payment of refundable amount. If the Commission is satisfied that the whole or part of the anti-dumping duty claimed is refundable, a cheque in the name of the applicant shall be issued.

55. **Revocation of a decision to re-imburse.**—(1) Where it is subsequently found that a decision granting a refund has been made on the basis of false or incomplete information provided by the parties, it shall be revoked retroactively and the importer concerned shall have no right to obtain a refund thereof.

(2) As a result of such revocation under sub-rule (1), the refunded amounts corresponding to the original anti-dumping duties shall be recovered by the concerned authority.

#### CHAPTER-VIII

#### MISCELLANEOUS

56. **Consultation and dispute settlement.**—To give effect to Article 17 of the Agreement on Implementation of Article VI of GATT 1994 as provided in preamble of the Act, the Commission shall take all necessary steps in cases where it has imposed anti-dumping duties and the exporting country has taken up the imposition of such duty in accordance with the provisions of Article 17 of the Agreement on Implementation of Article VI of GATT 1994.

57. **Consultations.**— In case the Government of the exporting country whose product is subject to the anti-dumping duty approach the Government of Pakistan or the Commission for consultations to reach at a mutually agreed solution, the Commission shall conduct such consultations and shall consider all possible options including the changed circumstances review and price undertaking options to resolve the issue. The Commission shall afford adequate opportunity for consultation regarding representations made by the exporting country with respect to the imposition of anti-dumping duty or countervailing duty.

58. **Dispute proceedings under World Trade Organization's dispute settlement mechanism.**— In cases where the exporting country invoke proceedings on anti-dumping duties imposed by the Commission under WTO

Dispute Settlement understanding or under Agreement on Implementation of Article VI of GATT 1994, the Commission will conduct such proceedings and will defend its actions.

**59. Implementation of mutually agreed solution and findings of the World Trade Organization's panel and the appellate body.**—(1) In cases where the Commission has reached on a mutually agreed solution with government of the exporting country in response to the consultations, the Commission shall take all necessary steps to implement the mutually agreed solution.

(2) The Commission shall take all necessary steps to implement findings of the WTO panel and the appellate body.

**60. Effective implementation.**—(1) To facilitate effective implementation of imposition of anti-dumping duties and to assess impact of such duties on the domestic industry, the domestic industry shall provide information or data on yearly basis on the following, namely:—

- (a) production, sales, prices, profits, output, market share, productivity, return of investment, utilization of capacity, cash flow, inventories, employment, wages, growth, ability to raise capital and investments;
- (b) factors affecting domestic production and prices;
- (c) volume of dumped imports and other imports; and
- (d) any other factors having bearing on state of the domestic industry.

(2) Based on information provided by the domestic industry under sub-rule (1), the Commission may initiate a review under Part XV of the Act.

(3) In case the domestic industry fails to provide the information for two consecutive years on prescribed format under sub-rule (1), the Commission may suspend its order for imposition of duty and initiate a review under Part XV of the Act within forty-five days of such suspension.

**61. On its own motion initiation of an investigation or a review.**—

(1) The Commission may, on its own initiative or on a reference received, initiate the following, namely:—

- (a) an investigation under section 25 of the Act, If the Commission is satisfied that there is, *prima facie*, sufficient evidence of dumping

of a product and injury to the domestic industry producing like product;

- (b) a review under section 58 of the Act to determine likelihood of continuation or recurrence of dumping of a product which is subject to an anti-dumping duty and likelihood of continuation or recurrence of injury to the domestic industry producing domestic like product;
  - (c) a review under section 57 or 59 of the Act, at any time after imposition of the anti-dumping duty, to determine whether there is a need for continued imposition of the anti-dumping duty and the extent of anti-dumping duty imposed on a product; and
  - (d) an investigation under section 63 of the Act, if the Commission is satisfied that the anti-dumping duty imposed on imports of a product is being circumvented.
- (2) After initiation of an investigation or a review as provided for in sub-rule (1), the Commission shall solicit, gather, obtain, verify, accept and reject information as provided in rule 9.
- (3) The Commission shall follow all procedural steps as provided in the Act or in these rules for an investigation or a review initiated as provided in sub-rule (1).

62. **Repeal.**—The Anti-Dumping Duties Rules, 2001 are hereby repealed.

#### FIRST SCHEDULE

[See rule 11(3)]

#### PROCEDURES FOR ON-THE-SPOT INVESTIGATIONS

1. Upon initiation of an investigation, the government of the exporting country and the firms known to be concerned should be informed of the intention of the investigation, information sought from the concerned parties and to carry out on-the-spot investigations by the Commission.

2. If in exceptional circumstances, it is intended to include non-governmental experts in the investigating team, the firms and the authorities of the exporting country should be so informed. Such non-governmental experts



should be subject to effective sanctions for breach of confidentiality requirements under the Act.

3. The Commission shall normally obtain explicit agreement of the firms concerned in the exporting country before a visit is finally scheduled.

4. As soon as the agreement of the firms concerned has been obtained, the Commission shall notify the concerned authorities of the exporting country of the names and addresses of the firms to be visited and the dates agreed.

5. Sufficient advance notice should be given by the Commission to the firms in question before a visit is made.

6. Visits to explain the questionnaire should only be made at the request of an exporting firm. Such a visit may only be made if the Commission notifies the concerned representatives of the exporting country and the latter does not object to the visit.

7. As the main purpose of a on-the-spot investigation is to verify information provided or to obtain further details and evidences, it should be carried out after the response to a questionnaire has been received unless the firm agrees to the contrary and the government of the exporting country is informed by the Commission of an anticipated visit and the latter does not object to it. The Commission shall normally advise the firms concerned of the general nature of the information to be verified and of any further information which needs to be provided, that such requirement shall not preclude the Commission from requesting further details during on-the-spot investigation to be provided in the light of information obtained.

8. Enquiries or questions put by the authorities or firms of the exporting country and essential to a successful on-the-spot investigation shall, whenever possible, be answered by the Commission before a visit is made.

## SECOND SCHEDULE

[See rule 20]

### TABLE OF FEES AND OTHER CHARGES TO BE PAID TO THE COMMISSION

1. For an application under section 20, section 52, section 58, section 59, section 60 or section 63 of the Act, the application fee is one hundred thousand Pakistani Rupees.
2. The estimated publication of notices charges of five hundred thousand Rupees, shall be submitted to the Commission at the time of an application. This

amount shall be adjusted against actual publication charges as prescribed under sub-rule (2) of rule 20 of these rules.

3. The Commission shall provide a copy of the public file to the interested parties on payment of Rupees ten per page.

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