ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following statement has been received from the Government of Pakistan:

"Anti-dumping and countervailing legislation, as such, does not exist in Pakistan. Provision for safeguarding certain industries within Pakistan, however, finds place in sections 2 and 4 of the Tariff Act, 1934 (XXXII of 1934), which provide for the imposition of customs duties as protective duties leviable on goods produced or manufactured outside Pakistan the import of which is likely to result in injury to an industry within Pakistan. Section 8 of the Tariff Act provides for imposition of additional import duty on bounty-fed articles.

"Where, in respect of any article chargeable with a protective duty, the Central Government is satisfied, after such inquiry as it thinks necessary, that such duty has become ineffective, or excessive for the purpose of securing the protection intended to be afforded by it to a similar article manufactured in Pakistan, the Act empowers the Central Government to increase or reduce the duty to such extent as it thinks necessary either generally or in respect of such article when imported from or manufactured in any specified country or countries.

"Where protection of an industry established in Pakistan is urgently necessary and a protective duty of customs is required to be immediately imposed on imported goods produced or manufactured outside Pakistan, the duty is levied by making a notification under the Protective Duties Act, 1950 (LXI of 1950).

"If a duty imposed by a notification is to be continued its continuance must be provided for by a Bill introduced in the Central Legislature during the session next following the date of the issue of the notification, if the notification has not been rescinded in the meantime.
"No notification under the Protective Duties Act 1950 can, however, be made unless the Central Government is first satisfied upon a report submitted to it on this behalf by the Tariff Commission, set up by the Central Government, that the industry in respect of which the report is submitted should be protected."

THE TARIFF ACT. (ACT NO. XXXII OF 8 SEPTEMBER 1934)

"2. Duties specified in Schedules to be levied.

(1) There shall be levied and collected in every port to which this Act applies, the duties specified in the First and Second Schedules.

(2) The Central Government may, by notification in the official Gazette fix, for the purpose of levying the said duties, tariff values of any articles enumerated, either specifically or under general headings, in the said Schedules as chargeable with duty ad valorem and may alter any tariff values for the time being in force.

(3) Different tariff values may be fixed for different classes or descriptions of the same article.

(4) Nothing in this Act shall authorise the levy of customs duties on any article carried from one customs port in the Provinces and the Capital of the Federation to another such port except salt, opium and spirit.


(1) Where, in respect of any article chargeable under the First Schedule with a duty characterised in the third column thereof as protective, the Central Government is satisfied, after such inquiry as it thinks necessary, that such duty has become ineffective or excessive for the purpose of securing the protection intended to be afforded by it to a similar article manufactured in Pakistan, it may, by notification in the official Gazette increase or reduce such duty to such extent as it thinks necessary either generally or in respect of such article when imported from or manufactured in any country or countries specified in the notification.

"8. Additional import duty on bounty-fed articles.

(1) Where any country, dependency or colony pays or bestows, directly or indirectly, any bounty or grant upon the production therein or the exportation therefrom of any article and the article is chargeable with duty under the provisions of this Act, then, upon the importation of any such article into the Provinces and the Capital of the Federation, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the
country of production or has been changed in condition by manufacture or otherwise, the Central Government may, by notification in the official Gazette, impose an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

(2) The net amount of any such bounty or grant as aforesaid shall be, from time to time, ascertained, determined and declared by the Central Government, and the Central Government may, by notification in the official Gazette, make rules for the identification of such articles and for the assessment and collection of any additional duty imposed upon the importation thereof under sub-section (1)."

THE PROTECTIVE DUTIES ACT 1950

(ACT No. LXI of 23 October 1950)

"2. Powers of Central Government to impose duties of Customs

(1) If the Central Government is of the opinion that it is urgently necessary to provide for the protection of the interests of any industry established in the Provinces or the Capital of the Federation, the Central Government may, by notification in the official Gazette:

(a) impose on any goods produced or manufactured in any country outside Pakistan and imported into the Provinces or the Capital of the Federation a duty of customs of such amount as it thinks fit; or

(b) change the nature of a duty of customs, imposed on any goods produced or manufactured in any country outside Pakistan and imported into the Provinces or the Capital of the Federation, into protective.

Provided that no notification shall be made under this sub-section unless the Central Government is first satisfied, upon a report submitted to it in this behalf by the Tariff Commission set up by the Central Government, that the industry in respect of which the report is submitted should be protected.
(2) Every duty imposed under sub-section (1) shall be deemed to be a duty leviable under the Tariff Act, 1934, and shall be in addition to any duties imposed under that Act or any other law for the time being in force, but shall not be included in the duty of customs upon which any additional duty imposed by section 6 of the Finance Act, 1942 and continued subject to certain modifications by certain subsequent Acts of the Central Legislature, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

"3. Duties to be continued by Legislature. During the session of the Central Legislature next following the date of the issue of a notification under sub-section (1) of section 2, there shall unless the notification is in the meantime rescinded, be introduced to the Central Legislature on behalf of the Central Government a bill to give effect to the proposals of the Central Government in regard to the continuance of a protective duty of customs on the goods to which the notification relates and the notification shall cease to have effect on the expiry of two months from the date on which the Bill is so introduced.

Provided that where for any reason a Bill as aforesaid is not so introduced the notification shall cease to have effect on the expiry of two months from the termination of the said session."