REPLIES BY PAKISTAN TO QUESTIONS RAISED BY THE EEC CONCERNING THE ANTI-DUMPING LEGISLATION OF PAKISTAN

Question 1

Section 3(1): Does this section require the causing of material injury? What is meant by the criterion "or adversely affects the local market conditions"?

Answer

Pakistan legislation refers to 'injury'. The word 'injury' has been used in the legislation in the same sense as in the Code.

Question 2

Section 3(1) and 4(1): How is the rate of definitive anti-dumping duty calculated and what are the limits in this respect (cf. also section 8)? With regard to provisional duties please explain the term "as (the Federal Government) may think fit".

Answer

The rules enacted under paragraph 11 of the legislation will provide for the manner of calculation of definitive anti-dumping duties, which will be in accordance with the provisions of the Anti-Dumping Code.

In section 4(1), the phrase "as the Federal Government may think fit" means that as the government may determine after an appropriate investigation. The term "as it may think fit" does not mean that the provisional duties will be levied in an arbitrary manner; these will be in accordance with the provisions of the Code.

Question 3

Section 4(2): With regard to the final assessment of duties please clarify the term "soon after the issue of the notification". How is the term "(customs officer) shall pass orders for the difference" to be interpreted?

1 See document ADP/W/124
2 See document ADP/1/Add.24

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Answer

The phrase "soon after issue of notification" means in a reasonably short period after the issue of notification on the final determination of the anti-dumping duty. The phrase "shall pass orders for the difference" means that the customs officer shall pass orders in accordance with the relevant provision of Article 11 of the Anti-Dumping Code.

Question 4

Section 6: Which evidence is required for a publication of "a notice that an additional duty is proposed to be levied"? Are there any time-limits for the taking of provisional measures?

Answer

The publication of a notice will take place only after a preliminary investigation which establishes the fact of dumping, of injury and of causal link between the two.

The question of time-limits for provisional measures will be dealt with in the rules to be framed.

Question 5

What are the possibilities of accepting undertakings and why are undertakings not mentioned in the Ordinance?

Answer

The legislation deals with the essentials. The question of price undertakings will be taken care of in the rules to be framed under Section 11 of the legislation.