



THE ANTI-DUMPING DUTIES ORDINANCE, 2000



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THE SCHEDULE.

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THE ANTI DUMPING DUTIES ORDINANCE, 2000

ORDINANCE NO. LXV of 2000

[22nd December, 2000]

An Ordinance to amend and consolidate the Law relating to imposition of anti dumping duties to offset such dumping

WHEREAS it is expedient to give effect in Pakistan to the provisions of Article VI of the General Agreement on Tariffs and Trade, 1994, and to the Agreement on implementation thereof and to amend and consolidate the law relating to imposition of anti-dumping duties to offset such dumping, to provide a framework for investigation and determination of dumping and injury in respect of goods imported into Pakistan and for matters ancillary thereto or connected therewith;

AND WHEREAS the imposition of anti-dumping duties to offset injurious dumping is in the public interest;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. I of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Anti-Dumping Duties Ordinance, 2000.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition. In this Ordinance, unless there is anything repugnant in the subject or context:—

(a) "Appellate Tribunal" means the Appellate Tribunal established under section 64;

- (b) "Commission" means the National Tariff Commission established under the National Tariff Commission Act, 1990 (Act VI of 1990);
- (c) "country" means any country or territory whether a member of the World Trade Organisation or not and includes a customs union or separate customs territory;
- (d) "domestic industry" means the domestic producers as a whole of a domestic like product or those of them whose collective output of that product constitutes a major proportion of the total domestic production of that product, except that when any such domestic producers are related to the exporters or importers, or are themselves importers of the allegedly dumped investigated product in such a case "domestic industry" shall mean the rest of the domestic producers.

Explanation.—For the purposes of this clause, producers shall be deemed to be related to exporters or importers only if—

- (i) one of them directly or indirectly Controls the other;
- (ii) both of them are directly or indirectly controlled by the same third person; or
- (iii) together they directly or indirectly control a third person:

Provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers and for that purpose one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter:

Provided further that, in exceptional circumstances, as may be determined by the Commission, domestic industry in relation to a product in question may be divided into two or more competitive markets and producers within each such market may be regarded as a separate industry if—

- (i) the producers within such a market sell all or almost all of their production of the product in question in such a market; and
 - (ii) the demand in such a market is not to any substantial degree supplied by producers of the product in question located elsewhere in Pakistan;
- (e) "domestic like product" means the domestically produced product which is a like product to an investigated product;
 - (f) "dumping margin" in relation to a product, means the amount by which its normal value exceeds its export price;
 - (g) "export price" means export price determined in accordance with Part IV of this Ordinance;
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