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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 8th September, 2015

No. F. 22(15)/2015-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 5th September, 2015 and is hereby published for general information:—

ACT No. XII OF 2015

An Act to reform and repeal the National Tariff Commission Act, 1990

WHEREAS it is expedient to provide for certain reforms in the National Tariff Commission by repealing the National tariff Commission Act, 1990 (VI of 1990), and re-enacting it for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the National Tariff Commission Act, 2015.

(2) It extends to the whole of Pakistan.

(691)

Price : Rs. 10.50

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Commission” means the National Tariff Commission established under section 3;
- (b) “Interested party” means any party having interest in the product under investigation including domestic producers, importers, consumers, exporters, foreign producers, trade or business associations of the investigated product or such other persons or group of persons as the Commission may specifically through notification in official Gazette;
- (c) “Member” means a member of the National Tariff Commission and included the Chairman;
- (d) “prescribed” means prescribed by rules made under this Act;
- (e) “Repealed Act” mean the National Tariff Commission Act, 1990 (VI of 1990);
- (f) “Trade Remedy Laws” includes the Anti-Dumping Law, the Countervailing Duties Law and the Safeguard Measures Law for the time being in force.

3. **Continuation of National Tariff Commission.**—The National Tariff Commission established by the Repealed Act shall be deemed to have been established under this Act, notwithstanding the repeal of the “Repealed Act”, the Commission shall be deemed to have been validly constituted, subject to section 5, under this Act and shall continue to perform its functions accordingly.

4. **Constitution of the Commission.**—(1) The Commission shall comprise five members, appointed by the Federal Government in the prescribed manner. The Federal Government shall appoint one of the members to be Chairman of the Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal. It shall have the authority and duty to exercise the functions assigned to it by or pursuant to this Act or any other law for the time being in force, shall have the power and authority to acquire, hold and dispose of property, both movable and immovable, in its own name, shall have the power and authority to open a personal ledger account in its own name and may sue and be sued in its own name.

(3) The head office of the Commission shall be at Islamabad and the Commission may establish offices at such places as it may deem necessary.

(4) No act, proceeding or decision of the Commission shall be invalid by reason only of the existence of a vacancy or defect in the Constitution of the Commission.

5. **Qualification and eligibility of members.**—(1) All members of the Commission shall be citizens of Pakistan and shall be employed with the Commission on a full-time basis.

(2) A member of the Commission shall,—

(a) have at least a masters or professional degree or qualification from an accredited university or institute in international trade laws, business and commercial laws, economics, accountancy, tariffs and trade, commerce and trade, or a trade-related subject; knowledge of trade remedy Laws would be an advantage; and

(b) have at least fifteen years of professional work experience in international trade law, business and commercial laws, economics, accountancy, harmonized tariffs, commerce and trade, tariffs and trade or other trade-related technical field; direct work experience in trade remedy laws would be an advantage.

(3) The Federal Government shall select upto two members from the Commission's experienced technical officers provided that they meet the eligibility and qualification requirements specified in sub-sections (1) and (2).

6. **Disqualification.**—(1) No person shall be appointed or continue as member or an employee of the Commission if such person;

(a) has been convicted of an offence involving moral turpitude;

(b) has been or is adjudged insolvent;

(c) is incapable of discharging his duties by reasons of physical, physiological or, mental unfitness and has been so declared by a duly constituted Medical Board appointed by the Federal Government;

(d) fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravenes any of the provisions of this Act pertaining to unauthorized disclosure of information.

7. **Term of office.**—(1) The Chairman and members of the Commission shall hold office for a term of five years. That term shall be extendable by one year unless the Federal Government directs otherwise.

(2) If the Chairman's position becomes vacant, the Federal Government shall appoint and notify a new member or may designate and notify the most senior member as Chairman. In the absence of either notification, the most senior member, in terms of service in the Commission, shall perform the duties and functions of the Chairman.

8. **Function of the Commission.**—(1) The functions of the Commission shall be to advise the Federal Government on,—

- (a) tariff and other trade measures to,—
 - (i) provide assistance to the domestic industry; and
 - (ii) improve the competitiveness of the domestic industry;
- (b) trade remedy actions being faced by domestic producers and exporters;
- (c) rationalization of tariff and proposals for tariff reform;
- (d) removal of tariff anomalies; and
- (e) any other matter relating to tariff or trade measures that the Federal Government may refer to the Commission.

(2) In addition to the functions specified in sub-section (1), the Commission shall also perform such functions with respect to international trade and other matters that may be assigned to it by the trade remedy laws or any other law for the time being in force.

(3) Where the Federal Government has adopted the recommendations of the Commission in whole or part, the Commission shall periodically review the effect of such recommendations and in consequence of the review may give further recommendations to the Federal Government.

(4) The Commission shall advise, where possible, the domestic exporters and producers facing trade remedy investigations abroad.

(5) The Commission shall assist the Federal Government at the World Trade Organization dispute settlement body in respect of matters pertaining to the Trade Remedy Laws, WTO Covered Agreements and disputes under other trade agreements. The Federal Government may hire the services of a qualified and experienced international trade lawyer or international trade consultant for this purpose on a case-to-case basis.

(6) The Commission may undertake research to facilitate effective implementation of Trade Remedy Laws and tariff rationalisation, in a manner to be prescribed.