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TRADE REMEDY INSTITUTIONS COMPARATIVE ANALYSIS & REFORM BLUEPRINT FOR NATIONAL TARIFF COMMISSION, PAKISTAN

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Abstract
The article reviews National Tariff Commission (NTC) of Pakistan viz-a-viz some comparative world practices. The purpose is to propose institutional reform and hence, to enhance performance level. Important areas of comparison are overall structure, investigation capabilities/procedures, financial independence, use of technology, the size of the budget, human resource, compliance with World Trade Organization (WTO) disciplines etc. Some model touched are India, USA, EU and Australia. However, the major focus remains on India and Pakistan.
The article examines some structural constraints of the NTC like limited financial resources, no or limited use IT systems, outdated tools of data gathering, no foreign visits as part of investigation, average timelines exceed the required timelines under WTO. Pakistan's experience at Dispute Settlement Body of WTO exhibited problems in timelines, investigation procedures of NTC (DS538, Pakistan v. United Arab Emirates : BOPP Film). The National Tariff Commission Amendment Act 2026, while expanding Commission membership from five to seven and updating qualification criteria, leaves the institution's financial, operational, and independence architecture entirely unaddressed. The article concludes with an institutional blueprint for a proposed Pakistan Trade Remedies Commission (PTRC), drawing on DGTR's parallel investigation architecture, USITC's independence model, and Australian and Canadian fee-structure precedents to recommend a minimum viable budget of PKR 900–950 million, a seven-wing organizational structure, a dedicated Trade Defence Wing, and a digital petition portal as the minimum conditions for meaningful institutional transformation.

Literature Review

Trade remedies are the principal exceptions to the non-discrimination principle of World Trade Organization (WTO). The WTO promotes free trade through the reduction of tariffs and non-tariff barriers, however, it authorizes members of using exceptions for import surges that may injure domestic industries. The WTO formulates principles and rules regarding anti-dumping, countervailing and safeguard measures to help members counter adverse effects of tariff reduction.

Different studies highlight that trade remedy laws remain useful for the WTO members to curtail unfair trade practices. John Jackson, in his book 'The World Trading System' (1997) calls these trade remedies laws as 'safety valves' in the trading system. These valves allow liberalization to move ahead and at same time give confidence to the partner countries that adverse effects of free trade

can be handled as per law. Peter Van den Bossche in, 'The Law and Policy of the World Trade Organization' (2021) does not ask for any 'institutional model' for compliance of trade remedy laws of WTO. If we have a glance around the member countries, we see a variety of institutional arrangements. The only requirement is 'due process' and 'transparency'. For example the United States uses a dual-agency model, India has DGTR working under Ministry of Commerce. Many countries opt for an independent body to conduct investigation. Edwin Vermulst, in his book 'The WTO Anti-Dumping Agreement: A Commentary'(2005), points out that for handling anti-dumping cases, WTO members may adopt some specialized and independent agency with ample resources to conduct WTO-compliant investigations.

There is substantial research on trade remedy laws of WTO, but deeper analysis of Pakistan's National Tariff Commission has yet not been done from an institutional perspective. This study provides comparative review and fills in the gap, and further proposes reforms.

1: Institutional Approach to Deal with Trade Remedies under WTO

The multilateral trading system established under WTO is founded on the principles of transparency, non-discrimination, and progressive liberalization to promote trade and consumers' welfare. The process of lowering tariffs and progressive liberalization can expose domestic industries to unfair trade practices or sudden import surges that may lead to injury or threat to material injury to the domestic industry. Recognizing this the WTO system provides 'safety valves' to the member countries in form of trade remedy laws (agreement on Anti-dumping, Agreement on Subsidies and Countervailing Duties, and Agreement on Safeguard Measures). The legal authority for trade remedies emanates from Article VI of GATT (allowing anti-dumping and countervailing duties, and Article XIX of GATT authorizing safeguard measures.

The WTO does not prescribe a single institutional model for administering trade remedies. Members are free to organize institutions provided investigations comply with WTO agreements. WTO follows the principle of institutional autonomy. That explains why there is such a diversity of institutional arrangement world-wide. The relevant articles of Anti-dumping agreement like Articles 5 outlines the application procedures before initiation of any inquiry, Article 6 sets out procedure for conducting investigation, Article 12 requires issuance of public notices. Similarly, Article 11 of Agreement on Subsidies and Countervailing Measures deals with initiation of inquiry, Article 12 and 22 deal with investigation procedure and public notices. Article 3.1 of Agreement of Safeguards asks for investigation by "competent authorities". Hence, WTO does not mandate any specific form of the institution to administer trade remedies however, it requires:

i. Investigations to be conducted by competent authorities;
ii. Following of due process of law
iii. Maintaining transparency
iv. Requirements of evidence
v. Injury determination
vi. Duty imposition (lesser duty principles)

Below are some functional models worldwide (however, bifurcation can be made on other lines, this is just to illustrate diversity worldwide):

Model	Description	Examples

Single integrated authority	One authority investigates and recommends measures	Pakistan (NTC) and UK (TRA). Both are single integrated agencies. However, there is one difference that is Trade Remedy Authority of UK (TRA,UK) has single mandate and NTC, Pakistan has a dual function (recommending tariff policy to the Government and also acting as trade remedy institution)
Separate investigation/decision	Investigating authority separate from decision maker.	In India DGTR investigates and decision to impose duty or not lies with Ministry of Finance)
Dual-agency	One body finds dumping/subsidy, another injury.	USA (ITA determines conducts investigation /USITC determines injury); Canada (CBSA conducts investigation and CITT determines injury)
Ministry-based	Ministry conducts investigations.	Many developing countries
Independent commission	Independent statutory authority.	Australia (ADC) is statutory body and recommends to Ministry of Industry Science and Resources measures

2: Institutional Overview & Comparative Benchmarks

The WTO does not prescribe a single institutional model for administering trade remedies. Members are free to organize institutions provided investigations comply with WTO agreements (as previously discussed). The optimal trade remedies institution is one that combines statutory independence, high level of technical capacity, transparency, and accountability, separation from executive in policy matters, and is quasi- judicial in nature. In this study, the focus would be on models of India, USA and Pakistan. However, references of other models are dispersed. This chapter provides a comprehensive comparative assessment of the three principal trade remedy institutions examined in this analysis: Pakistan's National Tariff Commission (NTC), India's Directorate General of Trade Remedies (DGTR), and the United States International Trade Commission (USITC) alongside the International Trade Administration (ITA).

1.1 Current State Assessment

Parameter	NTC Pakistan	DGTR India	USITC/ITA USA
Annual Budget	~$1.8M (Rs. 520M)	~$2.75M (Rs. 22.93 crore)	$562M combined (2026)
Staff	50–60 (30 officers)	112 (sanctioned strength as per their annual report)	2,400+
Cases/Year(Inc. Reviews)	8–15	40-60+	80-150

Investigation Time	18–24 months	9–10 months	Statutory deadlines met
Digital Filing	None	ARTIS Portal	EDIS/IDS Systems
MSME Support	None	Helpdesk active	TRAO Office
Export Defence	None	Trade Defence Wing	ITA/USTR coordination
Independence Level	Low	Moderate (procedural)	Very High (constitutional)
WTO Challenges	2 (1 panel report – lost)	3 (zero panel reports)	50+ (multiple reports)

1.2 Financial Architecture Comparison

The budget structure of each institution reveals its operational capacity far more accurately than headline budget figures alone. Personnel cost dominance is the single most important indicator of residual operational capacity:

Budget Component	NTC Pakistan	DGTR India	USITC USA	Ideal Target (PTRC)
Personnel (salary/pension)	79.2%	87–90%(not publically disclosed, estimated)	~64%	55–65%
Foreign verification visits	ZERO	ZERO	Comprehensive	Rs. 150M earmarked
IT investment	Rs. 6.9M ($24,785). No dedicated IT based system	ARTIS	World-class EDIS	Rs. 200M capital
MSME/Outreach	Rs. 100K ($360) for seminars/workshops	Unlike Pakistan , they have a dedicated cell for outreach, funds are not publically disclosed	TRAO office	Rs. 60M
Fee Revenue	Rs. 75K/case (~$270)	ZERO	~$150K Sec.337 only	Rs. 750K–1M/case

Comparison on the Basis of Cases Handled (on Average/Annum)	
NTC, Pakistan	8-15
DGTR, India	50 plus
USTR/ITA, USA	40- 70 new investigations, 100-300 sunset reviews (one of the busiest trade remedy organization of the world)

3: How NTC Conducts Investigations — Role of Commissioners

Pakistan's NTC operates on a Commission model which is fundamentally different from India's Designated Authority model and USA's dual agency model. The model of USA exhibits high level of independence, financial autonomy and a high performance index. Pakistan can learn from the ITA/USTIC model and work for institutional independence where reporting is to the Parliament, budget comes Parliament instead from the Ministry, human resource is adequate and professional etc. Hence, a more fruitful approach would be to see Indian model in details.

2.1 The Commission Model vs. the Designated Authority Model

The Commission model: Investigations are conducted by the full Commission or a bench of commissioners sitting collectively as a quasi-judicial body. Professional staff provides analytical support but commissioners are the decision-makers and the analytical engine in the organization. Every significant procedural step requires commissioner-level involvement.

The Designated Authority model (DGTR): The Director General is a single quasi-judicial authority whose name appears on all findings, with investigation work delegated entirely to the officer teams beneath him. The DA reviews completed analysis and signs findings and runs 30–40 parallel investigation teams simultaneously. This distinction is everything. It is why NTC handles 8–15 cases annually while DGTR handles 50+.

2.2 Current Commission Composition (July 2026)

Name	Position	Pay Scale
Dr. Jawwad Agha	Chairman	MP-I (Federal Minister scale)
Naeem Anwar	Member	MP-I
Muhammad Iqbal Tabish	Member	MP-I
Imran Zia	Member	MP-I
Ahmed Sheraz	Member	MP-I
Abdul Rashid Sheikh	Member	MP-1
Two New Members (2026 Amendment)		

2.3 The Ten-Stage Investigation Process

Stage 1 — Application Routes and Initiation (Days 1–30)

NTC can receive applications for initiation of investigations in following ways:

1. Domestic industry can file detailed application with proof of injury along with all documentations. The required fee is Rs. 100,000
2. On reference from Federal Government
3. Suo motu action by NTC (a power added in 2022).

When an application is received from the domestic industry, NTC examines the application and its compliance with Section 20 of the Act. If the evidence is sufficient to support investigation, NTC initiates investigation wihin15 days of the receipt of the application. However, if additional documents are required the time can be extended till 30 days from the date of the application. The initiation of the inquiry is a full quasi-judicial function of the Commission itself. The function cannot be delegated. However, in case of India the staff prepares cases as per format for simple

signature of for DA without collective deliberation.

Stage 2 — Public Notice of Initiation

If NTC decides to initiate investigation, notices are issued to importers, exporters and relevant associations/chambers or the local representatives of exporters. Notification is issued in the official Gazette. Public notice is issued in at least one English and one Urdu national daily newspaper. Notification is also displayed on the website of NTC. This notice contains all relevant information and date of initiation, schedule of hearings etc. This multi-channel notification satisfies WTO Anti-Dumping Agreement requirements for notice to all known exporters.

Stage 3 — Questionnaire Dispatch and Response (Months 1–3)

NTC gathers required information through questionnaires. The questionnaires are sent to importers, exporters, chambers, associations and all concerned parties at the same time. Data is needed regarding cost of production, pricing in importer's market and in export country market, or the third country market price, for determination of export price/normal value. Data is also needed of turn overs, sales, capacity utilization, employment etc. for determination of import surges and injury. DGTR generates receipts, checks completeness of the data in response of the questionnaire and prepare files automatically. The online system that manages case is ARTIS. NTC has no equivalent system. Physical document management consumes significant time of the officer, that ARTIS eliminates almost entirely.

Stage 4 — Data Analysis (Months 2–5)

After collection of data, the most taxing task for any investigating agency is to evaluate the data and do calculation through econometrics, statistics and mathematics to determine dumping margins and injury levels to the domestic industry for imposition of equivalent duty. Expertise is required to evaluate domestic industry, determination of normal value and (if required) calculation of constructed value. This is highly technical work and crucial for the investigations. It may be noted that in case of Anti-Dumping investigation the calculation of dumping margins and injury calculation require two different expertise. Dumping margin calculation need determining of home market price if available or calculation of constructed price and determination of export price. Whereas, injury analysis need review of industry data along the entire list of Article 2.4 of Anti-Dumping agreement. Whereas, injury analysis need review of industry data along the entire list of factors as per Part VI of Anti-Dumping agreement.

In National Tariff Commission both of above functions are performed by the same teams. In DGTR, India there are distinct teams working simultaneously with different expertise. In USA both functions are handled by two different organizations. ITA, USA determines dumping margins and USITC determines injury or threat of material injury.

This sequential rather than parallel analytical work is a structural reason for NTC's longer investigation timelines and a direct contributor to the WTO violations found in DS538.

Stage 5 — Preliminary Determination and Provisional Duty

The National Tariff Commission typically decides on preliminary determination in three to five months. The imposition of preliminary duties is the task of full commission and requires data based deliberations. Provisional duties are typically set conservatively since they may be refunded if the final determination differs. In DGTR the entire case to be submitted before DA is prepared by the teams and DA reviews and signs.

Stage 6 — Oral Hearing

The entire Commission in NTC participate in oral hearings. It is similar to the court hearing. Here all interested parties participate. The domestic industry presents its case and provides data on injury keeping in view all indicators as per Agreement on Anti-Dumping. Indicators includes, inventory build ups, loss of profits, reduction in employment levels, loss of market shares, reduction investment etc. Foreign

importers or their representatives rebut and challenge the analysis of the domestic industry or the 'causal link' between injury and import surge. Commissioners actively participate in the hearing, they question witnesses, analyze data and ask technical questions. The oral hearing and its successful conduct depends on the qualification of the Commissioners. Commissioners with background in economics, law, and accounting may ask technical and legal questions. Generalist will ask non-specific questions. This is a primary reason that the 2026 Amendments of NTC Act updated qualification criteria matter.

Stage 7 — Statement of Essential Facts (SEF)

National Tariff Commission issues a 'Statement of Essential Facts' after oral hearing. It contains all preliminary findings, analysis, required data on which Commission has based its conclusions regarding duty imposition. This is all non-confidential information and must be made available to all the parties. NTC makes Public file access only physically at NTC's Islamabad offices. However, in DGTR public files can be accessed remotely through ARTIS.

Stage 8 — Final Determination

The final determination is the culmination point of the entire investigation. Here the Commission collectively determine three things:

1. whether dumping exists and if so what is its margin;
2. whether material injury to the domestic industry exists or is threatened;
3. and whether a causal link exists between the dumping and the injury.

All three determinations must be affirmative for a duty to be imposed. A negative on any one element requires termination.

The duty imposed cannot exceed the dumping margin. Pakistan's lesser duty rule requires NTC to consider whether a lower duty than the full margin would suffice to remedy the injury. Final Determinations are issued as formal. These are published on NTC's website.

Stage 9 — Recommendation-Imposition Structure

National Tariff Commission both recommends and imposes anti-dumping duties. The Commissions concludes investigation with the recommendation of imposition of duty and sends case to the Ministry of Commerce. This consolidated authority makes NTC faster (no inter-ministerial delay). Whereas, DGTR only recommends and duty is imposed by Ministry of Finance through a separate custom notification. This in case of DGTR allows for separation of function that is investigation and duty imposition. India's dual-ministry system is useful as it safeguards independence, allows check on powers of the single authority, allows Ministry of Finance to weigh other considerations like consumer's interest, diplomatic relations, WTO obligations etc before imposition of duties. However, it has cons as well as it raises concerns that recommendations of DGTR are non-binding, the process is time consuming as may lying pending at Ministry of Finance. However, DGTR defense of separation of investigation and duty imposition is a strong defense.

Stage 10 — Sunset Reviews

The workload of NTC is increasing as quantum of sunset reviews increase. Sunset reviews require full re-investigation after 5 years before deciding whether existing anti-dumping duties should continue. As NTC's stock of active duty orders grows, mandatory review workload grows proportionally, consuming capacity that could otherwise handle new investigations.

2.4 The Commissioners' Time Allocation — The Capacity Ceiling

Each commissioner is personally involved in every significant procedural step of every active investigation: the initiation decision, reviewing questionnaires' completeness, examining analytical outputs at preliminary determination stage, presiding at oral hearings, reviewing the SEF, deliberating on the final determination, and reviewing sunset cases.

Unlike DGTR's model where the DA reviews completed analysis prepared entirely by

investigation teams, NTC commissioners are more hands-on in the analytical process itself — reviewing data, directing analytical approaches, and often personally engaging with technical substance. With five (now seven) commissioners handling 8–15 active cases, each commissioner is simultaneously engaged in multiple cases at different stages. This is the structural ceiling the 2026 Amendment of NTC Act directly targets by expanding from five to seven members (but will this suffice , keeping in view the workload increase due to lowering of tariffs?).

3: How DGTR Handles 50+ Investigations Simultaneously

DGTR's simultaneous investigation capacity is not primarily a function of its budget or headcount — it is a function of its operational architecture. Understanding each mechanism is essential for designing Pakistan's PTRC reform.

3.1 The Designated Authority Model — Delegation Architecture

In law, the Director General of DGTR is the Designated Authority — every preliminary finding and final finding is issued in the DA's name. But the DA does not personally conduct every investigation. Each investigation is conducted by a dedicated investigation team that does all analytical work, while the DA reviews completed analysis and issues findings sequentially as cases mature to conclusion.

This is similar to how a High Court Chief Justice does not personally hear every case. DGTR can run 30–40 parallel investigation teams simultaneously, each working on its assigned case, while the DA focuses exclusively on reviewing completed analysis and signing findings. This is structurally impossible under NTC's Commission model where commissioners are embedded in every stage.

3.2 The Eight Mechanisms of Simultaneous Capacity

Mechanism 1 — Multi-Disciplinary Investigation Teams

Each DGTR investigation is assigned to a dedicated team comprising officers from different specializations: a Team Leader (Joint Director or Deputy Director from IAS/IES), a Legal Officer (Indian Legal Service or contract advocate), and a Cost Accountant (Indian Cost Accounts Service — handles dumping margin calculation), an Economist (Indian Economic Service — handles injury analysis), and an Industry Specialist for sector-specific knowledge.

Within a single investigation, five different analytical work streams proceed simultaneously rather than sequentially. The legal review, dumping margin calculation, injury analysis, causality analysis, and industry assessment all happen in parallel under a coordinated timeline. NTC has no equivalent parallel-stream structure.

Mechanism 2 — The ARTIS Digital Platform

DGTR, India has portal for case management called ARTIS (Application for Remedies in Trade for Indian Industry and other Stakeholders). It receives application online, provides for document uploading, generates receipt, and provides online tracking of status of documents/applications, WTO notifications processing, provides for digital public library, all non-confidential flows electronically in this portal. Teams of officers work on multiple case files simultaneously from workstations without physical file management overhead. The DA can access any case file digitally at any time.

Mechanism 3 — Standardized Questionnaire Architecture

DGTR has devised standard questionnaires for exporters, importers and domestic industry. However, there are product specific annexures. These questionnaires are used in all cases/investigations. This saves time for devising investigation specific questionnaire and make easy analysis of the data as it follows a structured pattern. In NTC a questionnaire is developed for each investigation.

Mechanism 4 — Assembly-Line Investigation Stages with Hard Deadlines

In DGTR all investigations undergo strict time lines and pass through same stages like application, initiation, questionnaire, responses,

provisional determination, oral hearing, and final determination. Different teams are working simultaneously in a 'strict assembly line' methodology.

Mechanism 5 — Sampling Procedure for Fragmented Industries

In industries like dyes, tools, pharma, textiles where there are many importers and many exporters, DGTR employs sampling technique authorized under WTO Agreement on Anti-Dumping Article 6.10. This technique reduces substantial data processing volumes per investigation. No such clause is there in standard procedures of NTC.

Mechanism 6 — The Consultant and Contract Expert Model

DGTR can scale up its investigation capabilities through hiring consultants, economists, cost accountants, lawyers, and retired trade experts for specific investigations. This enhances the capabilities of permanent civil servants in DGTR. Such flexibility is not available in NTC investigations.

Mechanism 7 — Staggered Oral Hearing Calendar

DGTR plans cases to prevent bottlenecks and overlap. The DA schedule of hearing shows multiple hearing per day for different investigations. By spacing out case initiations across the year, DGTR ensures that the oral hearing, disclosure statement, and final finding stages of different cases are also staggered.

Mechanism 8 — Multi-Service Officer Deputation System

DGTR is a multi service organization. It is staffed by civil servants with different capabilities and skill sets. For example there are officers from ministry of law, accountancy/costing economics, finance, customs, revenue and international trade. This multi service arrangement and capability to request additional deputations from the parent ministry as per case load gives an extremely flexible structure to the organization (these additional deputationists are being paid from the parent ministry). Such flexibility is not available in NTC.

3.3 What NTC Cannot Currently Replicate — and Why

Case management system called ARTIS and teams working simultaneously (for example separate teams working on injury determination and dumping margin) increase the work capability of DGTR. Apart from that unlike Commission model where all 7 commissioners are doing the same work and are present at all stages of the cases, the designated authority model(DA model) is far more efficient. The work that is prepared and reviewed by multi-layered officers is only signed by DA.

The lesson for National Tariff Commission is that the capability of the organization can be enhanced through construction of teams working simultaneously on same case and on multiple cases. , developing standardized procedures, formulating sampling procedures, development of case management portal, flexible staffing, capability of hiring experts/consultants on contract.

4: National Tariff Commission Amendment Act 2026 — Analysis and Impact

Recently, Government of Pakistan amended NTC Act. The NTC amendment Act, 2026 presented and passed in 17 days. This extraordinary speed raises question regarding scrutiny at each stage of the bill that presented institutional overhaul.

4.1 The Core Policy Trigger

NTC overhaul was necessary because of National Tariff Policy which committed substantial reduction of tariffs. NTC is a safety net to protect domestic industry against injury because of import surges due to tariff cuts.

The problem is the gap between what the amendment delivers and what is actually needed.

4.2 How Much Amendments of NTC Act Can Deliver?

Provision	What It Does	Impact Verdict
Members: 5 → 7	Adds two commission members, enabling parallel investigation benches	Moderate Yes — real operational consequence
Updated qualifications	Revises appointment criteria to require demonstrated trade expertise	Potentially Yes — implementation dependent
Chairman vacancy process	Clear succession mechanism prevents institutional paralysis during vacancies	Minor positive

4.3 What Is Conspicuously Absent

The NTC Amendment 2026 is silent on main issues of the organization that impede with its efficiency. The structural issues of the organization remain untouched like absence of case management portal, enhancement of budget, provision of help desk for MSME and trade defense wing for Pakistani exporters facing AD/CVDs, establishment of fund to make this organization self-supporting, and retention fees collected by the commission.

4.4 The Reform Cycle Problem

The 2026 amendment follows a well-established pattern in Pakistan's regulatory governance — responding to institutional failures with legislative amendments rather than institutional redesign:

- 1990: NTC Act established a new body — same structural limitations emerged
- 2015: NTC Act reformed quorum, membership, qualification — capacity gaps persisted
- 2022: Tenure extended, anti-circumvention added, tribunal strengthened — caseload remained low
- 2026: Countervailing and safeguard activation mandated — without budget, capacity, or digital infrastructure to operationalise

Each legislative cycle adds provisions to the statute. None has addressed the three fundamental constraints: which are inadequate budget, insufficient operational capacity, and structural dependence on executive patronage.

4.5 Overall Impact Scorecard

Dimension	Pre-Amendment	Post-Amendment	Net Change
Commission capacity (members)	5 members	7 members	▲ Modest improvement
Financial resources	Rs. 520M (79% salaries)	Unchanged	— No change
Foreign verification	Zero budget	Zero budget	— No change
MSME outreach	Rs. 100,000	Unchanged	— No change
Digital infrastructure	Rs. 6.9M IT budget	Unchanged	— No change
Trade Defence Wing	Absent	Absent	— No change

Chairman independence	Government pleasure	Government pleasure	— No change
CVD/Safeguard activation	Near zero use	Legislative mandate	▲ Moderate if resourced

The NTC Amendment Act 2026 rightly diagnosed lapses of the organization, but it is reform at the margins of an institution that needs reform at its core. Pakistan needs a new organization— not an amended NTC.

5: WTO Challenges — NTC Pakistan and DGTR India Compared

5.1 India's WTO Record — Three Disputes, Zero Panel Reports

India has faced formal WTO challenge of its anti-dumping measures in only three officially registered disputes in its entire WTO membership history since 1995 — covering what was then DGAD and is now DGTR. This is extraordinary given the scale of India's AD activity (1,000+ investigations since 1992).

DS304 — India Anti-Dumping Measures: Imports from EC (2003)

In year 2003, the European Communities challenged anti-dumping measures of India on its 27 products and requested consultation. The European Communities challenged Indian investigation and its procedures on multiple counts;

- "the determination of the effect of the dumped imports on prices does not seem to be based on positive evidence and on an objective examination;
- the Indian investigating authority did not demonstrate that dumped imports were causing the alleged injury, and failed to examine other known factors and ensure that injury caused by those other factors was not attributed to dumping;
- the Indian investigating authority did not properly inform interested parties of the relevant essential facts under consideration which formed the basis for the decision to apply the anti-dumping measures and in sufficient time for those parties to defend their interests;
- the Indian investigating authority did not properly inform interested parties of the reasons why it did not accept evidence or information they had submitted within the investigation procedure;
- the Indian investigating authority did not satisfy itself during the course of the investigation as to the accuracy of the information supplied by interested parties in particular by their domestic industry;
- the public notice of information concluding the investigation did not contain all relevant information on the matters of fact and law and reasons which led to the imposition of the anti-dumping measures".

The concerns raised by the European Communities highlighted structural and processes flaws of the organization. These were not isolated errors and led to self-analysis of India. India terminated all contested measures and averted formation of panel. No panel report issued. The resolution triggered genuine methodological reform within DGAD that improved subsequent investigation quality.

DS306 — India Anti-Dumping: Batteries from Bangladesh (2004)

Bangladesh challenged India's AD duties on lead acid batteries under Article 15 of Anti-Dumping Agreement that allows special treatment to LCDs and negligibility provisions of Article 5.8. It exposed vulnerability of India. India terminated duties. No panel report issued.

DS318 — India Anti-Dumping: Products from Chinese Taipei (2004)

Chinese Taipei challenged plethora of points in investigation of India. As pointed out by summary on website of WTO:

- "The rejection of the information provided by exporters without providing reasons; and the lack of satisfaction as to the accuracy and

reliability of the information provided by the domestic industry;

- The initiation of the investigations and imposition of the anti-dumping duties, despite no imports of the product concerned from Chinese Taipei into India during the Period of Investigation, and despite the insufficiently substantiated petitions for the initiation on the existence of dumping and injury;
- The lack of correct determination of the normal value and export price;
- The determination of injury not based on positive evidence or an objective examination and without examining all injury factors mentioned by the Anti-Dumping Agreement (ADA); and the determination of the threat of material injury not on facts but on allegation, conjecture or remote possibility;
- The lack of demonstration that the dumped imports were causing the alleged injury; and the failure to ensure that alleged injury caused by other factors was not attributed to dumping;
- The lack of providing interested parties with the full opportunity for the defence of their interests; and the lack of informing the interested parties the essential facts under consideration which form the basis for the decision;
- Provisional measures imposed for more than the period of time allowed under the ADA;
- The notice of initiation of investigations lacking in all the grounds that support dumping and injury; and the notice of definitive findings lacking in all relevant information of facts and law and reasons which led to the imposition of the anti-dumping measures.

The dispute remained at consultations stage with no panel established.

All disputes were finished by termination of imposed measures and subsequent overhaul of the Indian trade remedy organization.

5.2 Pakistan's WTO Record — Two Disputes, One Comprehensive Panel Loss

Pakistan as respondent has faced two WTO disputes directly challenging NTC anti-dumping determinations. Unlike India's three pre-panel resolutions, Pakistan's measures proceeded to a full adverse panel report.

DS470 — Pakistan Anti-Dumping and CVD: Paper Products from Indonesia (2013)

Indonesia in dispute with Pakistan did not challenge any substantive provisions but compliance of times lines as per Article 5.10 of the Agreement on Anti-Dumping. It shows capacity failure of the organization rather than some methodical or technical flaw. NTC terminated the investigations before a panel was constituted. This left domestic industry without protection that sought protection in the first instance.

DS538 — Pakistan Anti-Dumping: BOPP Film from UAE (2018–2021)

This dispute between UAE and Pakistan is most significant one. This dispute also created full adverse panel report. The case concerned biaxially oriented polypropylene (BOPP) film. The domestic courts had already set aside determination in 2013. The findings of NTC were re- issued in 2015 and on same data sunset review was conducted. NTC's 2015 determination was based on evidence 22–31 months old at the time of determination, partly because domestic court proceedings had frozen the investigation timeline. Pakistan argued at the WTO that it could not have done better because its own courts had constrained it. The defense was rejected.

DS538 Panel Findings — Six Violations across Two Determinations

Determination	Article Violated	Nature of Violation
Final Det. 2015	Art. 5.3	Pakistan did not have sufficient evidence to justify initiation — relied on evidence several years old without explanation

Final Det. 2015	Arts. 2.1 & 3.1	Determination of dumping and injury based on evidence 22–31 months old without explanation, attempt to update, or establishing impossibility of updating
Final Det. 2015	Arts. 3.1 & 3.2	Did not objectively consider whether import volume increased significantly in absolute terms or relative to domestic production; inadequate price effect analysis
Final Det. 2015	Arts. 3.1 & 3.4	All injury factors listed in Article 3.4 were not evaluated; causal link was not developed as to objectively evaluating the impact of dumped imports on the state of the domestic industry
Final Det. 2015	Arts. 3.1 & 3.5	Causation analysis based on inconsistent Article 3.1/3.2/3.4 findings; did not ensure injury from other known factors was not attributed to dumped imports (non-attribution failure)
Sunset Review 2016	Art. 11.3	Dumping margin was not calculated in inconsistence with Article 2; did not rely on positive evidence ; did not show the proper link between data and conclusions
Sunset Review 2016	Art. 11.4	Sunset review was to be within concluded within 12 months from the date of initiation when there are no abnormal circumstances — timeline violation

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The Panel recommended Pakistan to bring its measures in conformity with WTO obligations and suggested to withdrawing the anti-dumping measures on BOPP film from the UAE. Pakistan filed an appeal to the Appellate Body on February 22, 2021. However, the Appellate Body has been non-functional since December 2019.

5.3 The DS538 Violations Map to NTC's Structural Weaknesses

The six violations found in DS538 are not random but capacity constraints and structural limitations:

1. Article 5.3 (stale evidence at initiation): National Tariff Commission do no actively monitor imports to have a current data. It mostly rely on data provided by the applicants. There is lack of data exchange with FBR etc
2. Articles 2.1 & 3.1 (stale evidence at determination): This points to non-compliance of timelines as investigations linger no and when final determination is made, the data is already old. NTC. To get up o date data , NTC needs to conduct foreign verification visits
3. Articles 3.1 & 3.2 (inadequate import volume and price effect analysis): These require quantitative economic analysis and lack capable human resource at NTC
4. Articles 3.1 & 3.4 (incomplete injury factor analysis): The WTO-mandated Article 3.4 injury factor list is exhaustive. Again lack of experts in organization
5. Articles 3.1 & 3.5 (non-attribution): Non-attribution analysis requires systematically eliminating alternative causes of injury, it is a sophisticated econometric exercise for which NTC has no dedicated analytical capacity.
6. Articles 11.3 & 11.4 (sunset review): NTC's sunset reviews are conducted by the same constrained officer base handling new investigations, under the same timeline pressures, with the same analytical limitations.

The comparison is illustrative. India has three times Pakistan's case volume, but did not produce any adverse panel report like Pakistan. NTC needs training of methodologies required to manage DS538's reasoning to avoid future violation.

6: Fee Structures and Financial Self-Sufficiency

The fee collection architecture of trade remedy institutions reveals their philosophy on access to justice, financial sustainability, and the appropriate relationship between user charges and public funding.

6.1 Pakistan NTC — the Nominal Fee Problem

NTC charges one fee: Rs. 100,000 (approximately $360 USD) for filing application of antidumping. Provided there are 8–12 new investigations per year, annual fee income is approximately Rs. 800,000–1200,000. It is too small to stop frivolous applications and too big to deter small industries. This fee is performing no function at all. It neither adds to the revenue of NTC rather create psychological barrier. Let's compare with other jurisdictions. In Australia, the Anti-Dumping Commission of Australia charges AUD 35,000 to 50,000/application. Hence, generates a meaningful revenue. Comparative Fee Structures:

Institution	Filing Fee	Annual Fee Revenue	Fee as % of Budget
Australia ADC	AUD 35,000–50,000 (~$24K–33K)	~AUD 1–2 million	~5–8% — meaningful revenue
Canada CBSA/CITT	CAD 5,000–25,000	Modest but meaningful	~2–3%
USITC (Section 337 only)	USD 2,070	~$100,000–150,000	<0.1% — congressional appropriation model
DGTR India	ZERO	ZERO	0% — entirely appropriated (MSME access policy)
NTC Pakistan (current)	Rs. 100,000 (~$358)	~Rs. 800K–120K	~0.12–0.17% — worst of all worlds
Recommended in Re-organization of NTC	Rs. 750K–1M/case (~$2,700-3594-)	Rs. 6–12M+ annually	~1–2% supplementary to appropriation

6.2 The Byrd Amendment Lesson — What Pakistan Must Never Do

Pakistan cannot collect duties imposed by NTC and give it back to provide as a budget stream. Byrd Amendment Act allowed duties collected (through dumping and subsides offset Act 2000) directly to the injured domestic industry. This created a financial award system, it was challenged by WTO and rendered as illegal.

The lesson for Pakistan is absolute: the one fee model that is WTO-illegal is any mechanism that links the financial benefit of trade remedy agencies or domestic producers to the outcome of the investigations. Filing fees are acceptable (administrative cost recovery, outcome-independent). NTC can retain filing fees but not duties.

6.3 Recommended Fee Reforms for New Organization

- Raise antidumping filing fee from Rs.100,000 to Rs. 750,000–10,00,000 — still below Australian/Canadian levels, maintains

accessibility for genuine petitioners, generates Rs. 6–12M annually at current case volumes

- Introduce CVD and safeguard petition filing fees at equivalent levels
- Introduce a sunset review fee of Rs. 300,000–500,000 per petition — ensures only genuine continuation requests are filed
- Introduce a tariff matters advisory fee of Rs. 200,000–500,000 (if tariff function is to remain with NTC, However, this study recommends otherwise) for industries requesting tariff rationalization analysis
- Create statutory retention right — amend NTC Act to create a Trade Remedies Fund into which all fees are credited and from which reformed organization can draw for operational expenses above its appropriated budget
- CRITICAL: Never link fee revenue to investigation outcomes, duty levels, or domestic producer financial interests

7: Pakistan Trade Remedies Commission (PTRC) — Reform Blueprint

Pakistan's NTC operates on 1990s institutional design with $0.8M budget, zero digital systems, zero foreign verification capacity, and 79% salary dominance leaving approximately $160,000 for all operations. The NTC Amendment Act 2026 is necessary but radically insufficient. What Pakistan needs — particularly given its commitment to tariff liberalization under NTP 2025-30 — is a once-in-a-generation institutional overhaul.

7.1 Legislative Foundation

- Repeal/amend NTC Act 2015: Enact Pakistan Trade Remedies Act consolidating AD, CVD, and Safeguards law in one comprehensive statute
- Create Trade Remedies Fund via statutory provision — mandatory annual transfer of Rs. 500M from Federal Consolidated Fund as non-negotiable financial floor
- Statutory fee retention: all filing fees credited to Trade Remedies Fund, not Federal Consolidated Fund
- Separate tariff function from trade remedy function
- Reduce size of Commission to three only , or possibility of reversion to DA model (as cost effective)

7.2 Other Proposed Changes –Seven Wing Organizational Structure and Rationalizing Separation of Tariff Function from Trade Remedy Function and other Changes

#	Wing	Functions
1	**Trade Remedy Investigations Wing**	Anti-dumping Division, Countervailing Duty Division, Safeguards Division — core investigation function
2	**Trade Defence Wing (NEW)**	Export Monitoring Cell, Foreign Authority Engagement Cell, WTO Coordination Cell — defends Pakistani exporters facing foreign AD/CVD investigations; Pakistan's equivalent of DGTR's Trade Defence Wing
3	**Economic & Data Analytics Cell (NEW)**	Import surge monitoring, injury modelling, FBR customs data integration, economic research, suo motu investigation triggers
4	**Legal & Litigation Cell (NEW)**	WTO compliance review of all determinations before issuance, domestic court litigation management, precedent database, DS538 lesson integration
5	**MSME Helpdesk & Outreach Cell (NEW)**	Petition filing assistance, awareness programmes, regional offices in Lahore, Karachi, Faisalabad, and Sialkot
6	**Policy & Knowledge Cell (NEW)**	Research, staff training, Manual of Operating Practices, international best practices, WTO notification compliance

7	**Digital Systems Unit (NEW)**	Trade remedies portal (Pakistan Trade Remedies Application — equivalent to ARTIS), case management system, public disclosure platform, cybersecurity
8.	**Pakistan Trade Remedies Organization**	Present name of the organization stresses on its role for 'tariffs' rather than its role in trade remedies under WTO. Hence, renaming is proposed
9.	**Tariff Rationalization Function of NTC to be Relinquished**	Both functions that trade remedy laws and tariff functions pull in opposite direction and creates institutional conflict. Tariff rationalization involves advising Govt. to reduce duties, phasing out regulatory duties, improve export competitiveness (based on instrument that of tariff as instruments of trade policy rather than revenue generation. Trade remedy laws requires NTC to investigate and impose duties and additional duties to protect domestic industry from injury. Tariff rationalization deals with MFN general tariff level, while trade remedies deal with product and country specific duties. In theory both are different but in practice they work against each other. This is not actually happening, National Tariff Policy 2025-30 has already reduced tariffs on many products, those tariff reductions has caused import surges injuring domestic industry that may again approach NTC for duty imposition. There is a risk of industry capture as NTC sits on tariff policy board and advises tariff cuts and encourages industry to adjudicate if affected. How other countries are doing may be illustrative:

Country	Tariff/Trade Policy Body	Trade Remedy Body	Separated?
USA	USTR (Trade policy) +Commerce deptt (tariffs)	USITC (Inury)+ DOC)Dumping margin)	Yes- fully separated
India	Ministry of Commerce	DGTR	Yes-separate
EU	DG Trade	European Commission Trade Commission	Partially, Same ministry , different units
Australia	Treasury (tariff policy)	Anti-Dumping Commission	Yes-fully Separated
Pakistan	NTC (Tariff rationalization)	NTC (Trade Remedy)	No –same body

7.3 Financial Architecture — Minimum Viable Budget

Minimum viable PTRC budget: Rs. 900–850 million annually ($2.1–2.9M) - higher than NTC current budget. This brings Pakistan to parity with DGTR India. Target personnel share: 38-40% (we keep permanent personal budget as same and focus on contractual hiring as per requirements and open the department for deputations), generating Rs. 450–470M operational residual for actual programme work.

Budget Component	Amount (Rs.)	Notes
Personnel (salaries as before +budget for contractual hiring)	350-400M	Permanent staff remaining the same, getting personals on deputations and making hiring as case load (change from Commission format wherein, the salary of 7 commissioners in MP-I, roughly amounts to Rs 7M, otherwise reduction of size of Commission from 7 to three)
Foreign verification visits (NEW)	150M	Critical for credible investigations; currently ZERO
IT investment — PATRA portal (NEW)	200M capital + 50M annual	Transformative vs NTC Rs. 6.9M IT budget
MSME outreach — helpdesk + regional offices (NEW)	60M	Vs NTC Rs. 100,000 — 600x increase
Legal & advisory services (enhanced)	40M	External expertise, expert witnesses
Publications, research & training (NEW)	10M	Annual reports, operational manuals, WTO training
Domestic travel, office operations	60M	
TOTAL MINIMUM VIABLE BUDGET	**Rs. 900–950M**	**5–6x NTC current budget; at par with DGTR India**

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7.4 Governance and Independence Architecture

- Chairman/DG: 5-year fixed term, appointed by PM on Search Committee recommendation, removable only through formal process — not executive discretion
- Statutory bar on Commerce Ministry directives during active investigations
- Statutory Complaints Committee for reporting undue pressure
- Conflict of interest rules: 2-year cooling-off period before joining trade remedy-related private sector firms
- Direct reporting to Parliament's Standing Committee on Commerce for budget justification
- Multi-service staffing: FBR (customs/valuation), SBP (financial analysis), Law Division, industry on deputation including seats for Commerce and Trade officers
- Three-year rolling budget framework — multi-year certainty for staffing, technology, and outreach planning
- The size of commissioners or DA pattern to be adopted and technical teams to be built

7.6 Expected Outcomes (5 Years Post-Reform)

Metric	NTC Today	PTRC Target (Year 5)
Case processing time	18–24 months	Under 12 months
Annual cases	Under 15	40–50
Pakistani exporters defended abroad	Near zero	50%+ success rate

MSME petition filings	Minimal	Dramatic increase via helpdesk
WTO notification compliance	Partial	Near 100%
CVD and safeguard cases initiated	Near zero (2 CVD, 0 safeguard)	5–10 CVD + 2–3 safeguard per year
WTO adverse panel reports	1 (DS538 — lost on 6 grounds)	Zero — through WTO-compliant methodology

8: Key Lessons from Comparative Analysis

Conclusion

Pakistan's NTC needs an institutional revamp. Its capacity can be upgraded if appropriate budgetary allocations are made. More expenditure is required on IT system, infrastructure development, hiring of consultants to reinforce human resource capabilities. It operates on traditional format where 80% budget goes to salaries/pensions. NTC Amendment act 2026 is some improvement not a meaningful transformation.

The PTRC blueprint attempts to provide a meaningful change. The format is developed taking inputs from better performing organizations of similar nature. Special inputs have been taken from India, being a developing country like us. A seven winged organization has been proposed with the three-year rolling budget framework.

Success requires political will for legislative reform, Ministry of Finance commitment to adequate appropriation, and sustained institutional capacity investment. The window created by NTP 2025-30 — which both demands and justifies a stronger trade remedy system — may not remain open indefinitely

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List of Abbreviations

AD	Anti-Dumping
ADA	Australian Anti-Dumping Commission
ARTIS	Application for Remedies in Trade Industry and other stakeholder
BOPP Film	Biaxialy oriented Polypropylene film (imports from China, Oman, KSA and UAE)
CBSA	Canada Border Service Agency
CCLC	Cabinet Committee for Disposal of Legislation Cases
CVD	Countervailing Duties
CITT	Canada International Trade Tribunal
DA	Designated Authority
DGTR	Directorate General of Trade Remedies (of India)
EU	European Union
FBR	Federal Board of Revenue
IAS	Indian Administrative Service
IES	Indian Economic Service
ITA	International Trade Administration (of USA)
MSME	Micro Small and Medium Enterprises
NTC	National Tariff Commission
NTP	National Tariff Policy (of Pakistan)
PTRA	Pakistan Trade Remedies
PTRC	Pakistan Trade Remedies Commission

SBP	State Bank of Pakistan
TRA UAE	Trade remedy Authority United Arab Emirates
USITC	United States International Trade Commission
WTO	World Trade Organization

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