



**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5, 32.6 AND 12.6 OF THE AGREEMENTS**

UNITED ARAB EMIRATES

*Supplement*

The following communication, dated 30 August 2018, is being circulated at the request of the Delegation of United Arab Emirates.

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With reference to Article 18.5 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, Article 32.6 of the Agreement on Subsidies and Countervailing Measures and Article 12.6 of the Agreement on Safeguards, the United Arab Emirates (UAE) hereby notifies the Committee on Antidumping Practices, the Committee on Subsidies and Countervailing Measures and the Committee on Safeguards that the UAE issued the following trade remedy legal texts:

- The Federal Law No (1) of 2017 on antidumping, countervailing and safeguard measures, dated 16 April 2018, which was, published in the UAE Official Gazette No 614, Year 47, 30 Rejeb 1438H corresponding 27 April 2017 (the Federal Law).
- The Council of Ministers Decision No (8) of 2018 issuing the Rules of Implementation of the Federal Law No (1) of 2017 on antidumping, countervailing and safeguard measures, which was published in the UAE Official Gazette No 628 Year 48, 11 Rejeb 1439H corresponding 29 March 2018 (the Rules of Implementation).

The full text of the non-official English translation of the Federal Law as well as the Rules of Implementation are hereby enclosed for the ready reference of the WTO Members. The official Arabic version of the above-mentioned texts is publicly available.<sup>1</sup>

The UAE would like to clarify that, as explained in our communication dated 28 September 2015<sup>2</sup>, the Federal Law and its Rules of Implementation incorporated the 2010 amended GCC Common law on antidumping, countervailing and safeguard measures, as well as the 2010 amended GCC Rules of Implementation of the GCC Common on antidumping, countervailing and safeguard Measures, which have been notified to, and discussed at, the Committee on Antidumping Practices<sup>3</sup>, the Committee on Subsidies and Countervailing Measures<sup>4</sup> and the Committee on

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<sup>1</sup> www.economy.gov.ae.

<sup>2</sup> G/ADP/N/1/ARE/2-G/SCM/N/1/ARE/2-G/SG/N/1/ARE/2.

<sup>3</sup> G/ADP/M/51 Minutes of the regular meeting held on 27 October 2016, G/ADP/M/50 Minutes of the regular meeting held on 27 April 2016, G/ADP/M/49 Minutes of the regular meeting held on 28 October 2015, G/ADP/M/48 Minutes of the regular meeting held on 29 April 2015, and G/ADP/M/47 Minutes of the regular meeting held on 29 October 2014.

<sup>4</sup> G/SCM/M/98 Minutes of the special meeting held on 25 October 2016, G/SCM/M/99 Minutes of the regular meeting held on 25 October 2016, G/SCM/M/96 Minutes of the special meeting held on 26 April 2016, G/SCM/M/97 Minutes of the regular meeting held on 26 April 2016, G/SCM/M/95 Minutes of the regular

Safeguards.<sup>5</sup> The Federal Law and its Rules of Implementation thus constitute the legal basis for the enactment and implementation of the 2010 amended GCC Common Law and its Rules of implementation in the UAE in respect of the international trade practices that are injurious to the GCC industry.

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meeting held on 27 October 2015, G/SCM/M/92 Minutes of the special meeting held on 28 April 2015, G/SCM/M/93 Minutes of the regular meeting held on 28 April 2015, G/SCM/M/91 Minutes of the regular meeting held on 28 October 2014.

<sup>5</sup> G/SG/M/50 Minutes of the regular meeting held on 24 October 2016, G/SG/M/49 Minutes of the regular meeting held on 25 April 2016, G/SG/M/48 Minutes of the regular meeting held on 26 October 2015, G/SG/M/47 Minutes of the regular meeting held on 27 April 2015.

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**NON OFFICIAL TRANSLATION OF THE  
FEDERAL LAW No. (1) OF 2017  
ON ANTIDUMPING, COUNTERVAILING AND SAFEGUARD MEASURES<sup>1</sup>**

**We, Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates**

- Pursuant to the perusal of the Constitution;
- Federal Law No. (1) of 1972 on the competencies of ministries and powers of ministers and its amendments,
- Federal Law No. (1) of 1979 on organizing Industrial Affairs,
- Federal Law No. (4) of 1979 on the suppression of fraud and deceit in commercial transactions;
- Federal Law No. (3) of 1987 issuing the Penal Code and its amendments;
- Federal Law No. (11) of 1992 issuing the Civil Procedures Code and its amendments;
- Federal Law No. (28) of 2001 on setting up the Emirates Specifications and Standards Authority and its amendments;
- Federal Law No. (19) of 2002 on the levy of customs duties on goods and products imported from outside the GCC Customs Union;
- Federal Law No. (1) of 2006 on Electronic Commerce and Transactions;
- Federal Law No. (4) of 2012 on the Regulation of Competition;
- Federal Law No. (2) of 2015 on commercial companies;
- Federal Law No. (8) of 2015 on Setting up the Federal Customs Authority;
- Federal Decree No. (21) of 1997 regarding the Agreement and Protocol of the UAE Accession to the World Trade Organization and the Document of the Uruguay Round;
- Federal Decree No. (55) of 2002 regarding the Economic Agreement Between the for the Arab States of the Gulf;
- Federal Decree No. (7) of 2005 regarding the GCC Common Law on Antidumping, countervailing and safeguard measures,
- Federal Decree No. (85) of 2007 on the Common Customs Law for the Arab States of the Gulf,
- And according to what was presented by the Minister of Economy, the approval of the Council of Ministers, as well as the Federal National Council and the endorsement of the Federal Supreme Council,

**We do hereby enact the following law:**

**Article (1)  
Definitions**

For the implementation of the provisions of this law, the following terms and expressions shall have the meaning assigned thereto unless the context otherwise requires:

**Country:** United Arab Emirates.

**Ministry:** The Ministry of Economy.

**Minister:** The Minister of Economy.

**Directorate:** The Directorate in charge of the anti-injurious practices in international trade.

**Authority:** Federal Customs Authority

**Committee:** The Advisory Committee on Anti-Injurious Practices in International Trade.

**Directorate of Customs:** The competent Directorate of Customs in the concerned Emirate.

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<sup>1</sup> The official Arabic version of the Federal Law N (1) 2017 on antidumping, countervailing and safeguards is published in the United Arab Emirates Official Gazette No. 614, Year 47, 30 rajeb 1438 Hajeri, 27 April 2017.

**Government Authority:** Any federal or local authority related to the implementation of the provisions of this Law and its Rules of implementation.

**GCC States:** GCC Member States of the Gulf Cooperation Council.

**GCC Authorities:** Bureau of the Technical Secretariat and Permanent Committee on anti-injurious in International Trade as well as the GCC Ministerial Committee.

**Organization:** World Trade Organization.

**Agreements of the Organization:** The agreements resulting from the Uruguay Round of Multilateral Trade Negotiations ratified by the Federal Decree No. (21) of 1997.

**Injurious Practices in International Trade:** Practices of dumping, specific subsidy and increase in imports.

**Dumping:** Exporting a product to the Country at less than its normal value in the ordinary course of trade for the like product in the exporting country.

**Subsidy:** A financial contribution or any form of income or price support in the sense of Article (16) of GATT 1994, provided by the government of the country of origin or a public body within the territory of this country that confer a benefit to the beneficiary.

**Increase in Imports:** Importing a product in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic or GCC industry.

**Measures:** Anti-dumping, Countervailing and Safeguard measures.

**Anti-dumping Measures:** Measures taken against dumping.

**Countervailing Measures:** Measures taken against specific subsidy.

**Safeguard Measures:** Measures taken against increase of imports.

**Provisional Measures:** Temporary measures taken during the investigation pursuant to a preliminary affirmative determination.

**Definitive Measures:** Measures taken at the end of the investigation pursuant to a definitive affirmative determination.

**Complaint:** A written application submitted in the format prepared for this purpose.

**Domestic Industry:** For the purpose of anti-dumping and countervailing investigations, the Domestic Industry shall be understood to mean the domestic producers as a whole of the like products or those of whom whose collective output of the products constitutes a major proportion of the total domestic production of those products. For the purpose of safeguard investigations, the Domestic Industry shall mean the producers as a whole of the like or directly competitive products, operating within the territory of the Country, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.

**GCC Industry:** For the purposes of anti-dumping and countervailing investigations, the GCC Industry shall be understood to mean the GCC producers as a whole of the like products or those of whom whose collective output of the products constitutes a major proportion of the total GCC production of those products. For the purpose of safeguard investigations, the GCC Industry shall mean the producers as a whole of the like or directly competitive products, operating within the territory of the GCC States, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total GCC production of those products.

**Interested parties:** Exporter or foreign producer, importer of the product under investigation, producers whose industrial inputs include the product under investigation, governmental or private organizations which represent or protect consumers, governments of the exporting country or any other national or foreign parties shown to have an interest in the product under investigation.

**Injury:** For the purposes of anti-dumping and countervailing investigations, the term "injury" is taken to mean material injury to a domestic or a GCC industry, threat of material injury to a domestic or a GCC industry or material retardation of the establishment of such an industry. For the purpose of safeguard investigations, the term "injury" is taken to mean serious injury to a domestic or a GCC industry or threat of serious injury to a domestic or a GCC industry.

**Serious injury:** a significant overall impairment in the position of a domestic or a GCC industry.

**Threat of Serious injury:** serious injury that is clearly imminent to a domestic or a GCC industry.

**Normal value:** The price paid or payable for the like product in the ordinary course of trade when destined for consumption in the exporting country.

**Export Price:** The price paid or payable for the product under investigation when sold for export from the exporting country to the Country or GCC Market.

**Dumping Margin:** The difference between the normal value and the export price during the period of investigation.

**Amount of a Subsidy:** The absolute monetary value of benefit to the recipient calculated during the period of investigation.

**Domestic Market:** The Market of the Country.

**GCC Market:** Overall markets of the GCC Member States.

**Like Product:** The term "like product" shall be interpreted to mean a product which is identical, i.e. alike in all respects to the product under investigation, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under investigation.

**Specific Subsidy:** A subsidy that could lead to the imposition of countervailing measures.

**Subsidized Imports:** Imported products under investigation that received the specific subsidy.

**Product Under Investigation:** The imported product as described in the notice of initiation of the investigation.

**Common Law:** The GCC Common Law on Anti-dumping, Countervailing and Safeguard Measures.

## **Article (2)** **Scope of Application of the Law**

The provisions of this law shall apply to the injurious practices in international trade from Non-GCC States and in accordance with the Agreements of the Organization.

## **Article (3)** **Complaint and Investigation Procedures**

1. The Domestic Industry or its representative may file a complaint against injurious practices in international trade to the Directorate directly or through the concerned Government Authority in each Emirate, which forward it to the Directorate.
2. The Directorate may, by a decision of the Minister or his Delegate and without receiving a complaint from the Domestic Industry or its representative, initiate an investigation against

injurious practices in international trade if there is a sufficient evidence of an injurious practice in international trade that causes injury to the Domestic Industry.

3. A complaint against injurious practices in international trade shall be submitted, accepted, examined and an investigation shall be initiated, conducted, terminated, reviewed as well as any other relevant proceedings shall be undertaken in accordance with the provisions of this law and its Regulation.

#### **Article (4) Investigation**

1. The Minister or his Delegate should issue a decision to set up an investigating team for each complaint that is composed of the personnel of the Directorate and it is assigned to maintain all documents pertaining to the investigation and conducting all the relevant proceedings as per this Law and its Regulation.
2. The investigation shall be concluded within twelve (12) months after its initiation, except in special circumstances, the Minister or his Delegate based on a recommendation of the Directorate may extend the period of investigation and in no case more than 18 months, after its initiation.

#### **Article (5) Imposition of Measures**

Measures may be taken in any of the following cases:

1. If it is determined that imports of the product under investigation are dumped or benefitted from a specific subsidy and are causing material injury to a Domestic Industry, threat of material injury to a Domestic Industry or material retardation of the establishment of such an industry, and there is a causal link.
2. If it is determined that products under investigation, are being imported into the domestic market in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Domestic Industry of the like or directly competitive products, and there is a causal link.

#### **Article (6) Form of Measures**

Measures imposed against injurious practices in international trade may take the following forms:

1. Definitive anti-dumping and countervailing measures that shall not be in excess of the margin of dumping or the amount of the subsidy definitively found to exist.
2. Provisional anti-dumping and countervailing measures that may take the form of a provisional increase of tariff or security not greater than the provisionally estimated margin of dumping or the calculated amount of subsidization.
3. Definitive safeguard measures that may take the form of increase of tariff or quantitative restrictions.
4. Provisional safeguard measures, which should take the form of tariff increase and shall not exceed 200 days.

#### **Article (7) Prevention of double remedies**

No product imported into the country shall be subject to both anti-dumping and countervailing measures to compensate for the same situation of dumping or export subsidization.

**Article (8)  
Authorities**

1. The Directorate shall be responsible for receiving and examining complaints and undertakings as well as conducting investigations and reviews against injurious practices in international trade pertaining to the Domestic Industry.
2. The Minister should issue a decision to set up a Committee named "the Advisory Committee against Injurious Practices in International Trade", composed of representatives of the relevant Federal and Local Authorities. The Advisory Committee against Injurious Practices in International Trade is assigned to review the reports made by the Directorate on the complaints it received against injurious practices in international trade in accordance with Article (4) of this Law.
3. The Minister or his Delegate should issue the statutory decisions concerning the implementation of the provisions of this Law and its Regulation based on the recommendations of the Advisory Committee.
4. The Regulation of this law shall regulate the working procedures of the Advisory Committee along with the substantive conditions and procedural requirements relating to the imposition of provisional and definitive measures as well as undertakings.

**Article (9)  
Notifications and notices**

1. The Ministry shall notify the Organization of the required notifications under the Agreements on Anti-dumping, Subsidy and Countervailing Measures and Safeguards pertaining to investigations against injurious practices in international trade to the Domestic Industry.
2. The statutory Decisions and Notices related to investigations against injurious practices in international trade shall be published in accordance with the procedures established by the Ministry.

**Article (10)  
Confidentiality**

1. The personnel of the Ministry and any other Government Authority, who came to their knowledge in the context of implementation of this Law, its Regulation and related Statutory Decisions, any information which is by nature confidential or which is provided on a confidential basis by parties to an investigation, shall keep it as such and shall not disclose it without a written permission of the party submitting it or upon an order issued by a Competent Judicial Authority.
2. Interested parties shall furnish non-confidential summaries to the Directorate. These summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.
3. The Regulation of this Law shall regulate the measures for the treatment of confidential information and the disclosure procedures thereof.

**Article (11)  
Customs Clearance**

Investigations against injurious practices in international trade referred to in this Law and its Regulation shall not hinder the procedures of customs clearance of the product under investigation.

**Article (12)**  
**Data and Statistics Collection**

1. In implementing the provisions of this Law and its Rules of implementation, the Ministry may request data, information and statistics deems necessary for the conduct of anti- dumping, countervailing and safeguards investigations from any Government Authority in the Country that possess the required data.
2. The Government Authority shall respond to the Ministry with the required data, information and statistics within a period not exceeding 15 working days from the date of reception of the request of data.
3. The Directorate shall use the data and statistics mentioned in paragraph (1) of this Article to only the extent necessary to conduct the investigation and in such a manner that takes into account the confidentiality of the information.

**Article (13)**  
**Imposition and collection of duties**

1. The measures imposed in accordance with the provisions of this Law and its Regulation against international trade practices that are injurious to the Domestic Industry shall apply to imports of the product under investigation that is destined for consumption in the Country.
2. When provisional or definitive measures are imposed in respect of any product, such duties and securities shall be levied in the appropriate amounts in each case pursuant to the provisions of this Law and its regulation and in accordance with the mechanism agreed upon between the Ministry, the Authority and the Customs Directorates.
3. The duties paid in respect of the imposition of definitive measures on imports of the product under investigation shall be deposited by the Customs Directorates in the Country's Treasury, after deducting the cost of their service rendered to collect the duties, which should be determined in coordination between the Ministry, the Authority and the Customs Directorates.
4. The provisional measures shall be treated during the period of application as a deposit, and afterwards:
  - A. In the event that a final affirmative determination has been made that there is an injurious practice in international trade, injury and causal relationship, the provisional measures are maintained as definitive measures.
  - B. In the event that a final negative determination has been made of the injurious practice in international trade or injury or causality, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released.
5. The Authority shall provide the Ministry with periodic statistics on the value and quantity of imports of the product subject to the measures and the levies resulting from the imposition of these measures.

**Article (14)**  
**Surveillance**

Where sufficient indicators are available that the trend in imports of a product threatens to cause injury to the Domestic Industry, imports of that product may be subject as appropriate to a temporary surveillance procedure carried out in accordance with the terms and procedures regulated in a Statutory Decision issued by the Council of Ministers based on the Minister's proposal.



**Article (15)**  
**GCC Industry**

1. In the situation where an injurious practice in international trade is the cause of an injury to a GCC industry, all the procedural and substantive rules to be undertaken in this respect should be in conformity with the Regulation of this Law.
2. The Ministry takes part in GCC investigations against international trade practices that are injurious to the GCC industry, which are undertaken by the competent GCC Authorities in conformity with the GCC Common Law.
3. The Ministry shall coordinate with the Government Authority in the Country to implement all the decisions issued by the competent GCC Authorities in relation to investigations against international trade practices that are injurious to the GCC industry.

**Article (16)**  
**Penalties**

Without prejudice to any other repressive penalty provided for in any other law, anybody who contravenes the provisions of Article (10) hereof shall be subject to imprisonment and a fine of not less than two hundred and fifty thousand (250,000) dirhams or one of these punishments.

**Article (17)**  
**Legal review**

1. The Federal Courts of Appeal are competent to review appeals filed against administrative actions relating to final determinations issued by the Minister or his Delegate in implementation of the provisions of this Law and its Regulation.
2. The appeal against the administrative actions referred to under clause (1) of this Article will cease to be admissible if this right has not been exercised within three (3) months of the publication of the contested administrative action or its notification to the Interested Party or proven his evident knowledge thereof.
3. The time limit to lodge an appeal shall be suspended if the Interested Party submits a grievance to the Minister. The grievance must be decided within thirty (30) days of its submission. Where the grievance is rejected, the decision should be motivated. The expiration of the thirty days (30) time limit without the Minister's response should be taken as a rejection of the grievance and thereby the deadlines for filing an appeal shall be counted from the explicit or implicit rejection of the grievance as the case may be.

**Article (18)**  
**Judicial Investigation Officers**

The personnel of the Ministry, designated by a decision of the Minister of Justice in coordination with the Minister, shall be given the status of judicial investigation officers within their respective jurisdiction for the establishment of violations of the provisions of this Law, its Rules of Implementation and the statutory decisions thereof.

**Article (19)**  
**Fees**

The Council of Ministers issues, based on a proposal of the Minister of Finance, a Statutory Decision specifying the fees required for the implementation of the provisions of this Law.

**Article (20)**  
**Final Provisions**

The Council of Ministers shall issue, based on a proposal of the Minister, the Regulation of this Law within ninety (90) days of its promulgation.

**Article (21)**

Any provision in contradiction or not consistent with this law is void.

**Article (22)**

This Law shall be published in the Official Gazette, and shall come into force on the day following its publication.

Signed by  
Khalifa bin Zayed Al Nahyan,  
President of the United Arab Emirates

Issued by Us At The Presidential Palace, Abu Dhabi  
On: 19 Rajab 1438 AH  
Corresponding to: 16 April 2017 AD

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**NON OFFICIAL TRANSLATION OF THE  
COUNCIL OF MINISTERS DECISION No. (8) FOR THE YEAR 2018 REGARDING  
THE RULES OF IMPLEMENTATION OF THE FEDERAL LAW No. (1) OF 2017  
ON ANTIDUMPING, COUNTERVAILING AND SAFEGUARD MEASURES<sup>1</sup>**

**Council of Ministers,**

- Pursuant to the perusal of the Constitution;
- Federal Law No. (1) of 1972 on the competencies of ministries and powers of ministers and its amendments,
- Federal Law No. (1) of 1979 on organizing Industrial Affairs,
- Federal Law No. (4) of 1979 on the suppression of fraud and deceit in commercial transactions;
- Federal Law No. (3) of 1987 issuing the Penal Code and its amendments;
- Federal Law No. (11) of 1992 issuing the Civil Procedures Code and its amendments;
- Federal Law No. (28) of 2001 on setting up the Emirates Specifications and Standards Authority and its amendments;
- Federal Law No. (19) of 2002 on the levy of customs duties on goods and products imported from outside the GCC Customs Union;
- Federal Law No. (1) of 2006 on Electronic Commerce and Transactions;
- Federal Law No. (4) of 2012 on the Rules of Implementation of Competition;
- Federal Law No. (2) of 2015 on commercial companies;
- Federal Law No. (8) of 2015 on Setting up the Federal Customs Authority;
- Federal Law No. (1) of 2017 On Antidumping, Countervailing and Safeguard Measures;
- Federal Decree No. (21) of 1997 regarding the Agreement and Protocol of the UAE Accession to the World Trade Organization and the Document of the Uruguay Round;
- Federal Decree No. (55) of 2002 regarding the Economic Agreement Between the for the Arab States of the Gulf;
- Federal Decree No. (7) of 2005 regarding the GCC Common Law on Antidumping, countervailing and safeguard measures,
- Federal Decree No. (85) of 2007 on the Common Customs Law for the Arab States of the Gulf,
- And according to what was presented by the Minister of Economy and the approval of the Council of Ministers,

**Hereby agrees,**

**Section I  
Definitions**

**Article (1)**

For the Implementation of the provisions of this Rules of Implementation, the following terms and expressions shall have the meanings assigned thereto unless the context otherwise requires:

**Country:** United Arab Emirates.

**Ministry:** Ministry of Economy.

**Minister:** Minister of Economy.

**Directorate:** Directorate for anti-injurious practices in international trade.

**Advisory Committee:** Advisory Committee on anti-injurious practices in International Trade.

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<sup>1</sup> The official Arabic version of the Federal Law N (1) 2017 on antidumping, countervailing and safeguards is published in the United Arab Emirates Official Gazette No. 614, Year 47, 30 rajeb 1438 Hajeri, 27 April 2017.

**Government Authority:** Any federal or local authority related to the implementation of the provisions of this Law and its Rules of Implementation.

**GCC States:** GCC Member States of the Cooperation Council for the Arab States of the Gulf.

**GCC Authorities:** Bureau of the Technical Secretariat and the Permanent Advisory Committee as well as the Ministerial Advisory Committee.

**Ministerial Committee:** The Industrial Cooperation Committee composed of Ministers of Industry of the GCC States.

**Permanent Committee:** The Committee on anti-injurious Practices in International Trade of the GCC States.

**Bureau of the Technical Secretariat:** The Technical Secretariat for Anti-injurious Practices in International Trade of the GCC States.

**Judicial Commission:** The judicial Commission that is established in accordance with the Economic Agreement of the GCC States.

**Organization:** World Trade Organization.

**Agreements of the Organization:** The agreements resulting from the Uruguay Round of Multilateral Trade Negotiations ratified by the Federal Decree No. (21) of 1997.

**Injurious Practices in International Trade:** Practices of dumping, specific subsidy and increase in imports.

**Dumping:** Exporting a product to the Country or GCC market at less than its normal value in the ordinary course of trade for the like product in the exporting country.

**Subsidy:** A financial contribution or any form of income or price support in the sense of Article (16) of GATT 1994, provided by the government of the country of origin or a public body within the territory of this country that confer a benefit to the beneficiary.

**Increase in Imports:** Importing a product in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic or GCC industry.

**Measures:** Anti-dumping, Countervailing and Safeguard measures.

**Anti-dumping Measures:** Measures taken against dumping.

**Countervailing Measures:** Measures taken against specific subsidy.

**Safeguard Measures:** Measures taken against increase in imports.

**Provisional Measures:** Temporary measures taken during the investigation pursuant to a preliminary affirmative determination.

**Definitive Measures:** Measures taken at the end of the investigation pursuant to a definitive affirmative determination.

**Complaint:** A written application submitted in the format prepared for this purpose.

**Domestic Industry:** For the purpose of anti-dumping and countervailing investigations, the Domestic Industry shall be understood to mean the domestic producers as a whole of the like products or those of whom whose collective output of the products constitutes a major proportion of the total domestic production of those products. For the purpose of safeguard investigations, the Domestic Industry shall mean the producers as a whole of the like or directly competitive

products, operating within the territory of the Country, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.

**GCC Industry:** For the purposes of anti-dumping and countervailing investigations, the GCC Industry shall be understood to mean the GCC producers as a whole of the like products or those of whom whose collective output of the products constitutes a major proportion of the total GCC production of those products. For the purpose of safeguard investigations, the GCC Industry shall mean the producers as a whole of the like or directly competitive products, operating within the territory of the GCC States, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total GCC production of those products.

**Interested parties:** Exporter or foreign producer, importer of the product under investigation, producers whose industrial inputs include the product under investigation, governmental or private organizations which represent or protect consumers, governments of the exporting country or any other national or foreign parties shown to have an interest in the product under investigation.

**Injury:** For the purposes of anti-dumping and countervailing investigations, the term "injury" is taken to mean material injury to a domestic or a GCC industry, threat of material injury to a domestic or a GCC industry or material retardation of the establishment of such an industry. For the purpose of safeguard investigations, the term "injury" is taken to mean serious injury to a domestic or a GCC industry or threat of serious injury to a domestic or a GCC industry.

**Serious injury:** a significant overall impairment in the position of a domestic or a GCC industry.

**Threat of Serious injury:** serious injury that is clearly imminent to a domestic or a GCC industry.

**Normal value:** The price paid or payable for the like product in the ordinary course of trade when destined for consumption in the exporting country.

**Export Price:** The price paid or payable for the product under investigation when sold for export from the exporting country to the Country or GCC Market.

**Dumping Margin:** The difference between the normal value and the export price during the period of investigation.

**Amount of a Subsidy:** The absolute monetary value of benefit to the recipient calculated during the period of investigation.

**Domestic Market:** The Market of the Country.

**GCC Market:** Overall markets of the GCC Member States.

**Like Product:** The term "like product" shall be interpreted to mean a product which is identical, i.e. alike in all respects to the product under investigation, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under investigation.

**Specific Subsidy:** A subsidy that could lead to the imposition of countervailing measures.

**Subsidized Imports:** Imported products under investigation that received the specific subsidy.

**Product Under Investigation:** The imported product as described in the notice of initiation of the investigation.

**Exporting country:** the exporting and/or producing country of the product under investigation.

**Government:** the government of a foreign country or any regional or local government or authority of a foreign country, or A Body or organization that exercises authority for an association

of foreign countries or a person, agency or institution acting for or on behalf of a government or body referred to in thereof.

**Independent buyer:** Buyer who is in no way related to the importer, there is no commercial or production partnership between the buyer and the importer, there is no common relationship in another business, they are not directly or indirectly controlled by a third party or members of the same family.

**Official Gazette:** The Official Bulletin issued by the Bureau of the Technical Secretariat.

**Official Journal:** The Official Journal of the Country.

**Common Law:** The GCC Common Law on Anti-dumping, Countervailing and Safeguard Measures.

**Law:** Federal Law on Anti-Dumping, Countervailing and Safeguard Measures.

## **Section II**

### **International Trade practices that are injurious to the Domestic Industry:**

#### **Part 1: Complaint and Investigation Procedures**

##### **Chapter 1: Complaint**

##### **Article (2)**

1. A complaint against dumping, subsidization or increase of imports shall be submitted in writing to the Directorate in accordance with Article 3 of the Law as per the determined form. The complainant shall provide a non-confidential copy of the complaint in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.
2. The complaint shall be made by the Domestic Industry or on behalf of industry or by concerned Chambers of Commerce and Industry in the Country, or by producers' federations.
3. The complaint shall include evidence of the existence of dumping, specific subsidy or increase in imports and the injury caused by the alleged injurious practices as well as the causal link between the injurious practice and the alleged injury caused to the complainant, and all available information supporting the complaint.
4. In special circumstances, the Minister or his Delegate may initiate an investigation without receiving a complaint from those mentioned in paragraph 2 of this Article on its own initiative or upon a recommendation from the Advisory Committee when there is sufficient evidence as stated in paragraph 3 of this Article that justifies the initiation of an investigation.

##### **Article 3**

The Directorate shall, within a period not exceeding thirty (30) working days starting from the first working day subsequent to the reception of the complaint, examine the accuracy and adequacy of the evidence provided in the complaint and prepare an initial report that will be transmitted to the Advisory Committee together with its recommendations whether to reject the complaint or initiate the investigation.

##### **Article 4**

The Minister or his delegate shall within a period not exceeding fifteen (15) working days from the date of receiving the initial report including the recommendation of the Advisory Committee take one of the following decisions based on the recommendation of the Advisory Committee:

1. Accepting the complaint and transfer it to the Directorate to for registration in the appropriate register set for that reason and start the investigation when he is satisfied that

the information, data, evidences and facts reported in the complaint are sufficient to justify the investigation as per the provisions of Law and its Rules of Implementation

2. Rejecting the complaint due to the inaccuracy, incorrectness or insufficiency of information to justify the initiation of an investigation.

#### **Article 5**

The Directorate shall notify the complainant about the Minister's decision within seven (7) working days from the date of its issuance.

#### **Article 6**

1. The Minister's or his delegate shall decide to initiate an antidumping or an anti-subsidy investigation only when the complaint is supported by those domestic producers whose collective output constitutes more than fifty percent (50%) of the total production of the like product produced by that portion of the Domestic Industry expressing either support for or opposition to the complaint; and domestic producers expressly supporting the complaint account for at least twenty five percent (25%) of total production of the like product produced by the Domestic Industry.

2. Producers that are related to the exporters or importers or are themselves importers of the concerned product might not be taken into consideration in assessing the representativeness of the concerned Domestic Industry.

3. For the purpose of paragraph (2), producers shall be deemed to be related to exporters or importers only if one of them directly or indirectly controls the other; or both of them are directly or indirectly controlled by a third party; or together they directly or indirectly control a third party, 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. For the purpose of this paragraph, 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.

#### **Article 7**

1. The Directorate shall, upon receipt of a properly documented complaint regarding dumping or subsidization and before proceeding to initiate an investigation, notify the government of each concerned country.

2. The Directorate shall upon acceptance of a complaint regarding subsidization and before the initiation of an investigation, take all necessary measures to invite the concerned exporting countries of the alleged subsidized products under consideration to conduct consultations with the aim of clarifying the facts of the complaint, the evidence provided in the complaint and to reach a mutually agreed solution.

3. The conduct of consultations shall not prevent from proceeding to the initiation of the investigation, making preliminary or final determinations or the application of provisional or definitive measures in accordance with the provisions of these Rules of Implementation.

#### **Article 8**

The Directorate shall maintain records of received complaints where it records all procedures and actions undertaken in respect of each complaint as well as keeping a special record for all data, information and statistics that are confidential. Such confidential information shall not be disclosed except as in accordance with the provisions of protection and treatment of confidential information according to the Law and its Rules of Implementation.

## **Chapter 2 Procedures of Investigation**

### **Article 9**

The decision to initiate an investigation shall be published in the Official Gazette or in the Country's two most popular daily newspapers within ten (10) working days from the date on which the affirmative Minister or his delegate's decision was taken. The initiation of an investigation shall be effective on the date on which the notice of initiation is published. The notice of initiation of an investigation shall contain the following information:

1. Description of the product under investigation, including its technical characteristics, end-uses and its current tariff classification number.
2. A description of the like domestic product(s) or directly competitive product(s), including their technical characteristics and end-uses.
3. The name and address of the complainant and all other known producers of the like domestic product(s) or directly competitive product(s).
4. Name(s) of the country(ies) of origin or export of the product under investigation.
5. A general summary of the factors related to the allegations of injury and injurious practices under investigation.
6. The date of initiation of the investigation.
7. The timetable for the investigation procedures, including:
  - a) The deadline for interested parties to make themselves known in writing to the Directorate in order to participate in the investigation
  - b) The time frames within which interested parties shall present their arguments or information in writing
  - c) The deadline within which interested parties have the opportunity to express their views in writing, if applicable
  - d) The deadline within which interested parties shall request a hearing when necessary.
8. The address of the Directorate and the name, address and telephone number of the Director or the party to whom the interested parties shall file their submissions.

### **Article 10**

1. Taking into consideration the protection of the confidential information, the Directorate shall in the case of antidumping and countervailing investigations, provide through the official means and as soon as possible, the full text of the non-confidential version of the complaint and a copy of the notice of initiation of the investigation to all known interested parties and the representatives of the exporting countries. While in the case of safeguard investigations, the interested parties shall be notified by publishing the notice of initiation in the Official Gazette or the Country's two most popular daily newspapers.

2. If the number of exporters concerned with the investigation is particularly high, the full text of the non-confidential version of the complaint may instead be provided only to the authorities of the exporting countries.



### **Article 11**

1. In the case of antidumping and anti-subsidy investigations, the Directorate shall send as soon as possible questionnaires that are necessary to obtain the essential data and information to the known interested parties, including domestic producers, importers, exporters, foreign producers, and consumer associations.
2. In the case of safeguard investigations, questionnaires shall be sent to the parties who made themselves known and request a questionnaire or conveyed to the diplomatic representatives of the exporting country(ies).

### **Article 12**

1. Interested parties shall prepare clear and thorough responses to the questionnaires they received in accordance with Article (11) above within a time limit not exceeding forty (40) days from the date on which the questionnaires were sent to them or to the appropriate diplomatic representative of the exporting country(ies).
2. An extension of ten (10) days may be granted upon a duly justified request made by the concerned interested party which starts from the end of the original period.
3. The questionnaires shall be considered received by the exporter or the foreign producer after seven (7) days from the date on which they were sent, or transmitted to the appropriate diplomatic representative of the concerned country.
4. The Directorate may disregard any reply to a questionnaire that is not submitted within the prescribed time-limit for response and in the required format, whenever it considers that the conditions for disregarding information under Article 26 of this Rules of Implementation have been met.

### **Article 13**

If the number of exporters, producers, importers, types of products or transactions under investigation are so large as to make such investigation impracticable, the investigation may be limited to a representative sample of interested parties, products under investigation, or transactions by using statistically-valid samples based on either the information available at the time of selection or the largest percentage of export volume, production, or sales of the concerned country which can be reasonably verified during the period of the investigation.

### **Article 14**

1. All parties that request to participate in the investigation as interested parties within the time-limit stated in the notice of initiation of the investigation shall have fair opportunity to defend their interests. Public hearings may be held to present their views and arguments, taking into consideration the need to protect confidential information.
2. There shall be no obligation on any interested party to attend public hearings, and failure to do so shall not be prejudicial to the interests of that party.
3. All parties that request to participate in the investigation as interested party within the time-limit stated in the notice of initiation shall have fair opportunities, whenever practicable and upon written request, to see information related to the investigation and that used to reach the findings of the investigation, in accordance with the rules concerning the treatment of confidential information stated in this Law and its Rules of Implementation thereof.

### **Article 15**

1. The Directorate shall keep records of the public hearings, which should be placed in the public file, with the exception of confidential information.

2. All interested parties participating in the public hearing, providing a reasonable reason, have the right to provide other oral information related to the investigation, but it shall not be taken into account in the investigation unless it is subsequently submitted in writing within a time-limit not exceeding ten (10) days after the date of the public hearing.

#### **Article 16**

Interested parties that intend to attend a public hearing shall notify the Directorate at least seven (7) working days before the date of the public hearing of the names of their representatives that will attend the hearing as well as the written arguments and information to be provided at the hearing.

#### **Article 17**

Public hearings shall be chaired by the Director of the Directorate or his representative, who shall undertake the necessary measures to protect confidential data and statistics. Public hearings shall be organized in a manner, which will ensure that all participating parties have adequate opportunities to express their views.

#### **Article 18**

1. In order to verify the information provided or to obtain further details related to the investigation, the Directorate may conduct on site verification visits in the exporting country (ies), provided that it obtains the agreement of the firms concerned and receives no objection from the country concerned after notifying their representatives of the verification on site visit.

2. In order to verify the information provided or to obtain further details related to the investigation, the Directorate may conduct on site verification visit in the Country.

3. The procedures and Rules set out in Annex I of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994 and Annex VI of the Agreement on Subsidies and Countervailing Measures shall apply to the on-site verification visits conducted under this Article.

#### **Article 19**

1. Any information which is by its nature confidential or which is provided on a confidential basis by interested parties shall be treated as confidential, if reasonable cause being shown, such information shall not be disclosed without the specific permission of the party submitting it.

2. Interested parties providing confidential information shall be required to furnish reasons justifying the request for confidential treatment and non-confidential summaries thereof. Such summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

3. In exceptional circumstances, interested parties may indicate that information is not susceptible of summary. In such cases, a statement of the reasons making such summary not possible must be provided.

4. If it is found that the request for confidentiality is not warranted, and if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, such information, may be disregarded unless it can be satisfactorily demonstrated by appropriate sources that the information is correct.

#### **Article 20**

1. The Directorate shall normally prepare a preliminary report no later than one hundred and eighty (180) days after the initiation of the investigation and a final report one hundred and eighty (180) days from the date of the preliminary report, that includes the objective evidence obtained during the investigation, all information available to or issued by the

Directorate at that time, and to what extent the standards, and requirements and conditions stipulated in the Rules of Implementation are satisfied.

2. These determinations shall be available in reports containing sufficient details regarding the findings reached on all issues of fact and law, and reasons that have led to those conclusions, taking into account the rules pertaining to the protection of confidential information.

3. All interested parties have the right to comment and submit their arguments with respect to the preliminary reports or any published findings during the investigation and before reaching final determinations, within a period not exceeding fifteen (15) days of the disclosure of such reports.

#### **Article 21**

Within thirty (30) working days of receiving the report submitted by the Directorate in accordance with Article 20 thereof and based on the recommendations of the Advisory Committee, the Minister or his delegate shall take any of the following decisions:

1. Terminating the investigation without imposing measures, wherever it is satisfied that there is insufficient evidence of practice of dumping, subsidy, increases in imports or no injury was found or a causal link does not exist between the injurious practice and the alleged injury.
2. Imposing provisional measures or any related measures if an affirmative determination of practices of dumping or subsidy or increase in imports, and injury, and causal link has been made.

#### **Article 22**

Upon the decision of the Minister or his delegate to terminate the investigation without imposing measures, the Directorate shall notify the complainant of the decision and publish a public notice in the Official Gazette or the Country's two most popular daily newspapers, including the following information:

1. Identity of the complainants and the domestic like products;
2. Identifying the products under investigation;
3. Reasons for the termination of the investigation.

#### **Article 23**

The investigation shall normally be completed within twelve (12) months from its date of initiation. The Minister or his delegate may in special circumstances extend this period for no more than six (6) months.

#### **Article 24**

Upon the decision to impose measures, whether provisional or definitive, the Directorate shall notify the complainant and issue a public notice of the imposition of the measures in the Official Gazette or the Country's two most popular daily newspapers, which shall contain the following information, taking into consideration confidentiality requirements:

1. The identity of the parties subject to the measures.
2. The identification of the products subject to the measures.
3. A summary of the reasons leading to the imposition of the measures.
4. The form, level and duration of the imposition of the measures.

### **Article 25**

1. Notifications, correspondences, queries and any other communications should be sent to known interested parties or their assigned representatives by registered mail which confirms delivery to the interested parties.
2. Notifications to the known interested parties in foreign countries should be made through their diplomatic representatives or authorized consulates in the Country.

### **Article 26**

1. If any interested party refuses access to, or otherwise does not provide necessary information or does not submit them within the period of time prescribed form or significantly impedes the investigation, preliminary and final determinations either affirmative or negative may be taken on the basis of the information available.
2. If any interested party provides false or misleading information, such information shall be disregarded and available information may be used.
3. In implementing this Article, applicable procedures and provisions set forth in Annex (2) of the Agreement on Implementation of Article (6) of the General Agreement on Tariffs and Trade 1994 shall be taken in consideration.

## **Part 2 Anti-dumping**

### **Chapter 1: Determination of Dumping**

### **Article 27**

1. The normal value shall normally be based on the comparable price paid or payable, in the ordinary course of trade, for sales of like product by independent customers in the domestic market of the exporting country.
2. Notwithstanding paragraph 1 above, where a product under investigation is not imported directly from the country of origin but it is exported to the Country from an intermediate country, the normal value shall be established on the basis of comparable price paid or payable, in the ordinary course of trade, in the domestic market of the country of origin if the products are not produced in the country of export (*i.e.*, the products are merely transhipped through the country of export), or there is no comparable price for them in the country of export.
3. In the case of an association, partnerships agreements or a compensatory arrangement or other related arrangements form of compensatory arrangement among interested parties, prices among them may be considered to be not in the ordinary course of trade and may not be used to establish normal value.
4. Sales of the like product destined for consumption in the domestic market of the exporting country shall be considered to be of sufficient quantity for the determination of the normal value if such sales constitute five percent (5%) or more of the export sales volume of the product under investigation to the Country. However, a volume lower than five percent (5%) of sales may be used if there is a satisfaction, based on the evidence submitted by the interested parties or otherwise available, that sales of such lower volume are nonetheless of sufficient magnitude to provide for proper comparison.
5. When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country, or when such sales do not permit a proper comparison because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, the normal value of the like product shall be established on the basis of the cost of production in the country of origin plus a reasonable amount for administrative selling and general costs as well as for profit margin, or on the basis of export price, in the ordinary course of trade, to an appropriate third country, provided that this price is reasonable.

6. Sales of the like product in the domestic market of an exporting country or export sales to a third country at prices below per unit (fixed and variable) costs of production plus administration, selling and general costs may be treated as not being in the ordinary course of trade by reason of price and may be disregarded in determining normal value, only if it is determined that such sales were made:

- a. Within an extended period, which shall normally be for one (1) year and shall in no case be less than six (6) months.
- b. In substantial quantities, when it is established that the weighted average selling price of the transactions under consideration for the determination of the normal value is below the weighted average unit cost, or that the volume of sales below cost is not less than twenty percent (20%) of sales under consideration for the determination of the normal value.
- c. At prices which do not provide for recovery of all costs within a reasonable period of time, if prices which are below per unit costs at the time of sale are above the weighted average per unit cost for the period of investigation, such prices shall be considered as providing for recovery of costs within a reasonable period of time.

7. Where the country exporting the product under investigation is a non-market economy country, normal value may be determined on the basis of:

- a. The comparable price paid or payable or constructed normal value, in the ordinary course of trade, for sales of the like product when destined for consumption in a market economy of a third country: or
- b. The comparable price paid or payable, in the ordinary course of trade, for exports of the like product from such a market economy of the third country to other countries, including the Country: or
- c. Any other reasonable basis including the price actually paid or payable in the domestic market for the like product, duly adjusted if necessary to include a reasonable profit margin.

#### **Article 28**

1. The export price shall be determined by the price actually paid or payable of the product under investigation when it is sold for export from the exporting country into the domestic market.

2. In cases where there is no export price of the product under investigation or where it appears that the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of the price at which the imported products are resold to first independent buyer, or if those products are not resold to an independent buyer, or not resold in the condition as they were imported, or any reasonable basis.

#### **Article 29**

1. A fair comparison shall be made between the export price and the normal value.

2. This comparison shall be made at the same level of trade, normally at the ex-factory level, and in respect of sales made as close as possible to the same time and with due account to be taken in consideration, the settlements for differences which affect price comparability. This comparison includes differences in conditions and terms of sale, physical characteristics, import charges, taxation, quantities, level of trade, and any other differences, which are claimed and also demonstrated by interested parties to affect prices and price comparability.

3. If the export price is determined on the basis of the selling price of the product under investigation to the first independent buyer in the domestic market, allowances for costs, including duties and taxes, incurred between importation and resale, as well as profit margins accruing,

shall also be made. If in this case, price comparability has been affected, the normal value shall be calculated at a level of trade equivalent to the level of trade of the constructed export price or due allowances shall be made for the differences mentioned in this Article.

### **Article 30**

1. The existence of dumping margin during the period of investigation shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable exports of product under investigation to the domestic market, or by a comparison of normal value and export price on a transaction-to-transaction basis.
2. A normal value established on a weighted average basis may be compared to prices of individual export transactions to the domestic market, if there is a pattern of export prices, which differ significantly among different purchasers, regions or time period, and if using the methods in paragraph 1 would not reflect the dumping being practiced.
3. Dumping margin shall be determined based on the amount by which the normal value exceeds the export price. An individual dumping margin shall be determined for each known exporter or producer concerned by the product under investigation.
4. Notwithstanding paragraph 3 of this Article, in cases where the number of exporters, producers, importers, or types of products involved or trade transactions is so large as to make it impracticable to determine an individual dumping margin for each known exporter or producer, the investigation may be limited to an examination of a reasonable number of interested parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest percentage of the volume of production, sales or exports which can reasonably be investigated within the time-limit.
5. When an investigation is limited to a representative sample in accordance with this Article and Article 13, any anti-dumping measure applied to imports from exporters or producers which have made themselves known but not included in the sample shall not exceed the weighted average dumping margin established with respect to the selected exporters or producers provided that any zero, *de minimis* margins, and margins established in circumstances referred to in Article 26 shall be disregarded.
6. In cases where the examination is limited in accordance with this Article and Article 13, individual determinations of the dumping margin shall be made for any exporter or producer not initially selected who submits the necessary information within the time-limit for that information to be considered during the investigation except where the number of exporters or producers is so large that individual examinations would be unduly burdensome to the authorities and prevent timely completion of the investigation.

## **Chapter 2: Determination of Injury**

### **Article 31**

A determination of material injury shall be based on positive evidence and involve an objective examination of the following:

1. The volume of dumped imports and its effect on prices in the domestic market for like products and they can be determined by evaluating the following factors:
  - a. With regard to the volume of the dumped imports, consideration shall be given to whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the domestic market.
  - b. With regard to the effect of the dumped imports on sales prices of the like product in the domestic market, consideration shall be given to whether:
    - i. There has been a significant price undercutting by dumped imports when compared with the price of the domestic like product;

- ii. Whether the effect of such imports is otherwise to depress prices to a significant degree; or
- iii. Whether the effect of such imports is to prevent price increases, which otherwise would have occurred, to a significant degree.

No one or several of these factors can necessarily give decisive guidance.

- 2. The impact of the dumped imports on the Domestic Industry concerned, through an evaluation of all relevant economic factors and indices having a bearing on the country of the industry, including:
  - a. Actual and potential decline in sales, profits, production, market share, productivity, return on investments, or utilization of capacity;
  - b. Factors affecting domestic prices; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments; and
  - c. The magnitude of the dumping margin.

This list is not exhaustive, nor can any one or several of these factors necessarily give decisive guidance.

- 3. The effect of the dumped imports shall be assessed in relation to the production of the Domestic Industry of the like product when available data permit separate identification of that production on the basis of criteria such as the production process and producers' sales and profits. If such separate identification of production is not possible, the evaluation of the impact of dumped imports should be undertaken by searching in narrowest group or range of products, which include the like product for which the necessary information can be provided.

### **Article 32**

- 1. A determination of a threat of material injury on the Domestic Industry concerned shall be based on facts and not merely on allegations, conjecture or remote possibility and on an examination of whether such injury is clearly foreseen and imminent taking into account the following:
  - a. A significant rate of increase of dumped imports into the domestic market indicating the likelihood of substantially increased importations;
  - b. Sufficient freely disposable capacity of the exporter or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased dumping exports to the domestic market, taking into account the availability of other export markets to absorb any additional exports;
  - c. Whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices and would likely increase demand for further imports; and
  - d. Inventories of the product under investigation.
- 2. Other relevant factors that are supported by sufficient evidence may be taken into consideration, however no one or several of these factors listed above, alone or in combination, can necessarily give decisive guidance but the totality of the factors considered must lead to a conclusion that more dumped exports are imminent and that, unless preventative action is taken, material injury will occur.

### **Article 33**

1. It must be demonstrated, that the injury to the concerned Domestic Industry is caused by the dumped imports and not by other factors.
2. Known factors other than dumped imports, which are at the same time injuring the concerned Domestic Industry, shall be examined, and injury caused by these other factors must not be attributed to the dumped imports. Factors which may be relevant in this respect include, *inter alia*:
  - a. The volume and prices of imports not sold at dumped prices;
  - b. Contraction in demand or changes in the patterns of consumption;
  - c. Commercial restriction and competitions between domestic and foreign producers;
  - d. Developments in technologies; and
  - e. The export performance and productivity of the Domestic Industry.

### **Article 34**

Where imports of a product from more than one country are simultaneously subject to an anti-dumping investigation, the effects of such imports shall be cumulatively assessed only if it is determined that:

1. The margin of dumping established in relation to the imports from each country is more than the *de minimis* dumping margin, two percent (2%) or more of the export price;
2. The volume of the dumped imports from each country is not negligible: three percent (3%) or more from total of the domestic imports of the product under investigation; and
3. A cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between the imported products from concerned countries and the conditions of competition between the imports and the like domestic product.

### **Article 35**

A recommendation of an immediate termination of the investigation shall be made without imposing any measure in the following circumstances:

1. Withdrawal of the complaint, unless where such termination is not in the interest of the Country.
2. There is no sufficient evidence for the existence of dumping, injury or causal link between them to justify the continuation of an investigation.
3. When the dumping margin is *de minimis*. It shall be considered to be *de minimis* if the dumping margin is less than two percent (2%), expressed as a percentage of the export price.
4. If the volume of dumped imports of the product under investigation from a particular country is negligible i.e. less than three percent (3%) of the total imports of the product under investigation to domestic market, unless imports from all countries under investigation which individually account for less than three percent (3%) of the total imports of the product under investigation collectively account for more than seven (7%) percent of imports of the product under investigation to domestic market.



### **Chapter 3: Anti-dumping Measures**

#### **Article 36**

1. The Minister or his delegate may, based on a recommendation of the Advisory Committee impose provisional antidumping measures if:
  - a. An investigation has been initiated and public notice has been published in the Official Gazette or in the two most famous daily newspapers in the Country;
  - b. Interested parties have been given adequate opportunity to submit information and make comments; and
  - c. A preliminary affirmative determination of dumping has been made and consequent injury to the Domestic Industry; and provisional measures are necessary to prevent injury being caused during the investigation. However, a preliminary negative determination of dumping does not necessarily lead to terminate the investigation, but no provisional measures shall be imposed in such a case.
2. Provisional antidumping measures may take the form of a provisional duty or, preferably, a security—by way of cash deposit or bond—not greater than the dumping margin provisionally estimated. Provided that provisional measures shall not be applied sooner than 60 days from the initiation of the investigation.
3. The imposition of provisional measures shall be limited to as short a period as possible, not exceeding four (4) months and may be extended for further two (2) months upon request by exporters representing a significant percentage of the trade of the concerned product or upon no objection when notifying those exporters by the Directorate.

#### **Article 37**

1. Definitive anti-dumping measures shall be imposed by a decision of the Minister or his delegate; acting on a proposal submitted by the Advisory Committee and the amount of the antidumping duty shall not exceed the established margin of dumping.
2. Definitive anti-dumping duties shall be imposed on imports from all sources found to be dumped and caused injury to the Domestic Industry, with the exception of imports from sources from which price undertakings have been accepted.
3. Whenever provisional anti-dumping measures are applied, a proposal to impose definitive antidumping measure shall be submitted to the Minister or his delegate not later than thirty (30) days before the expiry of the provisional measures.

#### **Article 38**

1. Any anti-dumping duty shall remain in force only as long as, and to the extent necessary to counteract dumping which is causing injury.
2. Any definitive anti-dumping duty shall be terminated on a date not later than five (5) years from its imposition or from the date of the most recent review if that review has covered both dumping and injury, unless it is determined, in a review initiated before that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

### **Chapter 4: Price Undertakings**

#### **Article 39**

1. Upon the approval of the Minister or his delegate, the investigation may be suspended or terminated without the imposition of anti-dumping measures upon the Directorate's receipt of

satisfactory voluntary undertakings from any exporter, which are seen to eliminate the injurious effect of the dumping. Such undertakings shall take any of the following forms:

- a. The undertaking of an exporter to increase prices of the product under investigation into the Country in order to eliminate the dumping margin.
  - b. The undertaking of an exporter to cease exports at dumped prices to the Country of the product under investigation.
2. Price undertakings shall not be sought or accepted unless a preliminary affirmative determination of dumping and injury caused by such dumping has been made.
3. Undertakings offered need not be accepted if their acceptance is considered impractical, such as where the number of actual or potential exporters is too great, or for other reasons, including reasons of general policy. Should the case arise and where practicable, the exporter shall be provided with the reasons that have led to consider that acceptance of an undertaking as inappropriate and shall, to the extent possible, be given an opportunity to make comments thereon.
4. Parties which offer an undertaking shall be required to provide a non-confidential version of that undertaking, so that it may be made available to interested parties of the investigation on request
5. Price undertakings may be suggested by the Directorate, but no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer such undertakings, or do not accept an invitation to do so, shall in no way prejudice the consideration of the case. However, the Directorate is free to determine that a threat of injury is more likely to be realized if the dumped imports continue.

#### **Article 40**

1. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping. Price undertakings shall remain in force only as long as they are necessary to eliminate the injurious effect of the dumping.
2. If price undertakings are accepted, the investigation of dumping and injury shall nevertheless be completed if the exporter so desires or the Directorate so decides. In such a case:
  - a. If a negative determination of dumping or injury is made by the Directorate, the price undertaking shall automatically lapse. Except in cases where such a determination is due in large part to the existence of a price undertaking. In such cases, it may be required that an undertaking be maintained for a reasonable period consistent with the provisions of this Rules of Implementation.
  - b. In the event that an affirmative determination of dumping and injury is made by the Directorate, the undertaking shall continue consistent with its terms and the provisions of this Rules of Implementation.

#### **Article 41**

1. Any exporter from whom an undertaking has been accepted shall provide periodically to the Directorate information relevant to the fulfillment of that undertaking and to permit verification of pertinent data. Failure to comply with such requirements shall be deemed to be a violation of the undertaking.
2. In case of violation of undertakings by the exporter, the Directorate may prepare a report to the Minister or his Delegate to impose a provisional duty on the basis of the best information available and in accordance with Article 36 of this Rules of Implementation. In such cases, definitive anti-dumping duties may be levied on goods entered for consumption not more than ninety (90) days before the application of such provisional measures, except that any such retroactive assessment shall not apply to imports entered before the violation of the undertaking.

3. In case of violation of undertaking by the exporter, the Minister or his delegate may automatically apply the provisional duty or the definitive duty, which has been imposed in accordance with the Rules of this Rules of Implementation provided that the exporter concerned has, except where that exporter has withdrawn the undertaking, been given an opportunity to comment.

## **Chapter 5: Retroactivity**

### **Article 42**

1. Provisional measures and definitive anti-dumping duties shall only be applied to products, which enter for consumption after the time when the decision to impose the measure enters into force, subject to the exceptions set out in paragraph 2 of this Article, and Articles 44 and 45 of this Rules of Implementation.

2. The Minister or his delegate may, acting on a proposal submitted by the Advisory Committee, decides that anti-dumping duties be levied retroactively for the period for which provisional measures have been applied, where:

- a. A final determination of material injury is made, or
- b. A final determination of a threat of material injury, where the effect of the dumped imports would, in the absence of the provisional measures, have led to a determination of material injury.

### **Article 43**

1. If the definitive anti-dumping duty is higher than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall not be collected. If the definitive duty is lower than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall be reimbursed or the duty recalculated, as the case may be.

2. Where a final determination is negative, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.

### **Article 44**

Except as provided in paragraph (2b) of Article 42, where a final determination of threat of material injury or material retardation is made, but no injury has yet occurred, a definitive anti-dumping duty may be imposed only from the date of the final determination of threat of material injury or material retardation of the establishment of a Domestic Industry, and any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.

### **Article 45**

A definitive anti-dumping duty may be levied on products which were entered to the Country for consumption not more than ninety (90) days prior to the date of application of provisional measures, but not prior to the date of initiation of the investigation, provided that:

- a. There is, for the product under investigation, a history of dumping over an extended period, or the importer was, or should have been, aware that the exporter practices dumping and that such dumping would cause injury; and
- b. The injury is caused by massive dumped imports in a relatively short period of time which, in light of the timing and the volume of the dumped imports and other circumstances such as a rapid build-up of inventories of the imported product, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be

applied, provided that the importers concerned have been given an opportunity to comment.

- c. The Minister or his delegate may, after initiating an investigation, take such measures as the withholding of appraisement or assessment as may be necessary to collect anti-dumping duties retroactively, as provided in this Article, once he has sufficient evidence that the conditions set forth in this Article are satisfied.

## **Chapter 6: Review of Anti-dumping Duties**

### **Article 46**

1. The Minister or his delegate shall review the need for the continued imposition of the definitive anti-dumping duties, where warranted, on his own initiative or at the request of Directorate, or on a proposal of the Advisory Committee or, provided that a reasonable period of time of at least one year has elapsed since the imposition of the definitive anti-dumping duties, upon a request by any interested party which submits positive information substantiating the need for such a review.
2. The Directorate shall publish a notice of initiation of the review in the Official Gazette or in the Country's two most popular daily newspapers.
3. A proposal of actions shall be submitted by the Directorate to the Minister or his delegate not later than thirty (30) days prior to the expiry of the impending review, including the following:
  - a. A proposal to immediately terminate the antidumping duty if, as a result of the review, it has been determined that the anti-dumping duty is no longer warranted.
  - b. A proposal to maintain or amend the antidumping duty, if, as a result of the review, it has been determined that dumping and/or injury would be likely to continue or recur if the measures were removed.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation of the review.

### **Article 47**

1. A review shall be carried out for the purpose of determining individual margins of dumping for new exporters or producers in the exporting country in question which have not exported the product to the Country during the period of investigation, provided that these exporters or producers can show that they are not related to any of the exporters or producers in the exporting country who are subject to the anti-dumping measures on the product.
2. No anti-dumping duties shall be levied on imports from such exporters or producers while the review is being carried out. However, the Minister or his Delegate, may, upon a proposal of the Directorate, withhold appraisement and/or request guarantees to ensure that, should such a review result in a determination of dumping in respect of such producers or exporters, anti-dumping duties can be levied retroactively to the date of the initiation of the review.
3. Such a review shall be initiated and carried out on an accelerated basis and shall normally be completed within nine (9) months of the date of initiation of the review. In any event, this review shall in all cases be concluded within twelve (12) months of initiation.

### **Article 48**

1. The Minister or his delegate shall determine in a review initiated on his own initiative or on a proposal from the Advisory Committee or upon a duly substantiated request made by or on behalf of the Domestic Industry no later than three (3) months before the end of the five-year period from the date of imposition of definitive duties that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

2. The anti-dumping duties shall remain in force pending the outcome of that review.
3. A proposal of actions shall be submitted by the Directorate to the Minister or his delegate not later than thirty (30) days prior to the expiry of the impending review, including the following:
  - a. A proposal to terminate the antidumping duty if, as a result of the review, it has been determined that the anti-dumping duty is no longer warranted.
  - b. A proposal to continue the imposition of the antidumping duty, if, as a result of the review, it has been determined that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation of the review.
5. In carrying out investigations, interested parties shall be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request, and conclusions shall be reached with due account taken of all relevant and duly documented evidence presented in relation to the question as to whether the expiry of measures would be likely, or unlikely, to lead to the continuation or recurrence of dumping and injury.
6. A notice of the initiation of the expiry review shall be published in the Official Gazette or in the Country's two most popular daily newspapers.
7. The Provisions this Article and Articles 47 and 48 shall apply *mutatis mutandis* to price undertakings.

**Part 3**  
**Subsidy and Countervailing Measures**

**Chapter 1**  
**Determination of Subsidy**

**Article 49**

A subsidy shall be deemed to exist if:

1. (A) There is a direct or indirect financial contribution, by a government or any public body in the country of origin or export, *i.e.* where:
  - a. A government practice involves a direct transfer of funds (*e.g.* grants, loans and equity infusion), potential direct transfers of funds or liabilities (*e.g.* loan guarantees);
  - b. Government revenue that is otherwise due is forgone or not collected (*e.g.* fiscal incentives such as tax credits);
  - c. A government provides goods or services other than general infrastructure, or purchases goods;
  - d. A government makes payments to a funding mechanism, or entrusts or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (a) to (c) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by governments;

Or

(B) There is any form of income or price support in the sense of Article XVI of GATT 1994;

And

2. A benefit is thereby conferred.

#### **Article 50**

1. A subsidy, as defined in Article 49 of this Rules of Implementation, shall be subject to countervailing measures only if such a subsidy is specific as defined in paragraphs 2, 3 and 4.

2. In order to determine whether a subsidy is specific to an enterprise or industry or group of enterprises or industries (hereinafter referred to as certain enterprises) within the jurisdiction of the granting authority, the following principles shall apply:

- a. Where the granting authority, or the legislation pursuant to which the granting authority operates, explicitly limits access to a subsidy to certain enterprises, such subsidy shall be specific;
- b. Where the granting authority, or the legislation pursuant to which the granting authority operates, establishes objective criteria or conditions governing the eligibility for, and the amount of, a subsidy, specificity shall not exist, provided that the eligibility is automatic and that such criteria and conditions are strictly adhered to;
- c. If, notwithstanding any appearance of non-specificity resulting from the application of the principles laid down in points (a) and (b), there are reasons to believe that the subsidy may in fact be specific, other factors may be considered. Such factors are:
  - Use of a subsidy program by a limited number of certain enterprises or predominant use by certain enterprises.
  - The granting of disproportionately large amounts of subsidy to certain enterprises; the manner in which discretion has been exercised by the granting authority in the decision to grant a subsidy. In applying this subparagraph, account shall be taken of the extent of diversification of economic activities within the jurisdiction of the granting authority, as well as of the length of time during which the subsidy program has been in operation.

3. A subsidy which is limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority shall be specific. The setting or changing of generally applicable tax rates by all levels of government entitled to do so shall not be deemed to be a specific subsidy for the purpose of this Rules of Implementation.

4. Notwithstanding paragraphs 2 and 3, the following subsidies shall be deemed to be specific:

- a. Subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance.
- b. Subsidies contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods.

#### **Chapter 2**

#### **Calculation of the Amount of the Subsidy**

#### **Article 51**

As regards the calculation of the amount of countervailable subsidies, the following rules shall apply:

1. Determination of the total amount of the countervailable subsidy in terms of the benefit conferred on the recipient, which is found to exist during the investigation period of subsidization.

2. Determination of an individual countervailing duty rate for each known exporter or producer concerned of the product under investigation.
3. In cases where the number of exporters, producers, importers or types of products involved is so large as to make such a determination impracticable to determine an individual countervailing duty rate for each known producer or exporter concerned of the product under investigation, as per paragraph (2) of this Article, the Directorate may limit its examination to a reasonable number of interested parties or products by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated.
4. Expenses and charges incurred in order obtain the countervailable subsidy shall be deducted from the amount of the subsidy.
5. The amount of the countervailable subsidy shall be calculated per unit of the subsidized product exported to the Country.

### **Article 52**

As regards the calculation of benefit to the recipient, the following rules shall apply:

1. Government provision of equity capital shall not be considered to confer a benefit, unless the investment can be regarded as inconsistent with the usual investment practice, including for the provision of risk capital, of private investors in the territory of the country of origin and/or export;
2. A Loan by a government shall not be considered to confer a benefit, unless there is a difference between the amount that the firm receiving the loan pays on the government loan and the amount that the firm would pay for a comparable commercial loan, which the firm could actually obtain on the market. In that event, the benefit shall be the difference between these two amounts;
3. A loan guarantee by a government shall not be considered to confer a benefit, unless there is a difference between the amount that the firm receiving the guarantee pays on a loan guaranteed by the government and the amount that the firm would pay for a comparable commercial loan in the absence of the government guarantee. In that case the benefit shall be the difference between these two amounts, adjusted for any differences in fees;
4. The provision of goods or services or purchase of goods by a government shall not be considered to confer a benefit, unless the provision is made for less than adequate remuneration or the purchase is made for more than adequate remuneration. The adequacy of remuneration shall be determined in relation to prevailing market conditions for the product or service in question in the country of export or purchase including price, quality, availability, marketability, transportation and other conditions of purchase or sale.

## **Chapter 3 Determination of Injury**

### **Article 53**

A determination of material injury shall be based on positive evidence and involve an objective examination of the following:

1. The volume of subsidized imports and its effect on prices in the domestic market for like products and they can be determined by evaluating the following factors:
  - A- With regard to the volume of the subsidized imports, consideration shall be given to whether there has been a significant increase in subsidized imports, either in absolute terms or relative to production or consumption in the domestic market.

- B- With regard to the effect of the subsidized imports on sales prices of the like product in the domestic market, consideration shall be given to whether:
- There has been a significant price undercutting by subsidized imports when compared with the price of the domestic like product;
  - Whether the effect of such imports is otherwise to depress prices to a significant degree; or
  - Whether the effect of such imports is to prevent price increases, which otherwise would have occurred, to a significant degree.
- C- No one or several of these factors can necessarily give decisive guidance.
2. The impact of the subsidized imports on the Domestic Industry concerned, through an evaluation of all relevant economic factors and indices having a bearing on the Country of the industry, including:
- A- Actual and potential decline in sales, profits, production, market share, productivity, return on investments, or utilization of capacity;
  - B- Factors affecting domestic prices; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments; and
  - C- In the case of agriculture, whether there has been an increased burden on government support programmes.
  - D- This list is not exhaustive, nor can any one or several of these factors necessarily give decisive guidance.
3. The effect of the subsidized imports shall be assessed in relation to the production of the Domestic Industry of the like product when available data permit separate identification of that production on the basis of criteria such as the production process and producers' sales and profits. If such separate identification of production is not possible, the evaluation of the impact of subsidized imports should be undertaken by searching in narrowest group or range of products which include the like product for which the necessary information can be provided.

#### **Article 54**

1. A determination of a threat of material injury on the concerned Domestic Industry shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which the subsidy would cause must have been clearly foreseen and must be imminent. In making such a determination, consideration should be given to factors such as:
- a. The nature of the subsidy in question and trade effects likely to arise therefrom;
  - b. A significant rate of increase of subsidized imports into the domestic market indicating the likelihood of substantially increased imports;
  - c. Whether there is sufficient freely disposable capacity on the part of the exporter or an imminent and substantial increase in such capacity indicating the likelihood of substantially increased subsidized exports to the domestic market, account being taken of the availability of other export markets to absorb any additional exports;
  - d. Whether imports are entering at prices that would, to a significant degree, depress prices or prevent price increases which otherwise would have occurred, and would probably increase demand for further imports;



e. Inventories of the product being investigated.

2. No one of the factors listed above by itself can necessarily give decisive guidance, but the totality of the factors considered shall be such as to lead to the conclusion that further subsidized exports are imminent and that, unless protective action is taken, material injury will occur.

#### **Article 55**

1. It must be demonstrated, from all the relevant evidence presented in relation to injury, that the subsidized imports are causing injury to the Domestic Industry.

2. Known factors other than the subsidized imports, which are injuring the Domestic Industry at the same time shall also be examined to ensure that the injury caused by those other factors is not attributed to the subsidized imports. Factors which may be considered in that respect include, *inter alia*:

- a. The volumes and prices of non-subsidized imports of the product under investigation;
- b. Contraction in demand or changes in the patterns of consumption;
- c. Trade restrictive practices of and competition between the foreign and domestic producers;
- d. Developments in technologies; and
- e. The export performance and productivity of the Domestic Industry.

#### **Article 56**

Where imports of a product from more than one country are simultaneously subject to countervailing duty investigation, the effects of such imports shall be cumulatively assessed only if it is determined that:

1. The amount of countervailable subsidies established in relation to the imports from each country is more than *de minimis*;
2. The volume of subsidized imports from each country is not negligible; and
3. A cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between imported products and the conditions of competition between the imported products and the like domestic product.

#### **Article 57**

A recommendation of an immediate termination of the investigation shall be made without imposing any measure in the following circumstances:

1. Withdrawal of the complaint unless, such where termination is not in the interest of the Country.
2. There is no sufficient evidence for the existence of subsidy, injury, or causal link between them to justify the continuation of an investigation.
3. When the amount of subsidy is *de minimis*, *i.e.* less than one percent (1%) *ad valorem* and in case of a subsidy from a developing country, the overall level of subsidies granted upon the product in question does not exceed two percent (2%) of its value calculated on a per unit basis.
4. There shall be immediate termination of the investigation, where the volume of subsidized imports, actual or potential is negligible.

- A- In cases of subsidized imports from developing countries, imports shall be considered to be negligible if the volume of the subsidized imports represents less than four percent (4%) of the total imports of the product under investigation in the Country, unless imports from developing countries whose individual shares of total imports represent less than four percent (4%) collectively account for more than nine percent (9%) of the total imports of the product under investigation in the Country.
- B- In cases of subsidized imports from developed countries, imports shall be considered to be negligible if the volume of the subsidized imports represents less than one percent (1%) of the total imports of the product under investigation in the Country, unless imports from developed countries whose individual shares of total imports represent less than one percent (1%) collectively account for more than three percent (3%) of the total imports of the product under investigation in the Country.

## **Chapter 4 Countervailing Measures**

### **Article 58**

1. The Minister or his delegate may, based on a recommendation of the Advisory Committee impose provisional countervailing measures if:
  - a. An investigation has been initiated and public notice has been published in the Official Gazette or in the two most famous daily newspapers in the Country;
  - b. Interested parties have been given adequate opportunity to submit information and make comments; and
  - c. A preliminary affirmative determination of subsidization has been made and consequent injury to the Domestic Industry; and provisional measures are necessary to prevent injury being caused during the investigation. However, a preliminary negative determination of subsidization does not necessarily lead to terminate the investigation, but no provisional measures shall be imposed in such a case.
2. Provisional countervailing measures may take the form of a provisional duty or, preferably, a security—by way of cash deposit or bond—not greater than the total amount of subsidization provisionally estimated. The provisional measures shall be imposed no earlier than 60 days from the initiation of the investigation.
3. Provisional countervailing measures shall be imposed for a maximum period of four (4) months.

### **Article 59**

1. Definitive countervailing measures shall be imposed by a decision of the Minister or his delegate; acting on a proposal submitted by the Advisory Committee and the amount of the countervailing duty shall not exceed the established total amount of subsidization.
2. Definitive countervailing duties shall be imposed on imports from all sources found to be subsidized and caused injury to the Domestic Industry, with the exception of imports from sources from which undertakings have been accepted.
3. Whenever provisional countervailing measures are applied, a proposal to impose definitive countervailing measure shall be submitted to the Minister or his delegate not later than thirty (30) days before the expiry of the provisional measures.

### **Article 60**

1. Any countervailing duty shall remain in force only as long as, and to the extent necessary to counteract subsidization which is causing injury.

2. Any definitive countervailing duty shall be terminated on a date not later than five (5) years from its imposition or from the date of the most recent review if that review has covered both subsidization and injury, unless it is determined, in a review initiated before that date, that the expiry of the duty would be likely to lead to continuation or recurrence of subsidy and injury.

## **Chapter 5 Undertakings**

### **Article 61**

1. Upon the approval of the Minister or his delegate, the investigation may be suspended or terminated without the imposition of countervailing measures upon the Directorate's receipt of satisfactory voluntary undertakings under which:

- a. The government of the exporting country agrees to eliminate or limit the subsidy or take other measures concerning its effects; or
- b. The exporter undertakes to revise its prices so that there is a satisfaction that the injurious effect of the subsidy is eliminated.

2. Price undertakings shall not be sought or accepted unless a preliminary affirmative determination of subsidy and injury caused by such subsidization has been made.

3. Undertakings offered need not be accepted if their acceptance is considered impractical, such as where the number of actual or potential exporters is too great, or for other reasons, including reasons of general policy. Should the case arise and where practicable, the exporter shall be provided with the reasons that have led to consider that acceptance of an undertaking as inappropriate and shall, to the extent possible, be given an opportunity to make comments thereon.

4. Parties which offer an undertaking shall be required to provide a non-confidential version of that undertaking, so that it may be made available to interested parties of the investigation on request.

5. Undertakings may be suggested by the Directorate, but no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer such undertakings, or do not accept an invitation to do so, shall in no way prejudice the consideration of the case. However, the Directorate is free to determine that a threat of injury is more likely to be realized if the subsidized imports continue.

### **Article 62**

1. Price increases under such undertakings shall not be higher than necessary to offset the amount of subsidization. Price undertakings shall remain in force only as long as they are necessary to eliminate the injurious effect of the subsidization.

2. If price undertakings are accepted, the investigation of subsidization and injury shall nevertheless be completed if the concerned party to the undertaking so desires or the Directorate so decides. In such a case:

- a. If a negative determination of subsidization or injury is made by the Directorate, the undertaking shall automatically lapse. Except in cases where such a determination is due in large part to the existence of an undertaking. In such cases, it may be required that an undertaking be maintained for a reasonable period consistent with the provisions of this Rules of Implementation.
- b. In the event that an affirmative determination of subsidization and injury is made by the Directorate, the undertaking shall continue consistent with its terms and the provisions of this Rules of Implementation.

### **Article 63**

1. Exporters or Government of exporting countries from whom an undertaking has been accepted shall provide periodically to the Directorate information relevant to the fulfillment of that undertaking and to permit verification of pertinent data. Failure to comply with such requirements shall be deemed to be a violation of the undertaking.
2. In case of violation of undertakings by the exporter or the Government of the exporting country, the Directorate may prepare a report to the Minister or his Delegate to impose a provisional duty on the basis of the best information available and in accordance with Article 58 of this Rules of Implementation. In such cases, definitive countervailing duties may be levied on goods entered for consumption not more than ninety (90) days before the application of such provisional measures, except that any such retroactive assessment shall not apply to imports entered before the violation of the undertaking.
3. In case of violation of an undertaking by the exporter or the Government of the exporting country, the Minister or his delegate may automatically apply the provisional duty or the definitive duty, which has been imposed in accordance with this Rules of Implementation provided that the exporter or the Government of the exporting country concerned has, except in the case of withdrawal of the undertaking by that exporter or country, been given an opportunity to comment.

## **Chapter 6 Retroactivity**

### **Article 64**

1. Provisional measures and definitive countervailing duties shall only be applied to products that enter for consumption after the time when the decision to impose the measure enters into force, subject to the exceptions set out in paragraph 2 of this Article and Articles 66 and 67 of this Rules of Implementation.
2. The Minister or his delegate may, acting on a proposal submitted by the Advisory Committee, decides that countervailing duties be levied retroactively for the period for which provisional measures have been applied, where:
  - a. A final determination of material injury is made, or
  - b. A final determination of a threat of material injury, where the effect of the subsidized imports would, in the absence of the provisional measures, have led to a determination of material injury.

### **Article 65**

1. If the definitive countervailing duty is higher than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall not be collected. If the definitive duty is lower than the provisional duty paid or payable, or the amount estimated for the purpose of the security, the difference shall be reimbursed or the duty recalculated, as the case may be.
2. Where a final determination is negative, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.

### **Article 66**

Except as provided in paragraph (2b) of Article 64, where a final determination of threat of material injury or material retardation is made, but no injury has yet occurred, a definitive countervailing duty may be imposed only from the date of the final determination of threat of material injury or material retardation of the establishment of a Domestic Industry, and any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.

### **Article 67**

A definitive countervailing duty may be levied on products which were entered to the Country for consumption not more than ninety (90) days prior to the date of application of provisional measures, but not prior to the date of initiation of the investigation, provided that:

- a. The injury which is difficult to repair is caused by massive imports in a relatively short period of a product benefiting from subsidization under the terms of this Rules of Implementation; and
- b. It is deemed necessary, in order to preclude the recurrence of such injury, to assess countervailing duties retroactively on those imports.

## **Chapter 7 Review of Countervailing Measures**

### **Article 68**

1. The Minister or his delegate shall review the need for the continued imposition of the definitive countervailing duties, where warranted, on his own initiative or at the request of Directorate, or on a proposal of the Advisory Committee or, provided that a reasonable period of time of at least one year has elapsed since the imposition of the definitive countervailing duties, upon a request by any interested party which submits positive information substantiating the need for such a review.
2. The Directorate shall publish a notice of the initiation of the review in the Official Gazette or in the Country's two most popular daily newspapers.
3. A proposal of actions shall be submitted by the Directorate to the Minister or his delegate not later than thirty (30) days prior to the expiry of the impending review, including the following:
  - a. A proposal to immediately terminate the countervailing duty if, as a result of the review, it has been determined that the countervailing duty is no longer warranted.
  - b. A proposal to maintain or amend the countervailing duty, if, as a result of the review, it has been determined that subsidization and/or injury would be likely to continue or recur if the measures were removed.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation of the review.

### **Article 69**

1. A review shall be carried out for the purpose of determining an individual countervailing duty rate for new exporters or producers in the exporting country in question which have not exported the product to the Country during the period of investigation, provided that these exporters or producers can show that they are not related to any of the exporters or producers in the exporting country who are subject to the countervailing measures on the product.
2. No countervailing duties shall be levied on imports from such exporters or producers while the review is being carried out. However, the Minister or his delegate, may, upon a proposal of the Directorate, withhold appraisement and/or request guarantees to ensure that, should such a review result in a determination of subsidization in respect of such producers or exporters, countervailing duties can be levied retroactively to the date of the initiation of the review.
3. Such a review shall be initiated and carried out on an accelerated basis and shall normally be completed within nine (9) months of the date of initiation of the review. In any event, this review shall in all cases be concluded within twelve (12) months of initiation.

## **Article 70**

1. The Minister or his delegate shall determine in a review initiated on his own initiative or on a proposal from the Advisory Committee or upon a duly substantiated request made by or on behalf of the Domestic Industry no later than three (3) months before the end of the five-year period from the date of imposition of definitive duties that the expiry of the duty would be likely to lead to continuation or recurrence of subsidization and injury.
2. The countervailing duties shall remain in force pending the outcome of that review.
3. A proposal of actions shall be submitted by the Directorate to the Minister or his Delegate not later than thirty (30) days prior to the expiry of the impending review, including the following:
  - a. A proposal to terminate the countervailing duty if, as a result of the review, it has been determined that the countervailing duty is no longer warranted.
  - b. A proposal to continue the imposition of the countervailing duty, if, as a result of the review, it has been determined that the expiry of the duty would be likely to lead to continuation or recurrence of subsidization and injury.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation of the review.
5. In carrying out investigations, interested parties shall be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request, and conclusions shall be reached with due account taken of all relevant and duly documented evidence presented in relation to the question as to whether the expiry of measures would be likely, or unlikely, to lead to the continuation or recurrence of subsidization and injury.
6. A notice of the initiation of the expiry review shall be published in the Official Gazette or in the Country's two most popular daily newspapers.
7. The Provisions this Article and Articles 68 and 69 shall apply *mutatis mutandis* to undertakings.

## **Part 4 Safeguard Measures**

### **Chapter 1 Determination of Injury**

#### **Article 71**

1. A safeguard measure may be applied to a product imported into the Country, irrespective of its source, if it is determined that such product is being imported in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Domestic Industry that produces like or directly competitive products.
2. A determination of whether the increase of imports has caused or are threatening to cause serious injury to the Domestic Industry shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Domestic Industry, in particular, the following factors:
  - a. The rate and amount of the increase in imports of the product under investigation, in absolute or relative to the domestic production.
  - b. The share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilization, inventory, profits and losses, and employment.

3. The investigation shall demonstrate, based on objective evidence, the existence of the causal link between increased imports of the product under investigation and serious injury or threat thereof. When factors other than increased imports are causing injury to Domestic Industry at the same time, such injury shall not be attributed to increased imports.

#### **Article 72**

1. A determination of the existence of threat of serious injury on the Domestic Industry shall be based on facts and not merely on allegation, conjecture or remote possibility.

2. When determining a threat of serious injury, the following factors should be taken into consideration:

- a. The rate of increase of imports into the domestic market indicating the likelihood of substantially increased imports
- b. Sufficient freely disposable capacity in the exporting countries or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased exports to the domestic market
- c. The availability of other export markets, excluding the domestic market, that absorb any additional exports
- d. Any other factor deemed relevant.

### **Chapter 2 Application of Safeguard Measures**

#### **Article 73**

In critical circumstances, where delay would cause damage which it would be difficult to repair, the Minister or his delegate based on the Advisory Committee's recommendation, may take a provisional safeguard measure pursuant to a preliminary determination that there is clear evidence that increased imports, absolute or relative to domestic production, have caused or are threatening to cause serious injury to the Domestic Industry.

#### **Article 74**

The provisional safeguard measure shall take the form of tariff increases. Due account shall be taken of the following:

1. The duration of the provisional safeguard measure shall not exceed two hundred (200) days, during which period the pertinent requirements of the safeguard investigation according to this Rules of Implementation shall be met.
2. Any amount collected as a provisional safeguard measure shall be promptly refunded, if the subsequent investigation does not determine that increased imports have caused or threatened to cause serious injury to the Domestic Industry.

#### **Article 75**

1. The Advisory Committee may, on the basis of the Directorate's affirmative determination that the product under investigation is being imported in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Domestic Industry, and where it considers it appropriate, suggest to the Minister or his delegate the application of definitive safeguard measures in the form of quantitative restrictions and/or tariff increases or any other measure, taking into consideration that the definitive safeguard measure shall only applied to the extent necessary to prevent or remedy serious injury to the Domestic Industry and to facilitate adjustment.

2. If a quantitative restriction is used, such a measure shall not reduce the quantity of imports below the level of a recent period which shall be the average of imports in the last three (3) representative years for which statistics are available, unless clear justification is given that a different level is necessary to prevent or remedy serious injury to the Domestic Industry.
3. In cases in which a quota is allocated among supplying countries, an agreement may be sought with respect to the allocation of shares in the quota with all other countries having a substantial interest in supplying the product under investigation.
4. In cases in which the method mentioned paragraph (3) above is not reasonably practicable, the quota's allocation to countries having a substantial interest in supplying the product under investigation shall be based upon the proportions, supplied by such countries during a previous representative period, of the total quantity or value of imports of the product under investigation and due account shall be taken of any special factors which may have affected or may be affecting the trade in the product under investigation.
5. The allocation of the quota may be made on different bases than those envisaged under paragraphs 3 and 4 above, provided that consultations are conducted under the auspices of the Organization's Advisory Committee on Safeguards and that clear demonstration is provided to the Advisory Committee that:
  - a. Imports from certain countries have increased in a disproportionate percentage in relation to the total increase of imports of the product under investigation in the representative period;
  - b. The reasons for the departure from the methodology set out in paragraphs 3 and 4 above are justified; and
  - c. The conditions of such departure are equitable to all suppliers of the product under investigation.
6. The duration of any measure applied under paragraph 5 above shall not be extended beyond the initial period in accordance with Article 77 of this Rules of Implementation.

#### **Article 76**

Safeguard measures shall not be applied against a product originating in a developing country Member of the organization as long as its share of imports of the product under investigation into the Country does not exceed three percent (3%), provided that developing country Members with less than three percent (3%) import share collectively account for not more than nine percent (9%) of total imports of the product under investigation.

### **Chapter 3 Duration of Definitive Safeguard Measures**

#### **Article 77**

1. The period of application of a definitive safeguard measure shall not exceed four (4) years, which may be extended to not more than (10) years. The total period of application of a safeguard measure shall include the period of application of any provisional measure, the period of initial application and any extension thereof in accordance with this Rules of Implementation.
2. No safeguard measure shall be applied again to the import of a product which has been subject to such a measure, for a period of time equal to one-half that during which such measure had been previously applied, provided that the period of non-application is at least two (2) years.
3. Notwithstanding the provisions of paragraph 2 above, a safeguard measure with a duration of one hundred and eighty (180) days or less may be applied again to the import of a product if:
  - a) At least one year has elapsed since the date of introduction of a safeguard measure on the import of that product; and



- b) Such a safeguard measure has not been applied on the same product more than twice in the five (5) year period immediately preceding the date of introduction of the measure.

### **Article 78**

1. The Extension of the definitive safeguard measure is subject to an investigation conducted in conformity with the provisions set forth in Chapters 2 and 4 of this Rules of Implementation, that the safeguard measure continues to be necessary to prevent or remedy serious injury, and that there is evidence that the Domestic Industry is adjusting.

2. In a situation where the duration of the definitive safeguard measure is over one year, the measure shall be progressively liberalized at regular intervals during the period of application. If the duration of the measure exceeds three (3) years, the situation shall be reviewed not later than the mid-term of the measure, and, if appropriate, it should be withdrawn or its pace of liberalization increased.

## **Part 5 Advisory Committee**

### **Article (79) Meetings of the Advisory Committee**

1. The Advisory Committee shall meet one time every two months, at the invitation of the Directorate, specifying the venue and date of the meeting, two weeks prior to the scheduled date of the meeting.

2. The Advisory Committee may hold extraordinary meetings upon its own decision or at the request of one of its members with the support of another member explaining the reasons and the subject matter of the request for holding the extraordinary meeting. The Directorate shall determine the venue, time and agenda of the extraordinary meeting.

3. The Directorate may determine the date of the meeting based on the developments of the complaints and investigations. Such meetings must not be postponed in a manner, which impedes the application of the provisions of the law and its Rules of Implementation.

4. Any member may request to host the meeting of the Advisory Committee and the Directorate shall invite the members of the Advisory Committee to that meeting specifying its location and date.

5. The meeting of the Advisory Committee shall be valid if attended by two third of its members. In the event that the quorum is not met, the meeting may be held after five (5) working days and in this situation, the quorum is met if the majority of its members attends the meeting.

6. In the event that it is impossible to hold the regular or the extraordinary meeting of the Advisory Committee on the date specified by the Directorate, a circular recommendation can be passed by the Advisory Committee. Due account is taken of the following:

- a. the number of circular recommendations must not exceed four times a year.
- b. the agreement of the members of the Advisory Committee by majority that the case which requires the issuance of the decision by circular recommendation is urgent and a delay might cause damage which would be difficult to repair.
- c. providing the members of the Advisory Committee with a copy of the circular resolution and all related documents.
- d. the adoption of the circular resolution by not less than the majority of the members of the Advisory Committee.

- e. the circular resolution shall come into effect once it has been signed by the majority of the members of the Advisory Committee.
- f. the circular resolution shall be submitted for the next meeting of the Advisory Committee in order to be included in the minutes of the meeting.

#### **Article (80)**

1. The Directorate shall send the draft agenda of the meeting and its related documents two weeks before the date of the meeting.
2. Members of the Advisory Committee may submit to the Directorate their proposals for subjects they wish to be included on the agenda of the meeting not beyond a week prior to the date of the meeting, provided that the request shall clarify the subject to be included as well as what is required from the Advisory Committee.
3. A member of the Advisory Committee and the Directorate may request the inclusion of additional items on the agenda of the meeting if they are of significant importance and urgency until the beginning of the meeting and shall be included under new items.
4. The Advisory Committee shall adopt its agenda at the beginning of the meeting.

#### **Deliberations of the Advisory Committee**

#### **Article (81)**

1. The Chairman of the Advisory Committee shall preside the meetings and, in the case of any impediment to do so, the meeting shall be presided by his delegate.
2. The Chairman of the Advisory Committee shall announce the opening and closing of the meeting, the suspension of the meeting and the closure of the discussion. He shall maintain order and the proper functioning of the Advisory Committee.
3. The Chairman of the Advisory Committee shall manage the deliberations and participation in the concerned matters according to the agenda of the meeting or as it might be necessary.
4. Each member shall have the right during the deliberations to raise systemic matters and shall be decided immediately by the Chairman of the Advisory Committee and his decision shall be effective unless the majority of the attendees disagree.
5. The Directorate shall present the issues on the agenda of the meeting and may participate in the deliberations.
6. Members of the Advisory Committee express their views and comments in respect of the issues on the agenda of the meeting and then vote them.
7. The deliberations of the Advisory Committee shall be kept confidential and not disclosed to the public.

#### **Article (82)**

1. Each Authority represented in the Advisory Committee, including the Chairman of the Advisory Committee, has one vote.
2. No member of the Advisory Committee may represent another member or vote on behalf of another member.
3. Votes are taken on a show of hands by the members of the Advisory Committee or by calling the names of the members in accordance with the commonly agreed order of the federal and local authorities in the Country provided that the vote shall start with the local authorities.

4. The vote shall not be interrupted once the Chairman of the Advisory Committee announces its commencement for any systemic reason related to the vote.

5. Any member of the Advisory Committee may upon his demand and after the termination of the vote provide any comment or explain its dissenting vote or his position regarding the systemic issues referenced in paragraph (4) above and shall be recorded in writing in the minutes of meeting.

#### **Article (83)**

1. The recommendations of the Advisory Committee shall be made by the majority of the members present. If there is a tie vote, the Chairman of the Advisory Committee shall have the casting vote.

2. The vote of the Advisory Committee members shall be kept confidential except if there is an express consent of members to make it public.

3. The Directorate shall present the reports and recommendations of the Advisory Committee to the Minister or his delegate in order to issue the decision based on the recommendations of the Advisory Committee.

#### **Article (84)**

##### **Management of the work of the Advisory Committee**

1. The Directorate shall organize the work of the Advisory Committee, as follows:

- a. Prepare the meetings of the Advisory Committee.
- b. Receive and circulate documents and reports, which are relevant to the work of the Advisory Committee and keeping copies thereof.
- c. Record and circulate the minutes of the meetings of the Advisory Committee and its recommendations, as well as keeping copies thereof.
- d. Organize relations with the media in accordance with the applicable Rules of Implementations of the Ministry.
- e. Submit the recommendations of the Advisory Committee and the relevant reports to the Minister or his delegate.
- f. Serve as the Rapporteur of the Advisory Committee.

2. The minutes of meetings of the Advisory Committee shall be signed at the end of each meeting by the Chairman, members of the Advisory Committee present at the meeting and the Directorate as Rapporteur of the Advisory Committee.

#### **Section III**

##### **International Trade practices that are injurious to the GCC Industry**

#### **Article (85)**

1. The GCC industry is protected from the injurious practices in international trade as stated in Article 15 of the Law, and in doing so, the procedural and substantive rules stipulated in the Common Law and Sections I, II, III and IV of this Rules of Implementation shall be followed.

2. The GCC competent Authorities shall apply the procedural and substantive rules provided in this Rules of Implementation to protect the GCC industry from the injurious practices in international trade in accordance with Articles (86) and (87) of this Rules of Implementation.

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**Article (86)****GCC Competent Authorities in charge of investigating international trade practices that are injurious to the GCC industry**

For the purpose of protecting GCC industry from the injurious practices in international trade in accordance with the Common Law, the Law and this Rules of Implementation, the GCC Competent Authorities exercise their functions as follows:

1. The Ministerial Committee as well as the Permanent Committee and the Bureau of the Technical Secretariat are respectively competent as stated in Article (87) of this Rules of Implementation to undertake investigations of injurious practices in international trade to the GCC industry.
2. The Bureau of the Technical Secretariat is competent to receive complaints against injurious practices in International Trade to the GCC Industry and to examine all related requirements and undertake all relevant investigations against injurious practices in International Trade to the GCC Industry as well as all pertinent reviews.
3. The Permanent Committee is competent to take measures set forth against injurious practices in International Trade to the GCC Industry, including the imposition of provisional measures, acceptance of price undertakings and proposing to the Ministerial Committee the imposition of definitive anti-dumping duties, definitive countervailing measures or definitive safeguard measures.
4. The Ministerial Committee is competent to approve the imposition of definitive trade remedy measures against injurious practices in International Trade to the GCC Industry or extension, suspension, or termination of these measures, or increase or decrease of definitive anti-dumping and countervailing duties.

**Article (87)**

For the purpose of implementing the provisions of this Rules of Implementation against International Trade practices that are injurious to the GCC Industry, the following terms and expressions shall be replaced wherever used in this Rules of Implementation with its corresponding meaning as stated in the following:

1. GCC Market in place of National Market.
2. GCC Industry in place of National Industry.
3. Member States in place of the Country.
4. Official Bulletin in place of Official Gazette.
5. Director-General of the Bureau of the Technical Secretariat in place of the Director of the Directorate.
6. The Bureau of the Technical Secretariat in place of the Directorate referred to in Articles (2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 18, 20, 21, 22, 36, 39, 40, 41, 46/2, 47, 61, 62, 63, 68/2, 69, 75 and 95).
7. The Bureau of the Technical Secretariat in place of the Advisory Committee referred to in Articles (46/1, 48/1, 68/1, 70, and 73).
8. Member State in place of the Directorate referred to in Articles (46/1 and 68/1).
9. The Ministry overseeing the relevant industrial sector in any of the Member States in place of the Advisory Committee referred to in Article (2/4).

10. The Permanent Committee in place of the Directorate referred to in Articles (46/3, 48/3, 68/3 and 70/3).
11. The Permanent Committee in place of the Minister referred to in Articles (2, 4, 6, 9, 21, 22, 23, 36, 39, 40, 41, 45, 46/1, 47, 48/1, 58, 61, 62, 63, 68, 69/2, 70/1, 73 and 95).
12. The Permanent Committee in place of the Advisory Committee referred to in Articles (3, 37, 42, 59, 64 and 75/1).
13. The Ministerial Committee in place of the Minister referred to in Articles (37, 42, 46/3, 48/3, 59, 64, 68/3, 70/3, and 75/1).

#### **Article (88)**

The Bureau of the Technical Secretariat shall provide notifications required under the WTO agreements on anti-dumping, subsidy and countervailing measures, and safeguards pertaining to investigations against injurious practices in international trade to the GCC industry in accordance with the relevant provisions of such agreements through the presidency of the member States.

#### **Article (89)**

The Bureau of the Technical Secretariat issues an Official Gazette where it publishes all publications required under the Common Law and this Rules of Implementation pertaining to investigations against injurious practices in international trade to the GCC industry.

#### **Article (90)**

Measures taken in accordance with the Common Law and this Rules of Implementation against injurious practices in international trade to the GCC industry shall be applied on products imported into any Member State that have issued customs declaration. An antidumping or a countervailing or a safeguard proceeding shall not hinder the procedures of customs clearance.

#### **Article (91)**

1- In exceptional circumstances, the GCC industry may be interpreted as the local producers in different markets or areas within the GCC member States if the producers within such a market or area sell all or almost all of their production of the product in question in this market and it appears that the demand in this area or market is not substantially covered by the producers of the like product elsewhere in other GCC markets or areas.

2- In such circumstances, injury may be found to exist even where the rest of the Domestic Industry of the like product in other markets or GCC member State are not injured, provided that there is a concentration of dumped or subsidized imports in question in that area or such isolated market and provided further that imports are causing injury to the producers of all or almost all of the production within this market. In case of safeguard investigation, serious injury or threat thereof shall be based on the circumstances existing in country(ies), in which the affected industry is located.

#### **Article (92)**

The Ministry shall periodically provide the Bureau of Technical Secretariat with a statistical statement of the value of the collected anti-dumping, countervailing and safeguard measures duties imposed in accordance with Article (15) of the Law.

#### **Article (93)**

##### **Administrative and judicial review of the decisions taken against international trade practices that are injurious to the GCC industry**

Any interested party who participated in the investigation and is directly and individually affected by final determinations taken by the GCC Competent Authorities in respect of injurious practices in international trade to the GCC industry in accordance with the Common Law and this Rules of

Implementation shall lodge an administrative review and appeal the above mentioned final determinations in line with the procedures, deadlines and any related conditions as stated in the Common Law.

**Section IV  
General Provisions**

**Article (94)**

The provisions of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, the WTO Agreement on Subsidies and Countervailing Measures and WTO Agreement on Safeguards shall be applied on matters, which are not expressly dealt with in this Rules of Implementation.

**Article (95)**

The Minister or his delegate may upon a recommendation of the Directorate initiates a circumvention investigation on the basis of sufficient evidence showing that circumvention of the antidumping or countervailing duties in force is taking place.

**Article (96)**

This Rules of Implementation shall be published in the Official Gazette and come into effect the day following its publication.

**Mohammed bin Rashid Al Maktoum  
Prime Minister**

**Promulgated by us:**

**Date: 21 Jumadaa Alakhera 1439 H**

**Corresponding to: 15 March 2018.**

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