

Cabinet Resolution No. (8) of 2018
Concerning the Executive Regulations of Federal Law No. (1) of 2017
Concerning Anti-Dumping, Countervailing, and Preventive Measures

The Cabinet,

- Having Reviewed:
- The Constitution; and
- Federal Law (1) of 1972 on the Competencies of Ministries and the Powers of Ministers, as amended; and
- Federal Law No. (1) of 1979 on the Regulation of Industry Affairs; and
- Federal Law No. (4) of 1979 On Suppression of Fraud and Deceit in Commercial Transactions; and
- Federal Law No. (3) of 2011 Promulgating the Penal Code, as amended; and
- Federal Law No. (11) of 1992 Promulgating the Civil Procedures Code, as amended; and
- Federal Law No. (28) of 2001 establishing the Emirates Authority for Standardization and Metrology, as amended; and
- Federal Law No. (19) of 2002 Increasing the Customs Duties on Goods and Commodities Imported from Outside the GCC States; and
- Federal Law No. (1) of 2006 on E-Commerce and Electronic Transactions; and
- Federal Law No. (4) of 2012 Regulating the Competition; and
- Federal Law No. (2) of 2015 on Commercial Companies, as amended; and
- Federal Law No. (8) of 2015 Establishing the Federal Customs Authority; and
- Federal Law No. (1) of 2017 on Anti-Dumping and Countervailing and Preventive Measures; and
- Federal Decree No. (21) of 1997 on the Convention and Protocol on State Accession to the World Trade Organization and the Uruguay Round Document; and
- Federal Decree No. (55) of 2002 on Economic Agreement among the Gulf Cooperation Council States; and

- Federal Decree No. (7) of 2005 on Common Law of Anti-Dumping and Countervailing and Preventive Measures of the Gulf Cooperation Council States; and
- Federal Decree No. (85) of 2007 on Common Customs Law of the Gulf Cooperation Council States; and
- Based on the proposal of the Minister of Economy and the approval thereof by the Cabinet,

Hereby Resolves as follows:

Part One

Article (1)

Definitions

Wherever used herein, unless the context otherwise requires, the following words and expressions shall have the meanings assigned thereto respectively:

State	: The United Arab Emirates
Ministry	: Ministry of Economy (MOE)
Minister	: Minister of Economy
Department	: MOE's Department for Combating Harmful Practices in International Trade
Advisory Committee	: Advisory Committee for Combating Harmful Practices in International Trade
Government Body	: Any federal or local government entity associated with the application of the provisions of the Law and this Resolution.
GCC States	: Member States of the Gulf Cooperation Council.
Gulf Bodies Concerned	: Bureau of the Technical Secretariat, the Standing Committee for Combating Harmful Practices in International Trade, and the Committee for Industrial Cooperation of GCC States
Ministerial Committee	: Committee for Industrial Cooperation formed by the GCC's Ministers of Industry.

Standing Committee	: Committee for Combating Harmful Practices in the International Trade of the GCC States
Bureau of the Technical Secretariat	: Bureau of Technical Secretariat for Combating Harmful Practices in International Trade of the GCC Countries.
Judicial Tribunal	: Judicial Body established under the Unified Economic Convention of the GCC States.
WTO	: World Trade Organization
WTO Agreements	: Agreements emanating from the Final Declaration of the Uruguay Round of Multilateral Trade Negotiations, which was ratified under Federal Decree No. (21) of 1997.
Harmful Practices in International Trade	: Dumping, subsidy or unjustifiable increases of imports
Dumping	: In the context of international trade, dumping refers to exporting a product to the State at prices lower than the home-market prices of a similar product
Subsidy	: Financial contribution or any other form of monetary support provided by the government or any public body with the State of origin, or "any form of income or price support in the sense of Article XVI of GATT 1994," thus conferring a benefit upon the subsidy recipient.
Increase in Imports	: Importation into the GCC States of products in large quantities, either in absolute terms or relative to the domestic production, which causes serious injury to an established GCC industry
Measures	: Anti-Dumping, countervailing and preventive measures.
Anti-Dumping Measures	: Actions and measures to be taken against dumping.
Countervailing Measures	: Actions and measures to be taken against the subsidies allocated.

Preventive Measures	: Actions and measures to be taken against the increase in imports.
Provisional Measures	: Interim actions and measures taken during the investigation period and upon coming to provisional positive findings.
Final Measures	: Actions and measures that are taken after the investigation is completed and upon coming to final positive findings.
Complaint	: A written application to be submitted according to a form set for such purpose.
Domestic Industry	: The entire body of producers of similar products in a State, or those whose collective output of the products constitutes a major proportion of the gross domestic production of those products in anti-dumping and subsidy investigations. The domestic industry, within the prevention investigations, refers to the State's producers as a whole of the similar or directly competitive products, or whose collective output of the production of similar products or directly competitive products constitutes a major proportion of the gross domestic production of those products.
GCC Industry	: The entire body of producers of similar products in the GCC States, or those whose collective output of the products constitutes a major proportion of the gross GCC production of those products in anti-dumping and subsidy investigations. The GCC industry, within the prevention investigations, refers to the GCC's producers as a whole of the like or directly competitive products, or whose collective output of the production of similar products or directly competitive products constitutes a major proportion of the gross GCC production of those products.

Related Parties	: A foreign exporter or producer, importer of a product under investigation, producers in whose industrial inputs the product under investigation is included, or governmental or private agencies representing or protecting the interests of consumers, governments of exporting country or any other local or foreign parties having an interest in the product under investigation.
Injury	: Injury, in the sense of an anti-dumping and subsidy investigations, is a material injury, or threat of a material injury, or material impediment to the establishment of domestic or Gulf industry. Injury, in the sense of prevention investigations, is a serious injury or threat of serious injury to the domestic or Gulf industry.
Serious Injury	: means an injury that causes a significant overall impairment in the standing of the domestic or Gulf industry.
The threat of Serious Injury	: means an imminent serious injury resulting in a significant weakening of the established national or Gulf industry.
Normal Value	: The price paid or payable for a similar product, in the ordinary course of trade, when destined for consumption in the exporting country market.
Export Price	: The price paid or payable for the product under investigation by an importer when sold from the exporting country.
Margin of Dumping	: The difference between the normal value and the export price during the period of investigation.
Subsidy	: An amount that represents the benefit accruing to the subsidy beneficiary during the period of investigation.
National Market	: The market of the State.
Gulf Market	: GCC Markets.

Similar Product	: A Product which is identical or having a resemblance in all aspects to the product under investigation, or, in the absence of such a product, any other product which, although not alike in all respects, has characteristics closely resembling those of the product under investigation.
Specific Subsidy	: A subsidy resulting in countervailing measures be taken.
Subsidized Imports	: Imports of products under investigation that received specific subsidies.
Product Under Investigation	: The product imported to the State as described in the declaration of initiation of the investigation.
Importing Country	: A country exporting and/or producing the product under investigation.
Government	: A local or regional government or authority in a foreign country, or a body or organization exercising authority on behalf of a foreign country union, or a person, body or institution acting on behalf of such bodies.
Independent Buyer	: A buyer who has no commercial or production association or any other business with an importer in an importing country, or an exporter or producer in an exporting country, or who is not directly or indirectly controlled by a third party or members of the same family.
Official Bulletin	: A newsletter issued by the Bureau of the Technical Secretariat.
Official Gazette	: The Official Gazette of the State.
Common Law	: Common Law of Anti-Dumping and Countervailing and Preventive Measures of the GCC States.
Law	: Federal Law on Anti-Dumping and Countervailing and Preventive Measures.

Part Two
Harmful Practices in International Trade of Domestic Industry
Section One
Complaint and Investigation Procedures
Chapter One
Conditions for Filing a Complaint
Article (2)

1. A complaint against dumping, subsidization or unjustified increase in imports shall be lodged to the Department in writing, in accordance with the provisions of Article 3 of the Law, on the form set by the Department for this purpose. The complainant shall enclose with the complaint a non-confidential summary of the complaint with sufficient details to permit a reasonable understanding of the substance of the confidential information furnished.
2. The complaint shall be submitted by the domestic industry or on behalf thereof, by the competent chambers of commerce and industry of any the State, or by producers' unions.
3. The complaint shall include evidence of the existence of dumping, specific subsidy or unjustified increases of imports, the injury caused by the allegedly injurious practices and the causal relationship between the injurious practice and the alleged injury to the complainant, and all available information supporting the complaint.
4. In special circumstances, the Minister or his delegate may give orders for initiating an investigation without receiving a complaint from those persons or bodies mentioned in paragraph 2 of this Article, on its own initiative or upon a request from the Advisory Committee, when there is sufficient evidence as stated in paragraph 3 of this Article that justifies the initiation of the investigation.

Article (3)

The Department shall, no later than thirty (30) business days as of the first business day subsequent to the receipt of the complaint, examine the accuracy and adequacy of the evidence provided in the complaint and prepare an initial report thereon. The report shall be submitted to the Advisory Commission together along with its recommendations whether to reject the complaint or initiate the investigation.

Article (4)

The Minister or his delegate shall, no later than fifteen (15) business days as of the date of receipt of the initial report, issue its decision on the complaint including the recommendation of the Advisory Committee. The decision shall include any of the following:

1. Admitting the complaint in principle and referring it the Department to register it in the relevant registers set for that purpose, and initiating the investigation when they are satisfied that the information, data, evidence, and facts submitted with the complaint are sufficient to justify the investigation as per the provisions of the Law and this Resolution; or
2. Rejecting the complaint due to inaccuracy, incorrectness, or insufficiency of information to justify the initiation of the investigation.

Article (5)

The Department shall notify the complainant of the Minister's Resolution within seven (7) business days from the date of the issuance thereof.

Article (6)

1. The Minister or his delegate shall decide to initiate an anti-dumping or an anti-subsidy investigation only when the complaint is supported by domestic producers whose collective output constitutes more than fifty percent (50%) of the total production of producers who expressed either support or opposition to the complaint. The percentage of producers expressed supporting the complaint shall not be less than twenty-five percent (25%) of the total production of the domestic similar product.

2. Upon assessing the availability of national industry representation ratio, producers associated with exporters or importers or who themselves are importers of the product in question may not be taken into account.
3. For the purpose of paragraph (2) of this Article, 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 authority over the latter.

Article (7)

1. Prior to the commencement of an investigation into dumping or subsidy complaints, the Department shall inform the State or States concerned of the receipt of the complaint.
2. The Department shall, upon admitting a complaint regarding subsidization and before the initiation of an investigation, take all necessary measures for calling the exporting countries of the 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 the initiation of the investigation or reaching initial or final determinations or the application of provisional or final measures in accordance with the provisions of hereof.

Article (8)

The Department shall keep records for the complaints submitted thereto, and maintain all related procedures and actions as well as confidential files that are provided on a confidential basis or that are by their nature confidential. Such confidential information shall not be disclosed except as the provisions of protection and treatment of confidential information according to the Law and this Resolution.

Chapter Two

Article (9)

Procedures of Investigation

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

1. A description of the product under investigation, including its technical characteristics, end-uses and its current tariff classification number in accordance with the relevant legislation.
2. A description of the domestic similar 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 serious or material injury or threats thereof and practices under investigation.
6. The date of initiation of the investigation.
7. The timetable for the investigation procedures, including:
 - a. The period during which Related Parties desiring to participate in the investigation shall inform the Department in writing of the same.
 - b. The time frames within which Related Parties shall present their arguments or information in writing.
 - c. The time-limits within which Related Parties have the opportunity to present their viewpoints in writing, as required.
 - d. The time limit within hearing session are called to be held, when necessary.
 - e. The address of the Department, the Department Director's name, address and phone or the party to whom the Related Parties shall submit information and comments.

Article (10)

1. Subject to the protection of the confidential information, the Department shall, as soon as the anti-dumping and anti-subsidy investigations are initiated, provide 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 Related Parties and the representatives of the exporting countries by official means. In the case of protection investigations, the Related Parties shall be notified by publishing the notice of initiation in the Official Gazette or the State's two most popular daily newspapers.
2. If the number of exporters involved in the investigation is substantially 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. The Department shall, in the case of anti-dumping and anti-subsidy investigations, send as soon as possible questionnaires to the known Related Parties, including known domestic producers, importers, exporters, foreign producers, and consumer associations to collect the necessary data and information.
2. In the case of protection investigation, questionnaires shall be sent to the parties who made themselves known and request a questionnaire or through the diplomatic representatives of the State or the exporting countries.

Article (12)

1. Related Parties shall clearly and completely respond to questionnaires no later than forty (40) days from the date on which the questionnaires were sent to them in accordance with Article 11 hereof, or to the appropriate diplomatic representative of the exporting country.
2. Upon a well-substantiated request of the parties referred to in this Article, the period specified in paragraph (1) of this Article may be extended for ten (10) days from the date of expiry of the initial period.

3. A questionnaire shall be considered to have been received by an exporter or foreign producer after seven (7) days from the date of sending or referring it to the appropriate diplomatic representative of the country concerned.
4. The Department may refrain from replying to a questionnaire that is not submitted within the time-limit provided for replying and those which are not submitted in the requested form, where it considers that the conditions for disregarding information under Article 26 hereof have been met.

Article (13)

If the number of exporters, producers, importers, types of products or transactions under investigation is substantially large to such extent which make such investigation impracticable, the investigation may be limited to a representative sample of Related 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 country concerned which can be reasonably verified during the period of the investigation.

Article (14)

1. All parties requesting to participate in the investigation as Related Parties within the time-limit stated in the notice of initiation of the investigation shall have equal opportunity to defend their interests. Public hearings may be held to present their views and arguments, taking into consideration the need to protect the 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 that interested party's case.
3. All parties requesting to participate in the investigation as interested party within the time-limit stated in the notice of initiation shall have equal opportunities, whenever practicable, upon a written request, to access the information related to the investigation and that used to reach the findings of the investigation, in accordance with the rules concerning confidential information contained in the Law and hereof.

Article (15)

1. The Department shall keep records of the hearings and shall keep them in the general file, with the exception of confidential information.
2. All Related Parties participating in the public hearing and furnishing a reasonable reason, shall have the right to provide other oral information related to the investigation. However, such information shall not be taken into account in the investigation unless it is subsequently submitted in writing no later than ten (10) days after the date of public hearing.

Article (16)

Related Parties wishing to attend a public hearing shall notify the Department at least seven (7) business days before the date of the public hearing of the names of their representatives who will attend the hearing as well as the written arguments and information to be provided at the hearing.

Article (17)

Public hearings held in accordance with the provisions hereof shall be chaired by the Department's Director or his representative, in order to take the necessary measures to protect confidential data and statistics. Public hearings shall be organized in a manner to ensure that all participating parties have adequate opportunities to present their views.

Article (18)

1. Subject to the approval of the companies concerned and the no objection of the country concerned after notifying its representatives, the Department may conduct field visits outside the State to verify the information provided and to obtain further details regarding the data and information required by the investigation in the complaint submitted in accordance with the provisions hereof.
2. The Department may conduct field visits within the State so as to verify the information provided and obtain further details regarding the data and information required by the investigation in the complaint submitted in accordance with the provisions hereof.

3. The procedures and provisions set forth in Annex I of the WTO 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 visits conducted under this Article.

Article (19)

1. Any information, which is by nature confidential, or which is provided on a confidential basis by Related Parties, shall be treated as confidential, upon a reasonable cause. In this case, such information shall not be disclosed without a written and express permission of the submitting party.
2. Related Parties providing confidential information shall be required to furnish reasons supporting such a confidential treatment and non-confidential summaries thereof. Such summaries shall include sufficient details to permit a reasonable understanding of the substance of the information submitted in confidence.
3. In exceptional circumstances, any of the Related Parties may indicate that confidential information susceptible of the summary. In such cases, a statement of the reason(s) shall be provided.
4. If it is found that the request for confidentiality is not warranted, and if the party providing the information is either unwilling to make the information public or to authorize its disclosure in general 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 Department shall prepare an initial report of results no later than one hundred and eighty (180) days after initiation of the investigation. The Department also shall prepare a final report one hundred and eighty (180) days from the date of the preliminary report, which shall include all information, clarifications, notices, and declarations issued by the Department at that time, as well as the extent of availability of the standards, requirements and conditions stipulated herein.

2. The Department shall provide the results referred to in this Article in reports that contain sufficient details about the results of all law and fact matters and shall explain the reasons on which such results were reached, taking into account the rules for the protection of confidential information.
3. All Related Parties may submit comment and defence to preliminary reports or any announced results during the investigation and before the final results are reached, no later than fifteen (15) days from the date of publishing or make the same available.

Article (21)

In light of the report of the Department referred to in Article (20) hereof and the recommendation of the Advisory Committee, and no later than thirty (30) business days from the date of sending the report, the Minister or his delegate shall issue one of the following decisions:

1. Terminating the investigation without imposing measures, where it is found that there is no sufficient evidence of practices of dumping, subsidy, or unjustified increases of imports, or absence of injury, or the absence of a causal relationship between the practice and injury; or
2. Imposing provisional measures or any related measures, where it is found that there is an evidence of practices of dumping, subsidy or unjustified increases of imports and injury, and presence of a causal relationship is established.

Article (22)

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

1. Identity of the complainants and the domestic products for which the investigation was requested.
2. Identifying products under investigation.
3. Reasons for termination.

Article (23)

In all cases, the investigation shall be completed within twelve (12) months from its date of initiation thereof. In exceptional cases, the Minister or his delegate may extend this period for no more than six (6) months.

Article (24)

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

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

Article (25)

1. Notifications, correspondence, inquiries and other communications shall be sent to the Related Parties known within the State by a registered mail with the knowledge of receipt to the party concerned or its legal representative.
2. The above-mentioned notification sent to the known Related Parties in foreign countries shall be served through their diplomatic representatives or authorized consuls in the State.

Article (26)

1. In cases where an interested party refuses or fails to provide the required information or fails to provide the same within the specified periods or in the approved forms, or impedes the conduct of investigation by any means whatsoever, initial and final determinations, whether 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 instead be used.

3. For the purpose of applying this Article, applicable procedures and provisions set forth in Annex II of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 shall be taken in consideration.

Section Two
Anti-Dumping
Chapter One
Determinations of Dumping
Article (27)

1. The normal value shall be calculated based on the comparable price paid or payable, in the ordinary course of trade, for sales of similar 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 is exported to the State 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 exporting country (i.e., the products are merely transhipped through the exporting country), or there is no comparable price for them in the exporting country.
3. In the case of an association, partnerships agreements or a compensatory arrangement or other related arrangements form of compensatory arrangement among Related 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 similar 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 State. However, a volume of sales lower than five percent (5%) of sales may be used if the Department is satisfied, based on the evidence to be submitted or otherwise available, that the sales of such lower volume are nonetheless of sufficient magnitude to provide for proper comparison.

5. When there are no sales of the similar product in the ordinary course of trade in the domestic market of the exporting country, or when a proper comparison cannot be made under such sales due to the particular market situation or the low volume of the sales in the domestic market of the exporting country, the normal value of the similar 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 similar product in the domestic market of an exporting country or export sales to a third country at prices below per unit either fixed and variable, costs of production plus administration, selling and general costs shall not be treated as being in the ordinary course of trade by reason of price, and; thereby, may be disregarded in determining the normal value, only if it is determined that such sales were made:
 - a. Within an extended period of time, 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:- (1) the comparable price paid or payable or constructed normal value, in the ordinary course of trade, for sales of the similar product when destined for consumption in a market economy of a third country; (2) the comparable price paid or payable, in the ordinary course of trade, for exports of the similar product from such a market economy of the third country to other countries, including the

State; or (3) any other reasonable basis including the price actually paid or payable in the State for the similar product, duly adjusted if necessary to include a reasonable profit margin.

Article (28)

1. The export price shall be determined on the basis of the price paid or to be paid for the product under investigation when it is sold for export from the exporting country to 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 drawn between the export price and the normal value.
2. This comparison shall be drawn 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 Related 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, the allowances for costs, including duties and taxes, incurred by importation and resale, as well as profit margins accruing, shall also be made. In the case that 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 margin of dumping shall be normally determined during the investigation period, on the basis of a comparison between the weighted average of the normal value and the weighted average of export price, for all exports of the product under investigation to the domestic market, or by comparing the normal value and the export price on transaction-by-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 total margin of dumping properly.
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. Subject to the provisions of paragraph (3) of this Article, in cases where the number of exporters, producers, importers, or types of products involved or trade transactions is substantially large to such extent which makes 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 Related Parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or through the largest percentage of the volume of production, sales or exports which can reasonably be investigated within the given time-limit.
5. When an investigation is limited to a given sample in accordance with this Article and Article 13, any anti-dumping measures 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, minimal margins, and margins established in circumstances referred to in Article 26 hereof shall be disregarded.
6. In cases where the examination is limited in accordance with this Article and Article 13, individual determinations of 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 Two

Identification of Injury

Article (31)

A material injury to domestic industry shall be identified based on an objective examination of all positive evidence, including:

1. The volume of dumped imports and their impact on the prices of the sale of similar products in the domestic market as evidenced by the following:
 - a. With regard to the volume of dumped imports, consideration shall be made to whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the State's market.
 - b. With regard to the effect of imports dumped on the prices of the sale of the similar product in the domestic market, consideration shall be made to whether:
 - There has been a significant price undercutting in such dumped imports when compared with the price of the domestic similar product;
 - There has been a significant price undercutting in the domestic similar product by such dumped imports; or
 - 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 the factors identified in paragraph 1 of this Article can necessarily provide decisive guidance to material injury.
2. The impact of the dumped imports on the domestic industry involved, through an evaluation of all relevant economic factors and indices having a bearing on the state 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 the domestic market prices; actual and potential negative effects on cash flow, inventories, employment, wages, investment, growth and ability to increase capital; and
 - c. The magnitude of the dumping margin.
 - d. This list is not exhaustive, nor can any one or more of these factors necessarily give decisive guidance to the occurrence of material injury.
3. The impact of the dumped imports shall be assessed in relation to the domestic production of the similar product, when available data allow 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 shall be undertaken by searching in narrowest group or range of products which include the similar product on which the necessary information can be provided.

Article (32)

1. A threat of material injury on the domestic industry shall be identified on facts and not merely on allegation, conjecture or remote possibility and on an examination of whether such injury is clearly foreseen and imminent, subject to the following:
 - a. A significant rate of increase of dumped imports into the domestic market indicating the likelihood of substantially increased importations;
 - b. Sufficient production capacity of the exporter or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased dumped exports to the domestic market, taking into account the availability of other export markets to accommodate 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

shall lead to a conclusion that more dumped exports are imminent and that, unless countervailing measures action are taken, the material injury will occur.

Article (33)

1. It shall be verified that injuries caused to the domestic industry are resulting from dumped imports and they are not related to other reasons.
2. Known factors other than dumped imports, which are at the same time injuring the domestic industry, shall be examined, and injuries caused by these other factors shall 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.
 - e. Development of export performance and productivity of the domestic industry.

Article (34)

Where imports of a product from more than one country are simultaneously subjected 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 minimal dumping margin, two percent (2%) or more of the export price;
2. The volume of the dumped imports from each country is not negligible, which three percent (3%) or more from total of the State's 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 among the imported products from concerned countries, and the conditions of competition among the imports and the like domestic product.

Article (35)

An immediate termination of the investigation shall be recommended without imposing measures in any of the following cases:

1. Withdrawal of the complaint, unless where such termination is against the State's interest.
2. There is no sufficient evidence for the existence of dumping, injury or causal relationship between them to justify the continuation of an investigation.
3. When the dumping margin is minimal, i.e. 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 the 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 the domestic market.

Chapter Three

Article (36)

Anti-Dumping Measures

1. The Minister or his delegate may, upon the recommendation of the Advisory Committee, impose provisional anti-dumping measures if:
 - a. An investigation has been initiated and public notice has been published in the Official Gazette or the State's two most popular daily newspapers.
 - b. Related Parties have been given adequate opportunity to submit information and make comments; and
 - c. An initial affirmative determination of dumping indicates that there is a consequent injury to the domestic industry, and provisional measures are necessary to prevent injury being caused during the investigation. However, an initial negative determination of dumping does not necessarily lead to terminating the investigation; however, in such a case, no provisional measures shall be imposed.

2. Provisional measures may take the form of provisional customs duties or, preferably, take the form of cash deposits or guarantee bonds that are not greater than the dumping margin provisionally estimated amount, provided that provisional measures shall not be applied sooner than 60 days from the initiation of the investigation.
3. The application 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 as requested by exporters representing a significant percentage of the trade of the concerned product or upon no objection when notifying those exporters by the Department.

Article (37)

1. The Minister or his delegate, on the recommendation of the Advisory Committee, shall impose final anti-dumping duties, provided not exceeding the margin of dumping set in accordance with the provisions hereof.
2. Final anti-dumping duties shall be imposed on all sources found to be dumped and causing injury to the domestic industry, except for imports from those sources from which price undertakings have been accepted.
3. In the event that provisional anti-dumping measures are imposed, the proposal to impose the definitive measures shall be submitted to the Minister or his delegate no later than 30 days prior to the expiry of the period of the provisional measures.

Article (38)

1. Anti-Dumping duties shall remain in force only for the period and limit necessary for anti-dumping that causes injury.
2. Final anti-dumping duties shall expire not later than five (5) years from their imposition or, if earlier, five (5) years from the date of the conclusion of the most recent review that was initiated and addressed both the dumping and injury, and if it is determined in such a review that the expiry would be likely to lead to a continuation or recurrence of dumping and injury.

Chapter Four

Article (39)

Undertakings

1. Upon the approval of the Minister or his delegate, an investigation may be suspended or terminated without imposing anti-dumping measures when the Department receives a satisfactory voluntary undertaking from any exporters, which eliminates the injurious effect of the dumping. Such undertakings shall take any of the following forms:
 - a. The commitment by an exporter to increase prices of the product under investigation into the State in order to eliminate the dumping margin.
 - b. The commitment by an exporter to cease exports at dumped prices to the State of the products under investigation.
2. Price undertakings shall not be sought or accepted from exports unless an initial affirmative determination of dumping, injury, and a causal relationship has been made.
3. Undertakings offered shall not be accepted if their acceptance is considered impractical, as for the number of actual or potential exporters is too great, or for any other reasons, including reasons of general policy. Should the case arise and when practicable, the exporter shall be provided with the reasons that have led to a consideration that the acceptance of an undertaking would be inappropriate and shall, to the extent possible, be given an opportunity to make written comments thereon.
4. Parties providing a price undertaking shall submit a non-confidential version of such undertakings, so that it may be made available to Related Parties of the investigation on request.
5. Price undertakings may be suggested by the Department to exporters; however, no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer or accept such undertakings shall in no way prejudice the consideration of the case. However, it may be determined that a threat of injury is more likely to be realized if the dumped imports continue.

Article (40)

1. Price in export prices under such price undertakings shall be proportionate to the extent necessary to eliminate the margin of dumping. Price undertakings shall remain in force only as long as they are necessary to counteract the injurious effect of the dumping.
2. Where price undertakings are accepted, the investigation of dumping and injury shall nevertheless be completed if an exporter so desires or the Department so decides. In such a case:
 - a. If a negative determination of dumping or injury is made by the Minister or his delegate, the price undertaking shall automatically lapse. Except in cases where such a determination is due in large part to the existence of such an undertaking. In such cases, it may be required that an undertaking is maintained for a reasonable period consistent with the provisions hereof.
 - b. In the event that an affirmative determination of dumping and injury is made by the Minister or his delegate, the undertaking shall remain effective under its terms and the provisions hereof.

Article (41)

1. Exporter whose undertakings have been accepted shall provide periodically to the Department information relevant to the fulfilment of such undertakings and shall permit verification of pertinent data. Failure to comply with such requirements shall be deemed to be a violation of the undertakings.
2. If it is found that the price undertaking is violated, the Department may submit a recommendation to the Minister to impose provisional measures in accordance with Article 36 hereof, on the basis of the best information available. In such a case, final anti-dumping duties may be retroactively levied on products entered for consumption, from the date of violation, with no more than ninety (90) days before the application of provisional measures.
3. If it is found that the price undertaking is violated by any exporter, the Minister or his delegate may forthwith impose the provisional or definitive measures which have been already imposed on other exporters; provided that the exporter has been granted an opportunity to comment and unless it has withdrawn the undertakings.

Chapter Five

Article (42)

Retroactive Application

1. Provisional measures and final anti-dumping duties shall only be applied to products imported for consumption from the effective date of imposition, subject to the exceptions in paragraph 2 of this Article, and Articles 44 and 45 hereof.
2. The Minister or his delegate may, upon on a proposal by the Advisory Committee, impose final anti-dumping duties retroactively as of the period in which provisional measures have been applied, where:
 - a. A final determination of material injury has been made; or
 - b. A final determination of threat of material injury has been made where it is found that the provisional anti-dumping measures prevented the occurrence of the material injury.

Article (43)

1. Where the final anti-dumping duties are higher than the provisional duties paid or payable, or the amount estimated for the purpose of security, the difference shall not be collected. If the definitive duties are lower than the provisional duty paid or payable, or the amount estimated for the purpose of security, the difference shall be reimbursed, or the duties recalculated.
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 shall be expeditiously released.

Article (44)

Notwithstanding paragraph 2 (b) of Article 42 hereof, where a final determination of threat of material injury or material impediment has been made, but no injury has yet occurred, final anti-dumping duties may be imposed only from the date of the final determination of a threat of material injury or material impediment. Any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds shall be expeditiously released.

Article (45)

Final anti-dumping duties may be levied on products which were imported to the State 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:

1. There is a history of dumping for the product under investigation prior to the period of investigation initiation or that the importer was, or should have been aware, that the exporter practices dumping and that such dumping would cause injury.
2. The injury is caused by increased dumped imports of a product 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 final anti-dumping duties to be applied, provided that the importers concerned have been given an opportunity to comment.
3. The Minister or his delegate may, after initiating an investigation, take such measures as withholding of appraisement or assessment as may be necessary to collect anti-dumping duties retroactively, as provided in this Article, once it has sufficient evidence that the conditions set forth in this Article are satisfied.

Chapter Six

Reconsideration of Anti-Dumping Measures

Article (46)

1. At any time and where warranted, the Minister or his delegate may, on its own initiative, at the request of the Department, or on a proposal of the Advisory Committee, reconsider the need for continuing the imposition of the final anti-dumping duties. Any interested party may submit a written request to review the need for continuing the imposition of the final anti-dumping duties, provided that a reasonable period of time of at least one year has elapsed since the imposition of the final anti-dumping duties. The request shall contain positive information substantiating the need for such a review.
2. The Department shall publish a notice of the initiation of the review in the Official Gazette or the State's two most popular daily newspapers.

3. A proposal of actions of the Advisory Committee shall be submitted by the Department to the Minister or his delegate no later than thirty (30) days prior the expiration of the review. The proposal shall include any of the following:
 - a. to repeal the anti-dumping measures immediately if the review concluded that the imposition of anti-dumping duties is no longer warranted; or
 - b. to maintain or amend the anti-dumping measures if the review concluded that dumping and/or injury would be likely to continue or recur if the measures were terminated.
4. Such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation thereof.

Article (47)

1. In cases where products exported to the State are subject to final anti-dumping duties, a review shall be forthwith carried out for the purpose of determining individual dumping margins for new exporters or producers in the exporting country in question, who did not export the product to the State during the period of investigation; provided that these exporters or producers prove that they are not related to any of the exporters or producers in the exporting country who are subject to the anti-dumping duties.
2. No anti-dumping duties may be levied on imports from the exporters or producers referred to paragraph (1) of this Article while the review is being carried out. However, the Minister or his delegate may, upon a proposal of the Department, withhold customs valuation 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 forthwith initiated and carried out and shall normally be completed within nine (9) months from the initiation, and, in the longest cases, no later than twelve (12) months of the date of initiation of the review.

Article (48)

1. The Minister or his delegate shall, on its own initiative, upon a proposal of the Advisory Committee or upon a duly substantiated request made by or on behalf of the domestic industry, no later than three (3) months prior to the expiry of the final anti-dumping duties, decide to initiate a review to determine that the expiry of such duties would be likely to result in a continuation or recurrence of dumping and injury.
2. The anti-dumping duties shall remain in force until the end of the review.
3. A proposal of actions of the Advisory Committee shall be submitted by the Department to the Minister or his delegate no later than thirty (30) days prior the expiration of the review. The proposal shall include any of the following:
 - a. to repeal the anti-dumping duties immediately if the review concluded that the imposition of anti-dumping duties is no longer warranted; or
 - b. to continue the definitive anti-dumping measures if the review concluded that dumping and injury would be likely to continue or recur if the measures were terminated.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation thereof.
5. During the review, Related Parties shall be provided the opportunity to provide their comments, and the conclusions shall be reached with due account taken of all evidence and information presented in relation to the question of whether the expiry of such 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 of anti-dumping measures shall be published in the Official Gazette or the State's two most popular daily newspapers.
7. The provisions of Articles 46, 47 and 48 hereof shall be applied to price undertakings.

Section Three
Subsidy and Countervailing Measures
Chapter One
Identifying Availability of Subsidy
Article (49)

A subsidy shall be deemed to have existence if:

1. There is direct or indirect financial contribution, by the government of the country of origin or export or a public body, that confers a benefit upon the recipient, i.e. where the government:
 - a. Conducts a direct transfer of funds (e.g. grants and loans), or potential direct transfers of funds or liabilities (e.g. loan guarantees).
 - b. Waives the government accrued revenues or abandons to collect them, such as tax deduction.
 - c. Provides goods or services other than public infrastructure, or purchases goods.
 - d. Makes payments by a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions mentioned in (a), (b) and (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
2. Any form of subsidy that would support income or price in the sense of Article XVI of GATT 1994.

Article (50)

1. A subsidy, as defined in Article 49 hereof, shall be deemed a specific subsidy that gives rise to countervailing measures as defined in paragraphs 2, 3 and 4 of said Article.
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 a subsidy and its amount, specificity in this case shall not exist, provided that the eligibility is automatic and that such criteria and conditions are strictly adhered to;
 - c. Notwithstanding any appearance of non-specificity resulting from the application of the principles set forth in subparagraphs (a) and (b), if there are reasons 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; or
 - The granting authority gives disproportionately large amounts of subsidy to certain enterprises when compared with other enterprises, and the method such authority adopts when exercising the powers conferred to it on determining the granting of subsidy, taking in consideration the diversification of economic activities within the jurisdiction of the granting authority, as well as of the length of time during which the subsidy program is being applied.
3. A subsidy shall be specific when it is limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority, noting that the establishment or change 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 hereof.
4. Subject to paragraphs 2 and 3 of this Article, the following subsidies shall be deemed to be specific by their nature:
- a. Subsidies that are contingent, in law or in fact, upon the level of exporting performance, whether solely or as one of several other conditions.
 - b. Subsidies that are contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods.

Chapter Two

Calculation of Subsidy Amount

Article (51)

The amount of subsidy shall be calculated based on the following:

1. Determining the total subsidy amount received by the foreign producer or exporter recipient, including the subsidy amount received during the period of investigation.
2. Determining the individual amount of subsidy for each known foreign producer or exporter for the product under investigation.
3. Subject to the provisions of paragraph (2) 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 subsidy amount for each known exporter or producer, the investigation may be limited to an examination of a reasonable number of Related Parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or on the basis of the largest percentage of the volume of production, sales or exports which can reasonably be investigated within the given time-limit.
4. Deducing from the calculated subsidy amount any fees or costs incurred in order to qualify for, or to obtain the subsidy, or export taxes, duties or other charges levied on the export of the product under investigation to the State.
5. The amount of subsidy shall be calculated per unit of the product under investigation exported to the State.

Article (52)

The amount of subsidy received by a recipient shall be calculated based on the benefit conferred on the recipient. With regard to the calculation of benefit to the recipient, the following rules shall apply:

1. Government provision of equity capital, including risk capital, shall not be considered to confer a benefit unless the investment can be regarded as inconsistent with the usual investment practice of private investors in the exporting country.

2. Loans provided by a foreign government shall not be considered to confer a benefit unless the amounts repaid by the loan recipient are lower than such amounts repaid by a recipient of a like commercial loan that can be obtained on the market. In that event, the benefit shall be the difference between these two amounts.
3. Loans guarantee by a foreign government shall not be considered to confer a benefit, unless the amounts repaid by the loan recipient, under the government guarantee, are lower than such amounts repaid by a recipient of a like commercial loan in the absence of the government guarantee. In this case, the benefit shall be the difference between these two amounts, to be adjusted for any differences in fees or charges; and
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 return or the purchase is made for more than adequate return. The adequacy of return 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, marketing, transporting and other sales and purchasing conditions.

Chapter Three

Identification of Injury

Article (53)

A material injury to domestic industry shall be identified based on an objective examination of all positive evidence, including:

1. The volume of subsidized imports and their impact on the prices of the sale of similar products in the domestic market as evidenced by the following:
 - a. With regard to the volume of subsidized imports, consideration shall be made to whether there has been a significant increase in subsidized imports, either in absolute terms or relative to production or consumption in the State's market.
 - b. With regard to the effect of subsidized dumped on the prices of the sale of the similar product in the domestic market, consideration shall be made to whether:

- There has been a significant price undercutting in subsidized imports as compared with the price of a domestic similar products.
 - There has been a significant price decline in the domestic similar product; or
 - The effect of such imports is to prevent price increases in the domestic similar products, which otherwise would have occurred, to a significant degree.
- c. No one or several of the factors identified in this paragraph can necessarily provide decisive guidance to material injury.
2. The impact of the subsidized imports on the domestic industry involved, through an evaluation of all relevant economic factors and indices having a bearing on the state 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 the domestic market prices; actual and potential negative effects on cash flow, inventories, employment, wages, investment, growth, and ability to increase capital; and
 - c. In case of agriculture products, whether there has been an increased burden on government support programs.
 - d. This list is not exhaustive, nor can any one or more of these factors necessarily give decisive guidance to the occurrence of material injury.
3. The impact of the subsidized imports shall be assessed in relation to the domestic production of the similar product, when available data allow 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 shall be undertaken by searching in narrowest group or range of products which include the similar product on which the necessary information can be provided.

Article (54)

1. A threat of material injury on the domestic industry shall be identified based on the facts rather than merely allegations, conjecture, or unreasonable possibility and on an examination of whether such injury is clearly foreseen and imminent, subject to the following:

- a. 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 importations.
 - c. Sufficient production capacity of the exporter or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased subsidized exports to the domestic market, taking into account the availability of other export markets to accommodate any additional exports.
 - d. 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
 - e. 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 shall lead to a conclusion that more subsidized exports are imminent and that, unless countervailing measures action are taken, the material injury will occur.

Article (55)

1. It shall be verified that injuries caused to the domestic industry are resulting from subsidized imports and they are not related to other reasons.
2. Known factors other than subsidized imports, which are at the same time injuring the domestic industry, shall be examined, and injuries caused by these other factors shall not be attributed to the subsidized imports. Factors which may be relevant in this respect include, inter alia:
 - a. The volume and prices of non-subsidized imports.
 - b. Decline in demand or changes in the patterns of consumption.
 - c. Commercial restrictions and competitions between domestic and foreign producers.
 - d. Development of export performance and productivity of the domestic industry.

Article (56)

Upon determining the injury caused by subsidized imports from more than one country, the effect of such imports shall be cumulatively assessed only if it is determined that:

1. The amount of subsidization established in relation to the imports from each country is more than minimal.
2. The volume of the 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 among the imported products from interested countries, and the conditions of competition among the imports and the like domestic product.

Article (57)

An immediate termination of the investigation shall be recommended without imposing measures in any of the following cases:

1. Withdrawal of the complaint, unless where such termination is against the State's interest.
2. There is no sufficient evidence for the existence of subsidization, injury, or causal relationship between them to justify the continuation of an investigation.
3. When the amount of subsidy is minimal, i.e. less than one percent (1%) of the amount. In case of a subsidy from a developing country, the overall level of subsidies granted upon the product in question shall not exceed two percent (2%) of its value calculated on a per unit basis.
4. The investigation shall be immediately terminated if the volume of subsidized imports, actual or potential is negligible. For the purpose of this Article, "negligible" means:
 - a. In cases of subsidized imports from developing countries, "negligible" means that the volume of the subsidized imports represents less than four percent (4%) of the total imports of the product under investigation to the State, 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 to the State.
 - b. In cases of subsidized imports from developed countries, "negligible" means that the volume of the subsidized imports represents less than one percent (1%) of the total imports of the product under investigation to the State, 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 to the State.

Chapter Four

Countervailing Measures

Article (58)

1. The Minister or his delegate may, upon the 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 the State's two most popular daily newspapers.
 - b. Related Parties have been given adequate opportunity to submit information and make comments; and
 - c. An initial affirmative determination of subsidy indicates that there is a consequent injury to the domestic industry; and that such measures are necessary to prevent injury being caused during the investigation. However, an initial negative determination of subsidy does not necessarily lead to termination of an investigation; however, in such a case, no provisional measures shall be imposed.
2. Provisional countervailing measures may take the form of provisional customs duties or, preferably, take the form of cash deposits or guarantee bonds that are not greater than the provisionally estimated amount, provided that provisional measures shall not be applied sooner than 60 days from the initiation of the investigation.
3. Provisional Measures shall be imposed for the shortest possible period not exceeding four (4) months.

Article (59)

1. The Minister or his delegate, on the recommendation of the Advisory Committee, shall impose final countervailing duties, provided not exceeding the amount of subsidy.

2. Final countervailing duties shall be imposed on all sources found to be subsidized and causing injury to the domestic industry, except for imports from those sources from which price undertakings have been accepted.
3. In the event that provisional countervailing duties are imposed, the proposal to impose the definitive measures shall be submitted to the Minister or his delegate no later than 30 days prior to the expiry of the period of such provisional measures.

Article (60)

1. Countervailing duties shall remain valid only for such period and limit necessary to offset the subsidy causing the injury.
2. Final countervailing duties shall expire not later than five (5) years from their imposition or, if earlier, five (5) years from the date of the conclusion of the most recent review that was initiated and addressed both the subsidy and injury, and if it is determined in such a review that the expiry would be likely to lead to a continuation or recurrence of subsidy and injury.

Chapter Five

Undertakings

Article (61)

1. Upon the approval of the Minister or his delegate, an investigation may be suspended or terminated without countervailing measures be imposed when the Department receives satisfactory voluntary price undertakings from any exporters, which eliminates the injurious effect of the subsidy. Such undertakings shall take any of the following forms:
 - a. Approval of the government of the exporting country to cancel or limit subsidization or to take other measures limiting effects thereof.
 - b. The commitment of the exporter to review its prices so as to ensure that the adverse effects of subsidy have been terminated.
2. Price undertakings shall not be sought or accepted from exports unless an initial affirmative determination of subsidization, injury, and a causal relationship has been made.

3. Price undertaking offered shall not be accepted if their acceptance is considered impractical, as for the number of actual or potential exporters is too great, or for any other reasons, including reasons of general policy. Should the case arise and when practicable, the exporter shall be provided with the reasons that have led to a consideration that the acceptance of an undertaking would be inappropriate and shall, to the extent possible, be given an opportunity to make written comments thereon.
4. Parties providing a price undertaking shall submit a non-confidential version of such undertakings, so that it may be made available to Related Parties of the investigation on request.
5. Price undertakings may be suggested by the Department to exporters; however, no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer or accept such undertakings shall in no way prejudice the consideration of the case. However, it may be determined that a threat of injury is more likely to be realized if the subsidized imports continue.

Article (62)

1. Increases in export prices under such price undertakings shall be proportionate to the extent necessary to eliminate the margin of subsidization. Price undertakings shall remain in force only as long as they are necessary to counteract the injurious effect of such subsidization.
2. Where price undertakings are accepted, the investigation of subsidization and injury shall nevertheless be completed if an exporter so desires or the Department so decides. In such a case:
 - a. If a negative determination of dumping or injury is made by the Minister or his delegate, the price undertaking shall automatically lapse. Except in cases where such a determination is due in large part to the existence of such an undertaking. In such cases, it may be required that an undertaking is maintained for a reasonable period consistent with the provisions hereof.
 - b. In the event that an affirmative determination of subsidization and injury is made by the Minister or his delegate, the undertaking shall continue consistent with its terms and the provisions hereof.

Article (63)

1. Exporter, or governments of exporting countries whose undertakings have been accepted, shall provide on periodical basis to the Department information relevant to the fulfilment of such undertakings and shall permit verification of pertinent data. Failure to comply with such requirements shall be deemed to be a violation of such undertakings.
2. If it is found that the price undertaking is violated by the exporter or the governments of exporting countries, a recommendation shall be submitted to the Minister or his delegate to impose provisional countervailing measures in accordance with Article 58 hereof and on the basis of the best information available. In such a case, final countervailing duties may be retroactively levied on goods released from the date of violation, with no more than ninety (90) days before the application of such provisional measures.
3. If it is found that the price undertaking is violated by any exporter, the Minister or his delegate may forthwith impose the provisional or definitive countervailing measures which have been already imposed on other exporters; provided that the exporter has been granted an opportunity to comment and unless it has withdrawn the undertakings.

Chapter Six

Retroactive Application

Article (64)

1. Provisional measures and definitive countervailing measures and duties shall only be applied to products imported for consumption from the date of imposition, subject to the exceptions in paragraph 2 of this Article, and Articles 66 and 67 hereof.
2. The Minister or his delegate may, upon on a proposal by the Advisory Committee, impose definitive countervailing measures duties retroactively for the period for which provisional measures have been applied, where:
 - a. A final determination of material injury has been made; or
 - b. A final determination of threat of material injury has been made where it is found that the provisional countervailing measures prevented the occurrence of the material injury.

Article (65)

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

Article (66)

Notwithstanding paragraph 2 (b) of Article 64 hereof, where a final determination of threat of material injury or material impediment has been made, but no injury has yet occurred, final countervailing duties may be imposed only from the date of the final determination of a threat of material injury or material impediment. Any cash deposit made during the period of the application of such provisional measures shall be refunded and any bonds shall be expeditiously released.

Article (67)

Final countervailing duties may be levied on products which were imported to the State for consumption not more than ninety (90) days prior to the date of application of the provisional measures, but not prior to the date of initiation of the investigation provided that:

1. Irreparable injury caused by unjustifiable increases of imports within a relatively short period of time from a producer benefiting from subsidy provided in accordance with the provisions hereof.
2. If retroactive imposition of countervailing duties on such imports is necessary to prevent the recurrence of the injury.

Chapter Seven

Reconsideration of Countervailing Measures

Article (68)

1. At any time and where warranted, the Minister or his delegate may, on its own initiative, at the request of the Department, or on a proposal of the Advisory Committee, review the need for continuing the imposition of the final countervailing duties. Any interested party may submit a written request to review the need for continuing the imposition of the final countervailing duties, provided that a reasonable period of time of at least one year has elapsed since the imposition of the countervailing duties. The request shall contain positive information substantiating the need for such a review.
2. The Department shall publish a notice of the initiation of the review in the Official Gazette or the State's two most popular daily newspapers.
3. A proposal of actions of the Advisory Committee shall be submitted by the Department to the Minister or his delegate no later than thirty (30) days prior the expiration of the review. The proposal shall include any of the following:
 - a. To repeal the measures immediately if the review concluded that the imposition of such duties are no longer warranted; or
 - b. To maintain or amend the measures if the review concluded that subsidization and/or injury would be likely to continue or recur if the measures were terminated.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation thereof.

Article (69)

1. In cases where products exported to the State are subject to final countervailing duties, a review shall be forthwith carried out for the purpose of determining individual countervailing margins for new exporters or producers in the exporting country in question, who did not export the product to the State during the period of investigation; provided that these exporters or producers prove that they are not related to any of the exporters or producers in the exporting country who are subject to the countervailing duties.

2. No countervailing duties may be levied on imports from the exporters or producers referred to paragraph (1) of this Article while the review is being carried out. However, the Minister or his delegate may, upon a proposal of the Department, withhold customs valuation or request guarantees to ensure that, should such a review result in a determination that no subsidy to 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 forthwith initiated and carried out and shall normally be completed within nine (9) months from the initiation, in all events, no later than twelve (12) months of the date of initiation of the review.

Article (70)

1. The Minister or his delegate shall, on its own initiative, upon a proposal of the Advisory Committee or upon a duly substantiated request made by or on behalf of the domestic industry, no later than three (3) months prior to the expiry of the final countervailing duties, decide to initiate a review to determine that the expiry of such duties would be likely to result in a continuation or recurrence of subsidy and injury.
2. Final countervailing duties shall remain in force until the end of the review.
3. A proposal of actions of the Advisory Committee shall be submitted by the Department to the Minister or his delegate no later than thirty (30) days prior the expiration of the review. The proposal shall include any of the following:
 - a. To repeal the final countervailing duties immediately if the review concluded that the imposition of such duties is no longer warranted; or
 - b. To maintain or amend the final countervailing duties if the review concluded that subsidy and/or injury would be likely to continue or recur if the measures were terminated.
4. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation thereof.
5. During the review, Related Parties shall be provided the opportunity to provide their comments, and the conclusions shall be reached with due account taken of all evidence and information presented in relation to the question of whether the expiry of final countervailing

duties would be likely, or unlikely to lead to the continuation or recurrence of subsidy and injury.

6. A notice of the initiation of the review of shall be published in the Official Gazette or the State's two most popular daily newspapers.
7. The provisions of Articles 68, 69 and 48 hereof shall be applied to price undertakings.

Section Four

Preventive Measures against Unjustifiable Increase of Imports

Chapter One

Identification of Injury

Article (71)

1. A preventive measure may be taken to a product being imported irrespective of its source, if it is established that such product is being imported in unjustifiable increased quantities, whether absolute or relative to the State's production, and under such conditions as to cause or threaten to cause a serious injury to the domestic industry that produced like or directly competitive products.
2. A determination of whether the unjustifiable increase of imports has caused or are threatening to cause serious injury to the domestic industry shall be based on objective evidence and facts and an existence of a causal relationship between such imports and serious injury or threat thereof. This determination shall be made by evaluating all relevant, objective, and quantifiable factors affecting the position of the domestic industry, taking into consideration the following factors:
 - a. Ratio and volume of increase of imports of the product under investigation, in absolute or relative terms to the State's production.
 - b. Impact of such increased imports on the domestic industry, including volume of sales, production, productivity, capacity utilization, inventories, profits, losses, labour and market share.
 - c. A causal relationship between the increase of imports of the product under investigation and the serious injury or threat thereof shall be identified. In the event that factors other

than an increase in imports cause simultaneously injury to the domestic industry, such injury may not be attributed to increased imports.

Article (72)

1. A threat of material injury on the domestic industry shall be identified on facts and not merely on allegation, conjecture, or remote possibility and on an examination of whether such injury is clearly foreseen and imminent.
2. In determining the existence of a threat of serious injury to the domestic industry, the following shall be taken into account:
 - a. The rate of increase of imports into the domestic market indicating the likelihood of substantially increased importations.
 - b. The significant export capacity of exporting countries or an imminent increase in such capacity indicates that exports may increase significantly in the domestic market.
 - c. The availability of other export markets, other than the domestic market, which accommodates any additional exports.
 - d. Any other significant factors with sufficient indications.

Chapter Two

Preventive Measures

Article (73)

In the event of critical circumstances, the Minister or his delegate may, upon a recommendation from the Advisory Committee, adopt provisional preventive duties, if it is determined that the product under investigation is being imported in unjustifiable increased quantities, absolute or relative to the domestic production, causing or threatening to cause serious injury to the domestic industry, which will be irreparable or remediable if such measures were not taken on time.

Article (74)

Provisional preventative duties shall take the form of tariff increases in accordance with the applicable customs duties, taking into account the following:

1. Provisional preventative duties shall be applied for no more than two hundred (200) days, during which the pertinent requirement of the prevention investigation hereunder.
2. Provisional preventative duties shall be repaid if the subsequent investigation does not result in a determination that increased imports have caused or threaten to cause serious injury to the domestic industry.

Article (75)

1. In the case that the Advisory Committee found, upon the conclusions made by the Department, that the absolute or relative increase of the imports of the product under investigation caused or threaten to cause serious injury to the domestic industry, it may recommend to the Minister or his delegate to apply a definitive preventive measure in the form of quantitative constraint, increase in customs duties in accordance with the applicable custom duties and/or any other measures, taking into consideration that the definitive preventive measure shall be applied to the extent necessary to prevent or remedy the serious injury caused or threaten to be caused to the domestic industry.
2. If a quantitative constraint is applied, the determined quantities shall not be less than the average of imports in the last three (3) years for which statistics are available, unless a clear justification is given that a different level is necessary to prevent or remedy serious injury to the domestic industry.
3. Where a quota is allocated among countries having a substantial interest in exporting a product under investigation, an agreement may be reached with such countries to share these quotas.
4. In cases where paragraph (3) of this Article is not reasonably practicable, the quotas allocation shall be based upon the proportions of products imported from such countries, during a previous reference period, of the total quantity or value of imports of the product under investigation. Any special factors which may have affected or may be affecting the trade in the product under investigation shall be considered.
5. In the event of serious injury, and not a threat of serious injury, the allocation of the quotas 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 WTO Committee on Safeguards and that a clear demonstration is provided to the Committee that:

- a. Imports from certain countries increased disproportionately to the total increase of imports from the product under investigation during the reference period.
 - b. The reasons for deviating from the methodology of quota allocation envisaged under paragraphs 3 and 4 above are justified; and
 - c. The conditions of deviating from the methodology of quota allocation envisaged under paragraphs 3 and 4 above are equitable to all suppliers of the product under investigation.
6. The validity of measure imposed in accordance with the provisions of paragraph (5) of this Article shall not exceed the initial period specified in Article (77) hereof.

Article (76)

No preventive measures may be applied to any product originating in a developing country Member of the WTO as long as its share of imports of the product under investigation in the domestic market does not exceed three percent (3%), and provided that developing countries with less than three percent (3%) import share collectively account for no more than nine percent (9%) of the total imports of the product under investigation.

Chapter Three

Validity Term of Final Preventive Measures

Article (77)

1. The Final Preventive Measures shall be applied for a period of no more than four (4) years, and they may be extended to ten (10) years. The total period of measures application shall include the period of application of any provisional measures, the period of initial application, and any extension applied hereunder.
2. No preventive measure may be re-applied to the import of a product which has been subject to such a measure unless a period of time equal to half of the duration of such earlier measure has elapsed, provided that the period of non-application is at least two (2) years.

3. Notwithstanding the provisions of paragraph (2) of this Article, a preventive measure of 180 days or less may be applied to the importation of a product if:
 - a. a year has elapsed the imposition of the measure on the import of the product; and
 - b. the measure has not been imposed on the same product more than twice during the five-year period preceding the imposition of the measure.

Article (78)

1. The extension of the application of the Final Preventive Measures depends on the findings of a new investigation conducted in accordance with the same provisions set forth in Sections 2 and 5 hereof. The necessity of the application shall establish that applying the preventive measures shall be continued to prevent or remedy serious injury and that there is sufficient evidence that the domestic industry is subject to reconstruction.
2. In the event that a definitive preventive measure is being taken for more than one year, it shall be progressively released at regular intervals during the period of application. If the duration of the measure exceeds three (3) years, the case shall be reviewed not later than the mid-term of the application of such measure, and, in such a case, it shall be withdrawn or be promptly released, if appropriate.

Section Five

Advisory Committee

Article (79) Advisory Committee Meetings

1. The Advisory Committee shall convene a regular meeting every two months, at the call of the Department, under which the venue and date of the meeting shall be determined, at least two weeks before the date set for the meeting.
2. The Advisory Committee may hold extraordinary meetings either by a decision thereof, or at the request of one of its members and support of another member. The requesting member shall state the reasons and topic of the request for holding the extraordinary meeting. The Department shall determine the venue, time and agenda of the extraordinary meeting.

3. The Department may determine the date of convening based on updates of complaints and investigations. Request for postponement of such meetings, which may affect the application of the provisions of the law and this Resolution, is not permitted.
4. Any member may request to host the meeting of the Advisory Committee at the authority it represents or any place chosen for this purpose. The Department shall call the members of the Advisory Committee and determine the venue and date of the meeting.
5. The meeting of the Advisory Committee shall be validly convened in the presence of two-thirds of its members. In the event that the quorum is not complete, the meeting may be held after five (5) businesses days by majority of the members of the Advisory Committee.
6. In the event of failure to hold an ordinary or extraordinary meeting of the Advisory Committee on the date specified by the Department, the Advisory Committee may issue its recommendations by circulation, provided that:
 - a. The cases of recommendations shall not exceed four times a year.
 - b. The majority of the members of the Advisory Committee agree that the situation requiring the issuance of recommendation by circulation is an emergency which damage cannot be avoided as a result of any delay in making such a recommendation.
 - c. The members of the Advisory Committee shall be provided with a copy of the recommendation along with all necessary documents.
 - d. The recommendation made by circulation shall be issued under at least the approval of the majority of the members of the Advisory Committee.
 - e. The recommendation made by circulation shall be effective once the majority of the members of the Advisory Committee agree by signing in thereon.
 - f. The recommendation made by circulation shall be presented at the next meeting of the Advisory Committee so as to be incorporated in the minutes of the meeting.

Article (80)

1. The Department shall send the draft agenda of the meeting with the relevant documents not less than two weeks before the date specified for the meeting.
2. Members of the Advisory Committee may provide the Department with their proposals for the topics they wish to include on the agenda, up to a maximum of one week prior to the date

of the meeting of the Advisory Committee. Such proposals shall state the subject matter and any requests from the Advisory Committee.

3. A member of the Advisory Committee and the Department may request to incorporate additional matters of importance and urgency on the agenda until the beginning of the meeting. Such matters shall be incorporated under any other business to be discussed.
4. The Advisory Committee shall adopt its agenda at the beginning of the meeting.

Deliberations

Article (81)

1. Meetings of the Advisory Commission shall be chaired by the chairman of the Advisory Committee; failing which, a person elected by the members of the Committee shall assume chairmanship of the meeting.
2. The chairman of the Advisory Committee shall announce the opening and closing of the meeting and deliberations and shall maintain order and proper functioning of the meeting.
3. The chairman of the Advisory Committee shall administer the deliberations and participate in the matters presented, in their order, on the agenda or as may be required.
4. During deliberations, each member shall have the right to raise statutory issues which shall be forthwith decided upon by the chairman of the Advisory Committee. The decision of the chairman shall be effective unless the majority of attendees objects thereto.
5. The Department shall present the topics on the agenda and may participate in deliberations.
6. Members of the Advisory Committee shall submit their views and observations on topics of the agenda and vote thereon.
7. The deliberations of the Advisory Committee are confidential and may not be disclosed.

Article (82)

1. Any entity represented in the Advisory Committee, including the chairman of the Advisory Committee, shall have one vote.
2. No member of the Advisory Committee may represent or vote on behalf of another member.

3. Members of the Advisory Committee shall vote by raising hands or calling by name in the order approved by the federal and local government authorities in the State.
4. The voting procedures may not be interrupted after the chairman of the Advisory Committee announces the commencement thereof for a statutory reason relating to voting.
5. A member of the Advisory Committee may, after voting, submit any note or explanation of its opinion objecting to the recommendation of the Advisory Committee, or approval of matters related to the statutory reasons referred to in paragraph (4) of this Article. Such note or explanation shall be recorded in the meeting minutes.

Article (83)

1. The recommendations of the Advisory Committee shall be issued by majority vote of the members present. In the case of a tie, the vote of the chairman of the Advisory Committee shall be the casting vote.
2. The results of the vote of the members of the Advisory Committee shall not be disclosed except with the express consent of the members.
3. The Department shall present reports and recommendations of the Advisory Committee to the Minister or his delegate to make the decision based on such recommendations.

Article (84)

Management of Advisory Committee's Functions

1. The Department shall organize the functions of the Advisory Committee as follows:
 - a. Preparing meetings.
 - b. Receiving and distributing documents and reports related to their activities, with maintaining copies thereof.
 - c. Recording and distributing minutes of meetings and recommendations, with maintaining copies thereof.
 - d. Organizing relations with mass media according to the regulations of the Ministry.
 - e. Sending its recommendations and relevant reports to the Minister or his delegate.
 - f. Carrying out the functions and activities of the Advisory Committee.

2. The minutes of the meetings of the Advisory Committee shall be approved at the end of each meeting, to signed by the chairman and the members present, together with the Department as rapporteur of the Advisory Committee.

Part Three

Harmful Practices in International Trade of the GCC Industry

Article (85)

1. The GCC industry enjoys protection from harmful practices in international trade, as stipulated in Article (15) of the law. Such harmful practices are subject to procedural and substantive rules stipulated in the Common Law and this Resolution, in accordance with sections I, II, III and IV of this resolution.
2. The procedural and substantive provisions hereof shall be applied to protect the GCC industry from harmful practices in international trade by the GCC authorities as defined in Articles 86 and 87 hereof.

GCC Authorities Investigating Harmful Practices in International Trade of The GCC Industry

Article (86)

For the purpose of protecting the GCC industry from harmful practices in international trade in accordance with the provisions of the Common Law, Law and this Resolution, the concerned GCC authorities shall exercise the powers conferred thereto as follows:

1. The Ministerial Committee, the Standing Committee and the Bureau of the Technical Secretariat, each within the scope of its competence specified in Article (87) hereof, shall investigate harmful practices in international trade faced by the GCC industry.
2. The Bureau of the Technical Secretariat shall be responsible for receiving complaints of harmful practices in the international trade countering the GCC industry, along with all relevant requirements, and conducting investigations of harmful practices in the international trade countering the GCC industry, along with all relevant reviews.

3. The Standing Committee shall be responsible for taking such necessary measures and procedures in order to counter harmful practices in the international trade faced by the GCC industry, including imposing provisional measures, accepting price undertakings, and proposing to the Ministerial Committee the imposition of definitive anti-dumping measures, definitive countervailing measures and Final Preventive Measures against unjustifiable increased imports.
4. The Ministerial Committee shall be responsible for approving, extending, suspending, terminating definitive measures against dumping, specific subsidy and unjustifiable increase in imports; and increasing or reducing definitive anti-dumping and countervailing measures.

Article (87)

For applying the provisions hereof to harmful practices in international trade faced by the GCC industry, the following words and expressions, wherever used herein, shall be replaced by the meanings assigned thereto respectively:

1. GCC market instead of domestic market.
2. GCC industry instead of domestic industry.
3. Member States instead of the State.
4. Official Bulletin instead of Official Gazette.
5. Director General of the Bureau of the Technical Secretariat instead of the Director of the Department.
6. The Bureau of the Technical Secretariat instead of the Department stipulated 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 instead of the Advisory Committee stipulated in Articles 46/1, 48/1, 68/1, 70 and 73.
8. The Member State instead of the Department in Articles 46/1 and 68/1.
9. One of the ministries supervising any of the production sectors in the GCC States instead of the Advisory Committee in Article (2/4).
10. The Standing Committee instead the Department in Articles 46/3, 48/3, 68/3 and 70/3.

11. The Standing Committee instead of the Ministry 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 Standing Committee instead of the Advisory Committee in Articles 3, 37, 42, 59, 64 and 75/1.
13. The Ministerial Committee instead of the Minister 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 any notifications required by the WTO Agreements relating to anti-dumping, subsidy and preventive and countervailing measures, which are relevant to harmful practices in the international trade faced by the GCC industry, in accordance with the procedures provided for in such agreements through the GCC President State.

Article (89)

The Bureau of the Technical Secretariat shall issue an official bulletin, which shall include all the provisions permitted to be published as per the Common Law and hereunder regarding harmful practices in the international trade faced by the GCC industry.

Article (90)

The measures imposed both hereunder and in accordance with the Common Law shall apply to the imported products of any GCC State to which a customs declaration allowing for their release is issued. However, the investigation procedures provided for in the Common Law and this Resolution shall not preclude the customs release of imports of a product solely for being subject to investigation.

Article (91)

1. In exceptional cases, the GCC industry may be interpreted as indicative to local producers in different markets or regions in the Member States if it is found that such producers in this

region or market sell most or all of their production of the similar product in this region or market, and if it is found that the region or market is not significantly covered by producers of the similar products located in other markets or regions of the State.

2. The occurrence of an injury, in the case of dumping and subsidy, shall not be conditional affecting the rest of the domestic industries of the similar product in the other markets or member states. However, it is conditional that dumped or subsidized imports of the products subject of the complaint shall exist in this restricted area or market referred to in paragraph (1) of this Article, and that such imports cause harm to the producers of all or most of the production in such region or market. In the case of investigation of prevention, serious injury or threat thereof shall be caused by the circumstances in the State or States in which the affected industry is located.

Article (92)

The Ministry shall provide the Bureau of the Technical Secretariat with a statistical statement. Such statement shall indicate the value of the duties collected on a regular basis for anti-dumping and countervailing measures and preventive measures imposed pursuant to Article 15 of the Law.

Appealing Final Decisions on Harmful Practices in International Trade of the GCC Industry

Article (93)

Each party participating in the investigation as an interested party, which was solely and directly affected by the final decisions issued by the GCC authorities regarding harmful practices in the international trade faced by the GCC industry pursuant to the Common Law and this Resolution, may appeal against the final decisions according to the procedures, periods, terms and conditions as may be determined by the Common Law.

Part Four
General Provisions

Article (94)

The provisions of the WTO Agreement applicable to Article VI of the General Agreement on Tariffs and Trade 1994 (GATT), the WTO Agreement on Subsidies and Countervailing Duty and the WTO Agreement on Prevention shall apply mutatis mutandis.

Article (95)

The Minister may, upon the recommendation of the Department, announce a review of the measures or the initiation of a new investigation if it proven that there is an act of manipulation that adversely affects the effectiveness of such measures.

Article (96)

This Resolution shall be published in the Official Gazette and shall enter into effect from the day following the date of its publication.

Mohammed bin Rashid Al-Maktoum
Prime Minister

Issued by us:

On: 21 Jumada al-Thani 1439 H

Corresponding to: 15 March 2018 AD