

**Federal Law No. (1) of 2017**  
**on Anti-Dumping and Countervailing and Preventive Measures**

**We, Khalifa Bin Zayed Al Nahyan,**

**president of the UAE**

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 concerning the Competences of the Ministries and the Powers of Ministers as amended;
- Federal Law No. (1) of 1979 Regulating Industry Affairs;
- Federal Law No. (4) of 1979 on Combating Fraud and Misrepresentation in Commercial Transactions;
- Federal Law No. (3) of 1987 Promulgating the Penal Code as amended;
- Federal Law No. (11) of 1992 Promulgating the Civil Procedure Law as amended;
- Federal Law No. (28) of 2001 Establishing Emirates Authority for Standardization and Metrology as amended;
- Federal Law No. (19) of 2002 on Raising Customs Duties on the Goods and Commodities imported from outside the GCC Customs Union;
- Federal Law No. (1) of 2006 concerning Electronic Transactions and Commerce;
- Federal Law No. (4) of 2012 on the Regulation of Competition;
- Federal Law No. (2) of 2015 Concerning the Commercial Companies;
- Federal Law No. (8) of 2015 Establishing the Federal Customs Authority;
- Federal Decree No. (21) of 1997 concerning the Agreement and Protocol of the State Accession to WTO and Uruguay Tour Document;
- Federal Decree No. (55) of 2002 Concerning the Economic Agreement between GCC States;
- Federal Decree No. (7) of 2005 Concerning the GCC Common-law on Antidumping, Countervailing and Safeguard Measures;

- Federal Decree No. (85) of the GCC Common Customs Law; and
- Based on the proposal of the Minister of Economy, as approved by the Cabinet and the Federal National Council and sanctioned by the Federal Supreme Council;

**Hereby enact the Following Law:**

## **Article (1)**

### **Definitions**

Upon applying the provisions hereof, the following words and phrases shall have the meanings assigned thereto respectively, unless the context otherwise indicates;

- The State** : The United Arab Emirates
- The Ministry** : Ministry of Economy
- The Minister** : Minister of Economy
- The Department** : The Ministry's Department in charge of combating harmful practices in international trade.
- FCA** : The Federal Customs Authority
- The Committee** : The Advisory Committee on combating harmful practices in international trade.
- Customs Department** : the competent customs department in the concerned emirate.
- Government Body** : Any federal or local government body concerned with applying the provisions of this Law and the executive regulations hereof.
- GCC States** : Member States of the Gulf Cooperation Council.
- Concerned GCC Bodies** : The Technical Secretariat Office, the Standing Committee to Combat Harmful Practices in International Trade and GCC Industrial Cooperation Committee.
- WTO** : The World Trade Organization
- WTO Conventions** : The Agreements emanating from the closing statement of the results of Uruguay Tour for Multiparty Commercial Negotiations ratified under the Federal Decree No. (21) of 1997.

<b>Harmful Practices in International Trade</b>	: The dumping, targeted subsidy and increase in imports.
<b>Dumping</b>	: The process where a product is exported to the State at an exporting price that is less than its ordinary value for a similar product in the exporting country in the ordinary course of trade.
<b>Subsidy</b>	: A financial contribution or any form of subsidy provided by the Government of the Country of Origin or any public authority therein that may support the income or prices according to the definition contained in Article (16) of the GATT Agreement 1994, and brings benefit to subsidy recipient.
<b>Excess in imports</b>	: The process of importing a product in quantities that are of absolute or relative excess in relation to the national or GCC industry production and within circumstances that may cause or pose a threat of gross damage to national or GCC industry.
<b>Measures</b>	: Anti-dumping, countervailing and preventive measures.
<b>Anti-Dumping Measures</b>	: The actions taken to combat dumping cases.
<b>Countervailing Measures</b>	: The actions taken to combat targeted subsidy.
<b>Preventing Measures</b>	: The actions taken to combat excess in imports.
<b>Temporary Measures</b>	: The actions temporarily taken during the course of investigation and upon reaching temporary positive results.
<b>Final Measures</b>	: The actions temporarily taken after the end of investigation and upon reaching final positive results.
<b>Complaint</b>	: A written request submitted according to the form designated for such purpose.
<b>National Industries</b>	: The aggregate producers in the State for similar products or whose total

- try** : production constitutes a substantial ratio of gross national production of such products in anti dumping and subsidy investigations. The national industry in prevention investigations means the aggregate producers in the State of a directly similar or competing product or whose total production of direct similar or competing products constitutes a substantial ratio of gross national production of such product.
- GCC Industry** : : The aggregate producers in the GCC States for similar products or whose total production constitutes a substantial ratio of gross GCC production of such products in anti dumping and subsidy investigations. The GCC industry in prevention investigations means the aggregate producers in the GCC States of a directly similar or competing product or whose total production of direct similar or competing products constitutes a substantial ratio of gross GCC production of such product.
- Related Parties** : : The foreign exporter or producer of the product subject of investigation or producers who include the product subject of investigation in their industrial inputs, the governmental or private entities that represent the consumers or protect their interests or the governments of the exporting country or any other local or foreign parties having an interest in the product subject of investigation.
- Damage** : : On anti-dumping and subsidy investigations, damage means the occurrence of physical damage or any threat of the occurrence thereof, or the physical impediment to establishing national or GCC industry. In prevention investigations, the occurrence of or any threat for the occurrence of gross damage to national or GCC industry.
- Gross Damage** : : A type of damage that causes an overall weakening affecting the status of the concerned national or GCC industry.
- Gross Damage Threat** : : An imminent gross damage that results in weakening affecting the status of the concerned national or GCC industry.
- Ordinary Value** : : The amount paid or payable price for a similar product in the course of

- ordinary trade when it is directed to consumption in the export country.
- Exporting Price** : The amount paid or price payable by the importer for the product subject of investigation upon selling the same for the exporting country.
- Dumping Margin** : The difference between the ordinary value and exporting price during the period under investigation.
- Subsidy Amount** : An amount that represents the benefit derived by the subsidy recipient during the period under investigation.
- National Market** : The market of the state
- GCC Market** : Market of the GCC States
- Similar Products** : The products which are similar or identical to the product subject of investigation in all respects, or any other products having specifications that have extreme similarity with the specifications or characteristics of the product subject of investigation in the absence of such product.
- Targeted Subsidy** : Subsidy which results in taking countervailing measures.
- Subsidized Imports** : The imports of products under investigation which receive the targeted subsidy.
- Product subject of investigation** : A product imported to the State as described in the investigation commencement notice.
- Common Law** : The GCC Common-law on Antidumping, Countervailing and Safeguard Measures.

## **Article (2)**

### **Entry into Force**

The provisions of this Law shall apply to harmful practices in international trade imported from non-GCC states, and in conformity with WTO Conventions.

## **Article (3)**

### **Complaint & Investigation Procedures**

1. The national industry, or its representative, may file a complaint against the harmful

practices in international trade to the Department directly or through the concerned government body in each emirate, which shall, in turn, refer the same to the Department.

2. The Department may, based on a Decision of the Minister or his designee, and without receiving a complaint from the national industry or its representative, initiate investigations against harmful practices in international trade, if it has sufficient evidence that there are harmful practices in international trade which brings about damage to the national industry.
3. The complaint shall be filed, accepted and considered against the harmful practices in international trade affecting the national industry, and investigation procedures shall be initiated, investigation be finalized, along with the review and any relevant actions thereon shall be made in accordance with the provisions of this Law as well as the controls and requirements specified by the executive regulations of this Law.

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

##### **Investigation**

1. Under a resolution of the Minister, or any officer authorized by him, an investigation committee shall be form the technical officers of the department for each complaint on a case by case basis, such committee shall be tasked with keeping all documents related to the investigation and conducting all investigation procedures in accordance with the provisions of this Law and the executive regulations hereof.
2. The period of investigation on harmful practices in international trade shall continue for a maximum of twelve months from the investigation commencement date. In case the investigation cannot be completed within such period, the same may be extended for a further period under a resolution of the Minister based on the Department's recommendation, provided that the entire period does not exceed 18 months.

## **Article (5)**

### **Cases for Imposing Measures**

The measures shall be taken in any of the following cases:

1. If there is evidence that the products under investigation have been imported at dumping prices or that special subsidy was provided thereto, and inflicted physical damage upon an existing national industry or threatened the occurrence of such damage, or may cause physical delay to the establishment of national industry, and the presence of a causal relationship between them.
2. If there is evidence that the products under investigation are exported to the national market in increasing quantities, whether absolute or proportionate, and amidst circumstances that may inflict gross damage upon the national industry that produces similar or competing products directly or threatens the occurrence of such damage, and the presence of a causal relationship between them.

## **Article (6)**

### **Forms of Measures**

The measures shall be taken in the follow manner:

1. Anti-dumping and final countervailing fees shall be imposed and may not exceed the dumping margin or the amount of finally specified subsidy.
2. Fees shall be imposed or temporary safeguards be taken to combat dumping or targeted subsidy without exceeding the dumping margin or the amount of initially specified subsidy.
3. Final preventive measures shall be imposed against excess in imports in the form of quality fees of restrictions.
4. Final preventive measures shall be imposed against excess in imports for a maximum of two hundred days.

## **Article (7)**

### **No Combination of Measures**

The imported product may not be subject to anti dumping measures as well as a countervailing measure to remedy the same case of dumping or export-targeted subsidy.

## **Article (8)**

### **Law Enforcement Bodies**

1. The Department shall receive and consider the complaints and then conduct investigations and reviews against harmful practices in international trade facing the national industry.
2. Under a resolution of the Minister, a committee known as the "Advisory Committee to Combat Harmful Practices in International Trade" shall be formed from representatives of a number of relevant Federal and Located Bodies. Such committee shall consider the results concluded by the Department on the complaints of harmful practices in international trade submitted thereto under Article (4) of this Law.
3. The Minister, of his authorized officer, the resolutions related to enforcing the provisions of this Law and the executive regulations thereof upon a recommendation of the advisory committee.
4. The executive regulations of this Law shall determine the committee's actions as well as the controls of conditions and procedures related to the rejection of temporary and final measures and undertakings.

## **Article (9)**

### **Notices & Notifications**

1. The Ministry shall submit to WTO all notices required by WTO Conventions on Anti-Dumping, Subsidy, countervailing and preventive measures.
2. The resolutions and notices related to the investigations of harmful practices in international trade shall be published in accordance with the Ministry's applicable procedures.



## **Article (10)**

### **Confidentiality of Information**

1. Employees of the Ministry as well as the employees of any other government body who access, in the course of applying the provisions of this Law, to confidential information and data by their very nature or provided by any other person as confidential, shall keep such information confidential and may not disclose the same to any third party without obtaining a written permission from the party providing such information or upon a request issued by a competent judicial body.
2. The interested or concerned parties shall provide non-confidential summaries to the Department, the details of which allow them to understand the essence of confidential information by its very nature or the information provided as confidential.
3. The executive regulations of this Law shall determine the ways of handling confidential information and disclosure mechanisms.

## **Article (11)**

### **Customs Release**

The investigation procedures provided for herein and the executive regulations hereof shall not preclude the customs release of the imports of the product subject of investigation.

## **Article (12)**

### **Collection of Data & Statistics**

1. For the sake of applying the provisions of this Law and the executive regulations hereof, the Ministry may request the statistical information and data required for investigating the anti-dumping and targeted subsidy as well as the imports excess, from any government body in the State that has the required information.
2. The government body shall respond to the Ministry with the required statistical information and data no later than fifteen business days from the request receipt date.
3. The Department shall use the statistical information and data mentioned in Paragraph (1) of this Article within the limits required by the investigation procedures, subject to

observing the information confidentiality.

## **Article (13)**

### **Imposition & Collection of Fees**

1. The measures imposed in accordance with the provisions of this Law and the executive regulations hereof shall apply to the imports of the products under investigation that is imported for the purpose of consumption within the State.
2. The amounts and safeguards due for temporary and final measures imposed on the imports of the product subject of investigation in accordance with the provisions of this Law and the executive regulations hereof and based on the mechanism to be determined through coordination among the Ministry, FCA and Customs Departments.
3. The proceeds of imposing final measures on the imports of the product subject of investigation shall be deposited in the Public Treasury after deducting the service fees to be determined through coordination among the Ministry, FCA and Customs Departments.
4. The proceeds of temporary measures shall be treated as a deposit during the application period as follows:
  - A. If a decision is issued on the investigations proving the presence of any of the harmful practices in international trade and damage the causal relationship between them, the same shall be treated as final measures.
  - B. If a decision is issued on the investigations proving the absence of any of the harmful practices in international trade or damage the causal relationship between them, each financial guarantee or banking guarantee or a fee that is charged for the product subject of investigation shall be released.
5. FCA shall provide the Ministry with periodical statistics on the value and quantity of imports of the products subject to the measures and the proceeds resulting from the application of such measures.

## **Article (14)**

### **Registration & Follow up**

Where there are sufficient indicators or where the imports of a particular product threatens the occurrence of damage to the national industry, the importation of the concerned product shall be subject to the procedure of registration or follow-up for a temporary period according to the procedures and controls in respect of which a Cabinet resolution is issued based on the Minister's proposal.

## **Article (15)**

### **GCC Industry**

1. If the GCC industry experiences due to the presence of harmful practices in international trade, the combating of which shall be subject to the procedural and substantive procedures set forth in the Executive Regulations hereof.
2. The Ministry shall participate in the harmful practices in international trade that result in damage to the GCC industry, which are conducted by the concerned GCC bodies in accordance with the Common Law.
3. The Ministry shall, in coordination with the government bodies in the State, enforce all resolutions issued by the GCC bodies in charge of the investigations into harmful practices in international trade that result in damage to the GCC industry.

## **Article (16)**

### **Penalties**

Without prejudice to any more severe penalty provided for in any other Law, whoever violates the provisions of Article (10) of this Law shall be penalized by prison sentence and/or a fine of not less than AED (250,000) two hundred and fifty thousand dirhams.

## **Article (17)**

### **Courts**

1. Federal Courts of Appeal shall have exclusive jurisdiction to hear the appeals filed against the final decisions issued by the Minister or any officer authorized by him in enforcement of the provisions of this Law and the executive regulations hereof.
2. Lawsuits for revocation of administrative decisions referred to in clause (1) of this Article shall not be heard following the lapse of three (3) months from the date of publishing the appealed administrative decision or notifying the same to the concerned party or where the latter is proven to have certain knowledge of the such decision.
3. The continuation of such time limit shall be interrupted by appealing to the Minister and the Appeal shall be decided upon within thirty days from the filing date thereof. If a rejection decision is made, it shall be substantiated; however, the lapse of thirty days following the filing date of the appeal without being responded to by the Minister shall be construed as implicit rejection of the same, and the appeal filing time limit shall commence from the date of express or implicit rejection of the appeal, as the case may be.

## **Article (18)**

### **Law Enforcement Capacity**

Employees of the Ministry, nominated under a decision of the Minister of Justice in agreement with the Minister, shall have the capacity of law enforcement officers for the sake of detecting the violations of the provisions of this law and the resolutions issued in implementation hereof, within the area of competence of each of them.

## **Article (19)**

### **Fees**

The Cabinet shall issue, upon a proposal of the Minister of Finance, a decision determining the fees required for enforcing the provisions hereof.

## **Article (20)**

### **Final Provisions**

The Cabinet shall issue, upon a proposal of the Minister, the executive regulations of this Law within (90) days from the issuance date hereof.

## **Article (21)**

Any provision which conflicts with or is repugnant to provisions hereof shall be repealed.

## **Article (22)**

This Law shall be published in the Official Gazette and shall enter into force as of the day following the publication date.

**Khalifa Bin Zayed Al Nahyan**

**President of the UAE**

Issued by us at the Presidential Palace in Abu Dhabi

On 19 Rajab 1438 AH

Corresponding to: 16 April 2017