

The Unified Law of Protection Against D. and the C. and P. M. : 6-2007
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Section : The Unified Law of Protection Against D. and the C. and P. M.

The Unified Law of Combating
Dumping Compensational Measures
and Safeguard Precaution by the States
of the Cooperation Council of the
Gulf Arab States

Article One

Purpose and Scope

The purpose of this law is to combat harmful practices in international trade through taking or adopting the necessary measures by the Council States against those practices in international trade, directed to them by states other than member states and which cause harm to the Gulf Industry or obstruct its establishment , or pose an imminent threat to it. These specifically include :

- 1- Dumping.
- 2- Subsidy.
- 3- Unjustified increase in imports.

Article Two

Definitions

The following expressions shall have the meaning assigned to them unless the context otherwise requires :

- The Council : The Cooperation Council of the Gulf Arab States.
- Member States : The states which are members of the Council.
- The Ministerial Committee : The Industrial Cooperation Committee in the Member States.
- The Standing Committee : The Committee of the Member States for combating harmful practices in International Trade directed to them by non-member states.
- The Technical Secretariat : The Technical Secretariat of the Standing Committee.
- Dumping : To export a certain commodity to the Council States at a lower export price than its usual value in the ordinary course of trade.
- Subsidy : Direct or indirect financial contribution paid by the state of origin or by a public authority in it.
- Unjustified Increase in Imports : Importation of goods non-dumped and non subsidized in increasing quantities either unrestrictedly or compared with the local production. This causes serious harm to the Gulf industry.
- The Gulf Market : The total markets of the Member States of the Council.
- The Commodity Subject of Inquiry : The commodity subject of inquiry as described in the relevant complaint.
- Measures of Combating Dumping : Steps and measures taken to face the cases resulting from dumping.
- Compensational Measures : Measures taken to face illegal subsidy or litigable subsidy.
- Safeguard Precautions : Measure taken in case of unjustified increase in imports.
- Implementing Regulations : The Implementing Regulations issued in accordance with the provisions of this law.

The Implementing Regulations shall provide for the details and clarification required for some technical expressions mentioned in this Article which call for such details and clarifications, in addition to any other expressions required to be provided for in the Implementing Regulations.

Article Three

Imposition of the Measures

The measures against dumping and the compensational measures on imported commodities to the Member States shall be imposed when it is proved that the commodity subject of inquiry caused dumping or was subsidized and caused in a material injury to an existing Gulf Industry, posed a threat of or was liable to cause obstruction in establishing of a Gulf Industry.

The safeguarding precautions shall be imposed on commodities imported to the Member States when it is proved that the commodity subject of inquiry is imported to the Gulf Market despite the unjustified increase in imports, whether absolute, relative, or compared with the Gulf production and in circumstances that may directly cause serious harm to the Gulf Industry which produces similar or competitive commodity or pose a threat of such harm.

Article Four

Provisional Measures

Provisional measures may be taken in accordance with the conditions and situations provided for in the Implementing Regulations in urgent circumstances which may result, in case of delayed action, in a harm that is impossible to be rectified.

Article Five

Final Measures

Final measures may be taken to confront dumping, subsidy or unjustified increase of imports when it is conclusively proved that there is dumping or subsidy or unjustified increase in imports and that the public interest of the Member States requires the taking of such measures. These measures may be suspended, decreased or increased.

Article Six

The Forms of Measures

The measures against dumping, compensational measures and the procedures of safeguarding precautions may take any form including imposing custom duties or quantitative restrictions or both forms.

Article Seven

Procedures of Complaint and Investigation

Suspending the complaint or taking steps to start investigation or terminating it and taking any provisional measures or acceptance of price undertakings, shall be by a resolution of the Standing Committee in accordance with provisions of the Implementing Regulations.

Article Eight

The Formation of the Standing Committee

The Standing Committee shall be formed from the representatives of the Member States and the head of each state delegation shall be of the level of an undersecretary of a Ministry or his deputy provided that he shall have the authorities of an undersecretary. The headship of the standing committee shall be in accordance with the system of headship of the Cooperation Council.

The Implementing Regulations shall provide for the procedures of forming committees and secretariat and the detailed and procedural rules to combat the harmful practices in International Trade directed against the Council States by non-member states as well as listing the forms, papers and documents necessary to realize this purpose. The internal bylaw of the Committee shall provide for the procedures of performing its work, the place and time of ordinary and exceptional meetings, the quorum required for the validity of meetings and for issuance of its resolutions and the rules relating to the effectiveness of these resolutions.

Article Nine

Competency of the Standing Committee

In addition to the competency of the Standing Committee referred to in other Articles of this Law, the Standing Committee shall specially exercise the following in particular :

- 01- Taking the required measures and proceedings in accordance with the provisions of this law including enforcing provisional measures and accepting price undertakings.
- 02- Forming of Committees including Investigation Committees and forming administrative units specialized in combating those practices in accordance with the Implementing Regulations. For this reason it may consult and request information from any source it thinks fit.
- 03- Suggesting imposition of the final fees for combating dumping and the final compensatory fees to combat subsidy and take it before the Ministerial Committee and suggesting the imposing of the final precautionary safeguards against the unjustified increase of imports.
- 04- To provide consultancy service and technical support for Gulf producers who are facing suits relating to dumping, subsidy or precautionary safeguards in other States and follow it up thereof.
- 05- To seek to spread awareness and knowledge in the Member States, of the concept of dumping, subsidy and precautionary safeguards.
- 06- Suggesting suitable solutions to disputes arising between the Member States relating to the interpretation of this law.
- 07- Approval of the Internal Regulations.
- 08- Participation in the activities of the concerned international organizations and international gatherings.
- 09- Forming the necessary Sub-Committees.
- 10- Any other duties to be entrusted to it by the Implementing Regulations.

Article Ten

Ministerial Committee

The Committee of Industrial Cooperation shall be competent to take final decisions in relation to the following :

- 01- Approval of the final measures against dumping, compensatory measures or precautionary safeguards or suspending these measures, terminating, increasing or decreasing them.
- 02- Settlement of disputes arising among Members States in relation to the interpretation or implementation of this law.
- 03- Approval of the Implementing Regulations.
- 04- Examine the grievances relating to the resolutions issued in accordance with the provisions of this law.

Article Eleven

The Technical Secretariat of the Standing Committee

The Technical Secretariat of the Standing Committee shall be entrusted with the performance of administrative and purely technical works of the Standing Committee and shall carry out its duties and functions in accordance with the provisions of the Implementing Regulations.

Article Twelve

Appeal

Any person aggrieved by the Resolutions issued in accordance with Law whether by the Ministerial or the Standing Committee, may appeal against it before the Judicial Committee formed from the members state under the Presidency of a lawyer in the Member States to review the resolutions which the objections to them were rejected.

Article Thirteen

Confidentiality of Information

Any person or authority concerned with investigating and taking steps or implementing the measures and resolutions in accordance with the provisions of this law and its Implementing Regulations shall keep confidential the information and data submitted by the people concerned and such persons and such authorities shall not disclose such information and data except with a written permission issued by the party who released or submitted such information or data.

Article Fourteen

Penalties

Without prejudice to any more serious penalty provided for in any other law, the breach of the prohibitions provided for in the previous Article shall be punished with a financial fine to be assessed according to the harm and the Implementing Regulations of this law shall provide for the procedure of its calculation.

Article Fifteen

Implementing Regulations

The Committee of Industrial Cooperation shall issue the Implementing Regulations of this law.

Article Sixteen

The Committee of Financial and Economic Cooperation is entitled to interpret and amend this law in coordination with the Committee of Industrial Cooperation.

Article Seventeen

This Law shall come into force as from the First of January 2004 and the Member States shall cause ensure its publication in the Official Gazette of each state.