

## **Article 1**

### **Objective**

The objective of the Law is to empower Member States to take measures against Dumping, Subsidy and Increase of imports which cause injury to any GCC industries.

## **Article 2**

### **Scope**

This Law applies to injurious practices in international trade from non-Member States toward Member States.

## **Article 3**

### **Definitions**

For the purpose of the Law, the expressions indicated below have the following meanings. Unless otherwise specified:

- **GCC:** Cooperation Council for the Arab States of the Gulf.
- **Member States:** GCC Member States.
- **Ministerial Committee (MC):** GCC Industrial Cooperation Committee which consist of Industrial Ministers of Member States.
- **The Financial and Economic Cooperation Committee (FECC):** GCC Finance and Economic Committee which consists of Member States' Ministers of Finance and Economy.
- **Permanent Committee (PC):** Committee on Anti-Injurious Practices in International Trade of Member States.
- **Bureau of the Technical Secretariat:** GCC Technical Secretariat Bureau for Anti- Injurious Practices in International Trade
- **Judicial Commission:** The Judicial Commission that is established according to the Economic Agreement of the Member States.

- **The Law:** GCC Common Law on Anti-Dumping, Countervailing and safeguard measures.
- **Rules of Implementation:** The rules issued to implement the provisions of the GCC Common Law
- **Internal Rules:** The rules of the Permanent Committee's work modalities and its decision making process.
- **Official Gazette:** The Gazette issued by the Bureau of the Technical Secretariat.
- **Injurious practices in international trade:** Dumping, subsidy and increase in imports.
- **Dumping:** Exporting a product to Member States at less than its normal value in the ordinary course of trade for the like product in the exporting country.
- **Subsidy:** A financial contribution or any form of income or price support in the sense of Article XVI of GATT 1994, provided by the government of the country of origin or a public body within the territory of this country that confer a benefit to the beneficiary.
- **Measures:** Anti-dumping, Countervailing and Safeguard measures.
- **Anti-dumping measures:** Measures against dumping according to this Law and its Rules of Implementation.
- **Countervailing measures:** Measures against specific subsidy, according to this Law and its Rules of Implementation.
- **Safeguard measures:** Measures against increase of imports according to this Law and its Rules of Implementation.
- **Definitive measures:** Measures adopted by the Ministerial Committee at the end of an investigation, where definitive affirmative determinations have been made according to this Law and its Rules of Implementation.
- **Provisional measures:** Temporary measures adopted by the Permanent Committee, during the investigation where prelim-

inary affirmative determinations have been made according to this Law and its Rules of Implementation.

- **Complaint:** A written application submitted according to the form prepared for this purpose.
- **GCC Industry:** Member States' producers as a whole of the like products or those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products. For the purpose of safeguard investigations, the term GCC industry shall mean total Member States producers as a whole of the like or directly competitive products operating within the territory of Member states, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.
- **Interested parties:** Exporter or foreign producer, importer of the product under investigation, producers whose industrial inputs include the product under investigation, governmental or private organizations which represent or protect consumers, governments of the exporting country or any other national or foreign parties shown to have an interest in the products under investigation.
- **GCC Market:** overall markets of the GCC Member States.

#### **Article 4**

##### **Complaint and Investigation Procedures**

A complaint against injurious practices in international trade shall be submitted, accepted, examined, and an investigation shall be initiated, conducted, reviewed or terminated, as well as measures shall be imposed in accordance with this Law and its Rules of Implementation.

## **Article 5**

### **Measures**

Measures might be taken in the following cases :

1. If it is determined that imports of the products under investigation into the Member States are dumped or benefited from a specific subsidy and caused material injury or threaten to cause material injury to an established GCC Industry or materially retard the establishment of a GCC industry, and there is a causal link
2. If it is determined that products under investigation are being imported into the Member States in such increased quantities, absolute or relative to the GCC production, and under such conditions as to cause or threaten to cause serious injury to the GCC industry that produced like or directly competitive products, and there is a causal link.

## **Article 6**

### **Forms of Measures**

Measures may take the following forms:

1. Definitive anti-dumping and countervailing measures may take the form of customs duties or price undertakings not greater than the dumping margin or the amount of subsidy that is finally determined.
2. Provisional anti-dumping and countervailing measures may take the form of customs duties, price undertakings or security by cash deposit or bond not greater than the provisionally estimated margin of dumping or the amounts of subsidy.
3. Definitive safeguards measures against increase of imports may take the form of either a quantitative restriction, tariff increase, or any other form, which is consistent with the WTO agreements.
4. Provisional safeguards measures should take the form of tariff increases.

## **Article 7**

### **Implementation of the Law and Its Rules of Implementation**

The Ministerial Committee, the Permanent Committee and the Bureau of the Technical Secretariat are within their sphere of competence, responsible for implementing this Law and its Rules of Implementation.

## **Article 8**

### **Competences of the Ministerial Committee**

The Ministerial Committee is competent to take decisions in the following matters:

1. Approving the imposition of definitive measures against dumping, specific subsidy and increase in imports, extending, suspending, terminating, and increasing or reducing definitive anti-dumping and countervailing measures.
2. Settling disputes that may arise between Member States regarding the interpretation and implementation of this Law.
3. Issuing the Rules of Implementation of this Law.
4. Deciding on the administrative reviews pertaining to the definitive decisions and determinations made in implementing this Law and its Rules of Implementation
5. Adopting the Internal Regulation of the Bureau of the Technical Secretariat.
6. Appointing the Director General of the Bureau of the Technical Secretariat.
7. Any other competence attributed by this Law and its Rules of Implementation.

## **Article 9**

### **Permanent Committee**

#### **1 - Composition of the Permanent Committee**

The Permanent Committee is composed of undersecretaries of concerned ministries of Member States or whomever in their status. The presidency of the Permanent Committee is rotated between Member States in conformity with GCC presidency policy.

#### **2 - Competences of the Permanent Committee**

The Permanent Committee is competent in the following matters:

- a. Taking measures stated in this Law and its Rules of Implementation, including imposing provisional measures and accepting price undertakings.
- b. Proposing to the Ministerial Committee the imposition of definitive anti-dumping measures, definitive countervailing measures and definitive safeguard measures against increased imports.
- c. Setting up committees and establishing specialized administrative units of the Bureau of the Technical Secretariat.
- d. Adopting the Technical Secretariat's work strategies in compliance with its predetermined competences.
- e. Proposing appropriate solutions to the Ministerial Committee for settlements of disputes that may arise between Member States regarding the interpretation and implementation of this Law and its Rules of Implementation.
- f. Proposing amendments to this Law and its Rules of Implementation.
- g. Proposing amendments to the Internal Regulation of the Bureau of Technical Secretariat.
- h. Approving and amending its Internal Rules.

- i. Approving the proposed budget of the Bureau of Technical Secretariat before its adoption in compliance with the regulatory proceedings.
- j. Adopting financial, administrative and other regulations of the Bureau of the Technical Secretariat.
- k. Nominating the Director General of the Bureau of the Technical Secretariat.
- l. Any other competence attributed by the Ministerial Committee.

## **Article 10**

### **Bureau of the Technical Secretariat**

- 1 - Based on this Law, a Bureau of the Technical Secretariat for Anti-injurious Practices in International Trade shall be set up under the umbrella of the General Secretariat of GCC. The Bureau of the Technical Secretariat shall have financial and administrative autonomy by means of a budget annexed to GCC General Secretariat's budget, and it is directed by a Director General.
- 2 - Competences of the Bureau of the Technical Secretariat:
  - a. Organizing the Permanent Committee activities and preparing for its meetings and agenda, as well as drafting its decisions and carrying out any other function that will be assigned to perform and it has to that effect to request information, studies, statistics and reports that may be useful for the work of the Permanent Committee.
  - b. Following up the implementation of the Ministerial and Permanent Committee decisions.
  - c. Providing consultancy and technical support to GCC producers and exporters who are facing dumping, subsidy and safeguards investigations in other countries and following the investigations' process in coordination with the concerned authorities of Member States.

- d. Participating in the activities of related organizations and international forums.
- e. Providing quarterly reports to the Permanent Committee containing information and statistics regarding the activities of the Bureau of the Technical Secretariat and all registered and examined investigations as well as their time frame and deadlines.
- f. Receiving the complaints against injurious practices in international trade and related requirements.
- g. Conducting investigations against injurious practices in international trade and all related reviews in accordance with this Law and its Rules of Implementations.
- h. Preparing the annual budget project of the Bureau of the Technical Secretariat and executing it upon its approval.
- i. Working on developing knowledge and raising Member States' awareness on the concepts of dumping, subsidy and increase in imports.
- j. Any other duties or activities assigned to the Bureau of the Technical Secretariat by the Ministerial Committee and Permanent Committee.

## **Article 11**

### **Administrative and Judicial Review**

- 1 - Any interested party who participated in the investigation and is directly and individually affected by final determinations taken in application of this Law and its Rules of Implementation shall before resorting to the judicial review, lodge an administrative review with the Ministerial Committee within thirty (30) days from the date of publication of such determinations in the Official Gazette. The Ministerial Committee shall decide on this review within sixty (60) days from the date of its submission, otherwise it will be considered rejected.



- 2 - The complaining party whose administrative review was rejected can appeal before the Judicial Commission within thirty (30) days from the date of his notification by any means of notification.

## **Article 12**

### **Confidentiality of Information**

Everyone and every competent investigation and decision making authorities pursuant to this Law and its Rules of Implementation shall keep confidential any information submitted to them on a confidential basis or which is by nature confidential. The above-mentioned persons and authorities are not allowed to disclose such information without prior written permission from the party who submitted or disclosed this information to the GCC Judicial Commission.

## **Article 13**

### **Penalties**

Without prejudice to any other repressive penalty stipulated in any other law, the violation of the rule provided for in Article 12 shall be subject to a monetary fine not exceeding 500.000 Saudi Riyals or its equivalent in the currencies of Member States.

## **Article 14**

### **Interpretation and Amendment of the Law**

The Financial and Economic Cooperation Committee should explain and amend this Law in coordination with the Ministerial Committee.

## **Article 15**

### **Entry into Force**

This Law shall enter into force on 1 January 2004. Member States must publish it in the Official Gazette.