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Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures
Committee on Safeguards

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

KUWAIT

The following communication, dated 8 June 2011, is being circulated at the request of the Delegation of Kuwait.

**The Cooperation Council for the Arab States of the Gulf
Secretariat General**

**Bureau of Technical Secretariat
For Anti-injurious Practices in International Trade**

Amended GCC common law of anti-dumping, countervailing measures and safeguards

Further to the requirements under the Anti-Dumping Agreement, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards, and in accordance with the related decisions adopted by the Committees established under these Agreements, the Delegation of the State of Kuwait has the honour to notify the unofficial English translation of the full text of the Anti-dumping and Countervailing Measures and Safeguards Act of the Cooperation Council for the Arab States of the Gulf ("GCC"), as amended in December 2010. The GCC Rules of Implementation on the same three measures are currently being translated into English. As soon as translation is completed, such Rules will also be notified.

It should be noted that the attached document represents an unofficial English translation of the GCC law and that the text that is legally binding in the State of Kuwait is the original version in Arabic.

Article 1 Objective

The objective of the common law is to empower GCC countries to take measures against Dumping, Subsidy and Increase of imports which create injury for any of GCC industries.

Article 2

Scope

This common law applies on injurious practices in international trade from non-Member States toward GCC countries.

Article 3

Definitions

For the purpose of the common law, the expressions indicated below have the following meaning, unless otherwise specified:

- **GCC:** cooperation council for the Arab state of the gulf.
- **Member States:** GCC Member States.
- **Ministerial Committee (MC):** GCC industrial cooperation committee which consists of Industrial Ministers at Member States.
- **The Financial and Economical Cooperation Committee (FECC):** A GCC committee consisting of Member States ministers of finance and economy.
- **Permanent Committee (PC):** A committee of anti-injurious practices in international trade of Member States.
- **Bureau of Technical Secretariat:** GCC technical secretariat bureau for anti-injurious practices in international trade.
- **Judicial Commission:** the judicial commission established according to Member States' economic.
- **The Law:** GCC common law of anti-dumping, countervailing measures and safeguards.
- **Rules of Implementations:** a regulation issued to implement the GCC common law provisions.
- **Interior Rules:** the permanent committee's modalities of work and its decision making process.
- **Official gazette:** the Gazette issued by the technical secretariat bureau.
- **Injurious practices in international trade :** dumping, subsidy and increase of imports.
- **Dumping:** exporting a product to GCC at less than its normal value for alike products in the ordinary course of trade, as established for the exporting country.
- **Subsidy:** subsidy is any kind of financial contribution might support either income or prices, according to Article 16 of the GATT Agreement 1994, provided by the government of origin or public organization making benefits to the beneficiary.
- **Measures:** anti-dumping, countervailing and safeguard measures.

- **Anti-dumping measures:** measures against dumping according to this Law and its regulation.
- **Countervailing measures:** measures against countervailable subsidy, according to this Law and its regulation.
- **Safeguard measures:** measures against increase of imports according to this Law and its regulation.
- **Definitive measures:** measures taken by the ministerial committee at the end of investigation where definitive affirmative determinations have been reached according to this Law and its regulation.
- **Provisional measures:** measures taken by the permanent committee for a short period of time, during the investigation where preliminary affirmative determinations have been reached according to this Law and its regulation.
- **Complaint:** a written application submitted according to the form prepared for this purpose.
- **GCC Industry:** The total of Member States producers for alike products or which constitutes a major proportion of the total domestic production of that product. For the purpose of safeguard investigations, the term GCC industry shall mean total Member States producers for alike product, directly competitive to it or which constitutes a major proportion of the total domestic production of that product.
- **Interested parties:**
 - Foreign exporter, importer or producer of the concerned product.
 - Producers which their industrial material including concerned product.
 - Governmental or private organizations which represent or protect consumers.
 - The government of exporting country.
 - Any other national or foreign parties discerned or had an interest in concerned product.
- **GCC Market:** overall markets of the GCC Member State.

Article 4 Complaining and Investigation Procedures

A complaint against any alleged injurious practices in international trade shall be submitted, accepted, examined, initiated or terminated an investigation and Subsequent Investigation after revision , and imposing a procedure in accordance with this Law and its rules of implementation.

Article 5 Measures

Measures are taken as follows:

1. If under investigation, products which imported to the Member States are:

- dumped or subsidized
- caused of material injury or threat of material injury
- caused of delay or obstruction to GCC industry and there is causal link

2. If it is proven that under investigation products were imported to the Member States as increased quantities, absolute or relative, in such conditions as to cause or threaten to cause serious injury to the GCC industry that produces alike or directly competitive products, and there is casual link.

Article 6 Forms of Measures

Measures may take the form of:

1. Anti-dumping and countervailing measures of custom duties or price undertaking not beyond the dumping margin or the amount of subsidy that definitively determined.
2. Provisional measures of anti-dumping and countervailing of custom duties, price undertaking or security by cash deposit or bond not beyond the dumping margin or the amount of subsidy that initially determined.
3. Definitive safeguards measures against increase of imports of either a quantitative restriction or tariff increase, or any other form which is consistent with the WTO agreements.
4. Provisional safeguards measures of tariff increase.

Article 7 Implementation of the Common Law and Its Rules of Implementation

The ministerial committee, the permanent committee and the technical secretariat are each one within its competence, responsible for implementing this Law and its rules of implementation.

Article 8 Competence of Ministerial Committee

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

1. Approval of imposing relevant definitive measures of anti-dumping , special subsidy and increase of imports, or suspending, terminating, increasing or reducing definitive anti-dumping and countervailing measures.
2. Settlements of 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. Looking at petition of concerned decisions and definitive determinations as execution of this Law and its regulation.
5. Adopting an interior regulation of GCC technical secretariat of anti injurious practices in international trade

6. Appointing a Director General of the technical secretariat.
7. Any other competence in accordance to this Law and its regulation.

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. Competence of the permanent committee

The permanent committee is competent in the following matters:

- (a) Taking procedures and measures stated in this Law and its rules of implementation, including imposing provisional measures and accepting price undertakings.
- (b) Proposing the imposition of definitive anti-dumping measures, definitive anti-subsidy countervailing measures and definitive safeguard measures against increased imports, to the Ministerial Committee.
- (c) Setting up committees and establishing specialized administrative units of the technical secretariat.
- (d) Reliance of technical secretariat strategies in compliance to specified competence.
- (e) Proposing appropriate solutions to ministerial committee for settlements of disputes that may arise between Member States regarding the interpretation and implementation of this Law and its regulation.
- (f) Proposing the amendment of this Law and its regulation
- (g) Proposing the amendment of the interior regulation of the technical secretariat.
- (h) Approving its interior regulation and amended it.
- (i) Approving of the budget project of the technical secretariat in order to be reliance in accordance to the followed procedures.
- (j) Adopting financial, administrative and other regulations of the technical secretariat.
- (k) Nominating the Director General of the technical secretariat.
- (l) Any other competence attributed by the ministerial committee.

Article 10

Bureau of Technical secretariat

According to this Law, A bureau of technical secretariat of anti-injurious practices in international trade shall be set up under the umbrella of the General Secretariat of GCC. The bureau of technical secretariat have a financial and administrative independency through annexed budget with the General Secretariat's budget, and is headed by a Director General.

Competence of the technical secretariat

- (a) Organizing the permanent committee activities and preparing for its meetings and agenda, draft decisions and any other function as may 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 services and technical support for Member States producers who are encountering dumping, subsidy and increase of imports and follow up in other countries in coordination with related authorities of Member States.
- (d) Participating at the related international meeting events and activities.
- (e) Providing trimester reports to the permanent committee on technical secretariat activities and investigations and outline of the proceedings.
- (f) Receiving the complaints against the injurious practices in international trade and related requirements
- (g) Initiation of investigations against injurious practices in the international trade and all related revision in accordance to this Law and its rules of implementations.
- (h) Preparing annually budget project of technical secretariat and carrying out after approval.
- (i) Working in spreading out and raising the Member States awareness of the concepts of dumping, subsidy and increase of imports.
- (j) Any other attributes or competences, duties and activities submitted by ministerial and permanent committee.

Article 11

Protest and Appeal

1. Before protesting, any interested party who participated in an investigation and is directly and individually affected by final determinations and decisions taken in application of this Law and its rules of implementation shall notify the Ministerial Committee to review such actions within 30 days from the date of publishing such actions in the official gazette. The Ministerial Committee shall decide on petition within 60 days from the date of submitting unless it will be rejected.

2. The complaining rejected party can appeal to the judicial committee in Member States within 30 days from the date of notification.

Article 12
Confidentiality of information

Any investigation and countervailing measures authorities pursuant to this Law and its rules of implantation shall keep the confidential information submitted to them on a confidential basis or which is by nature confidential. Such information shall not be disclosed without a specific written permission from the party who submitted or disclosed the confidential information to the competent judiciary board.

Article 13
Penalties

Without prejudice to any other repressive penalty stated in any other Law, the violation of the rule provided for in Article 12 shall be subject to financial fine not beyond to 500,000 Saudi riyals or its equivalent in the currencies of Member States.

Article 14
Interpretation and amendment of the Law

The financial and economical cooperation committee is entitled to interpret and amend this Law in coordination with the ministerial committee.

Article 15
Entry into force

This Law will be entering into force on 1 January 2004. GCC Member States must publish it in the official gazette.
