

**NON OFFICIAL TRANSLATION OF THE
FEDERAL LAW No. (1) OF 2017
ON ANTIDUMPING, COUNTERVAILING AND SAFEGUARD MEASURES¹**

We, Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates

- Pursuant to the perusal of the Constitution;
- Federal Law No. (1) of 1972 on the competencies of ministries and powers of ministers and its amendments,
- Federal Law No. (1) of 1979 on organizing Industrial Affairs,
- Federal Law No. (4) of 1979 on the suppression of fraud and deceit in commercial transactions;
- Federal Law No. (3) of 1987 issuing the Penal Code and its amendments;
- Federal Law No. (11) of 1992 issuing the Civil Procedures Code and its amendments;
- Federal Law No. (28) of 2001 on setting up the Emirates Specifications and Standards Authority and its amendments;
- Federal Law No. (19) of 2002 on the levy of customs duties on goods and products imported from outside the GCC Customs Union;
- Federal Law No. (1) of 2006 on Electronic Commerce and Transactions;
- Federal Law No. (4) of 2012 on the Regulation of Competition;
- Federal Law No. (2) of 2015 on commercial companies;
- Federal Law No. (8) of 2015 on Setting up the Federal Customs Authority;
- Federal Decree No. (21) of 1997 regarding the Agreement and Protocol of the UAE Accession to the World Trade Organization and the Document of the Uruguay Round;
- Federal Decree No. (55) of 2002 regarding the Economic Agreement Between the for the Arab States of the Gulf;
- Federal Decree No. (7) of 2005 regarding the GCC Common Law on Antidumping, countervailing and safeguard measures,
- Federal Decree No. (85) of 2007 on the Common Customs Law for the Arab States of the Gulf,
- And according to what was presented by the Minister of Economy, the approval of the Council of Ministers, as well as the Federal National Council and the endorsement of the Federal Supreme Council,

We do hereby enact the following law:

**Article (1)
Definitions**

For the implementation of the provisions of this law, the following terms and expressions shall have the meaning assigned thereto unless the context otherwise requires:

Country: United Arab Emirates.

Ministry: The Ministry of Economy.

Minister: The Minister of Economy.

Directorate: The Directorate in charge of the anti-injurious practices in international trade.

Authority: Federal Customs Authority

Committee: The Advisory Committee on Anti-Injurious Practices in International Trade.

Directorate of Customs: The competent Directorate of Customs in the concerned Emirate.

¹ The official Arabic version of the Federal Law N (1) 2017 on antidumping, countervailing and safeguards is published in the United Arab Emirates Official Gazette No. 614, Year 47, 30 rajeb 1438 Hajeri, 27 April 2017.

Government Authority: Any federal or local authority related to the implementation of the provisions of this Law and its Rules of implementation.

GCC States: GCC Member States of the Gulf Cooperation Council.

GCC Authorities: Bureau of the Technical Secretariat and Permanent Committee on anti-injurious in International Trade as well as the GCC Ministerial Committee.

Organization: World Trade Organization.

Agreements of the Organization: The agreements resulting from the Uruguay Round of Multilateral Trade Negotiations ratified by the Federal Decree No. (21) of 1997.

Injurious Practices in International Trade: Practices of dumping, specific subsidy and increase in imports.

Dumping: Exporting a product to the Country 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 (16) 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.

Increase in Imports: Importing a product in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic or GCC industry.

Measures: Anti-dumping, Countervailing and Safeguard measures.

Anti-dumping Measures: Measures taken against dumping.

Countervailing Measures: Measures taken against specific subsidy.

Safeguard Measures: Measures taken against increase of imports.

Provisional Measures: Temporary measures taken during the investigation pursuant to a preliminary affirmative determination.

Definitive Measures: Measures taken at the end of the investigation pursuant to a definitive affirmative determination.

Complaint: A written application submitted in the format prepared for this purpose.

Domestic Industry: For the purpose of anti-dumping and countervailing investigations, the Domestic Industry shall be understood to mean the domestic producers as a whole of the like products or those of whom 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 Domestic Industry shall mean the producers as a whole of the like or directly competitive products, operating within the territory of the Country, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.

GCC Industry: For the purposes of anti-dumping and countervailing investigations, the GCC Industry shall be understood to mean the GCC producers as a whole of the like products or those of whom whose collective output of the products constitutes a major proportion of the total GCC production of those products. For the purpose of safeguard investigations, the GCC Industry shall mean the producers as a whole of the like or directly competitive products, operating within the territory of the GCC States, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total GCC 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 product under investigation.

Injury: For the purposes of anti-dumping and countervailing investigations, the term "injury" is taken to mean material injury to a domestic or a GCC industry, threat of material injury to a domestic or a GCC industry or material retardation of the establishment of such an industry. For the purpose of safeguard investigations, the term "injury" is taken to mean serious injury to a domestic or a GCC industry or threat of serious injury to a domestic or a GCC industry.

Serious injury: a significant overall impairment in the position of a domestic or a GCC industry.

Threat of Serious injury: serious injury that is clearly imminent to a domestic or a GCC industry.

Normal value: The price paid or payable for the like product in the ordinary course of trade when destined for consumption in the exporting country.

Export Price: The price paid or payable for the product under investigation when sold for export from the exporting country to the Country or GCC Market.

Dumping Margin: The difference between the normal value and the export price during the period of investigation.

Amount of a Subsidy: The absolute monetary value of benefit to the recipient calculated during the period of investigation.

Domestic Market: The Market of the Country.

GCC Market: Overall markets of the GCC Member States.

Like Product: The term "like product" shall be interpreted to mean a product which is identical, i.e. alike in all respects to the product under investigation, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under investigation.

Specific Subsidy: A subsidy that could lead to the imposition of countervailing measures.

Subsidized Imports: Imported products under investigation that received the specific subsidy.

Product Under Investigation: The imported product as described in the notice of initiation of the investigation.

Common Law: The GCC Common Law on Anti-dumping, Countervailing and Safeguard Measures.

Article (2) **Scope of Application of the Law**

The provisions of this law shall apply to the injurious practices in international trade from Non-GCC States and in accordance with the Agreements of the Organization.

Article (3) **Complaint and Investigation Procedures**

1. The Domestic Industry or its representative may file a complaint against injurious practices in international trade to the Directorate directly or through the concerned Government Authority in each Emirate, which forward it to the Directorate.
2. The Directorate may, by a decision of the Minister or his Delegate and without receiving a complaint from the Domestic Industry or its representative, initiate an investigation against

injurious practices in international trade if there is a sufficient evidence of an injurious practice in international trade that causes injury to the Domestic Industry.

3. A complaint against injurious practices in international trade shall be submitted, accepted, examined and an investigation shall be initiated, conducted, terminated, reviewed as well as any other relevant proceedings shall be undertaken in accordance with the provisions of this law and its Regulation.

Article (4) Investigation

1. The Minister or his Delegate should issue a decision to set up an investigating team for each complaint that is composed of the personnel of the Directorate and it is assigned to maintain all documents pertaining to the investigation and conducting all the relevant proceedings as per this Law and its Regulation.
2. The investigation shall be concluded within twelve (12) months after its initiation, except in special circumstances, the Minister or his Delegate based on a recommendation of the Directorate may extend the period of investigation and in no case more than 18 months, after its initiation.

Article (5) Imposition of Measures

Measures may be taken in any of the following cases:

1. If it is determined that imports of the product under investigation are dumped or benefitted from a specific subsidy and are causing material injury to a Domestic Industry, threat of material injury to a Domestic Industry or material retardation of the establishment of such an industry, and there is a causal link.
2. If it is determined that products under investigation, are being imported into the domestic market in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Domestic Industry of the like or directly competitive products, and there is a causal link.

Article (6) Form of Measures

Measures imposed against injurious practices in international trade may take the following forms:

1. Definitive anti-dumping and countervailing measures that shall not be in excess of the margin of dumping or the amount of the subsidy definitively found to exist.
2. Provisional anti-dumping and countervailing measures that may take the form of a provisional increase of tariff or security not greater than the provisionally estimated margin of dumping or the calculated amount of subsidization.
3. Definitive safeguard measures that may take the form of increase of tariff or quantitative restrictions.
4. Provisional safeguard measures, which should take the form of tariff increase and shall not exceed 200 days.

Article (7) Prevention of double remedies

No product imported into the country shall be subject to both anti-dumping and countervailing measures to compensate for the same situation of dumping or export subsidization.

**Article (8)
Authorities**

1. The Directorate shall be responsible for receiving and examining complaints and undertakings as well as conducting investigations and reviews against injurious practices in international trade pertaining to the Domestic Industry.
2. The Minister should issue a decision to set up a Committee named "the Advisory Committee against Injurious Practices in International Trade", composed of representatives of the relevant Federal and Local Authorities. The Advisory Committee against Injurious Practices in International Trade is assigned to review the reports made by the Directorate on the complaints it received against injurious practices in international trade in accordance with Article (4) of this Law.
3. The Minister or his Delegate should issue the statutory decisions concerning the implementation of the provisions of this Law and its Regulation based on the recommendations of the Advisory Committee.
4. The Regulation of this law shall regulate the working procedures of the Advisory Committee along with the substantive conditions and procedural requirements relating to the imposition of provisional and definitive measures as well as undertakings.

**Article (9)
Notifications and notices**

1. The Ministry shall notify the Organization of the required notifications under the Agreements on Anti-dumping, Subsidy and Countervailing Measures and Safeguards pertaining to investigations against injurious practices in international trade to the Domestic Industry.
2. The statutory Decisions and Notices related to investigations against injurious practices in international trade shall be published in accordance with the procedures established by the Ministry.

**Article (10)
Confidentiality**

1. The personnel of the Ministry and any other Government Authority, who came to their knowledge in the context of implementation of this Law, its Regulation and related Statutory Decisions, any information which is by nature confidential or which is provided on a confidential basis by parties to an investigation, shall keep it as such and shall not disclose it without a written permission of the party submitting it or upon an order issued by a Competent Judicial Authority.
2. Interested parties shall furnish non-confidential summaries to the Directorate. These summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.
3. The Regulation of this Law shall regulate the measures for the treatment of confidential information and the disclosure procedures thereof.

**Article (11)
Customs Clearance**

Investigations against injurious practices in international trade referred to in this Law and its Regulation shall not hinder the procedures of customs clearance of the product under investigation.

Article (12)
Data and Statistics Collection

1. In implementing the provisions of this Law and its Rules of implementation, the Ministry may request data, information and statistics deems necessary for the conduct of anti- dumping, countervailing and safeguards investigations from any Government Authority in the Country that possess the required data.
2. The Government Authority shall respond to the Ministry with the required data, information and statistics within a period not exceeding 15 working days from the date of reception of the request of data.
3. The Directorate shall use the data and statistics mentioned in paragraph (1) of this Article to only the extent necessary to conduct the investigation and in such a manner that takes into account the confidentiality of the information.

Article (13)
Imposition and collection of duties

1. The measures imposed in accordance with the provisions of this Law and its Regulation against international trade practices that are injurious to the Domestic Industry shall apply to imports of the product under investigation that is destined for consumption in the Country.
2. When provisional or definitive measures are imposed in respect of any product, such duties and securities shall be levied in the appropriate amounts in each case pursuant to the provisions of this Law and its regulation and in accordance with the mechanism agreed upon between the Ministry, the Authority and the Customs Directorates.
3. The duties paid in respect of the imposition of definitive measures on imports of the product under investigation shall be deposited by the Customs Directorates in the Country's Treasury, after deducting the cost of their service rendered to collect the duties, which should be determined in coordination between the Ministry, the Authority and the Customs Directorates.
4. The provisional measures shall be treated during the period of application as a deposit, and afterwards:
 - A. In the event that a final affirmative determination has been made that there is an injurious practice in international trade, injury and causal relationship, the provisional measures are maintained as definitive measures.
 - B. In the event that a final negative determination has been made of the injurious practice in international trade or injury or causality, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released.
5. The Authority shall provide the Ministry with periodic statistics on the value and quantity of imports of the product subject to the measures and the levies resulting from the imposition of these measures.

Article (14)
Surveillance

Where sufficient indicators are available that the trend in imports of a product threatens to cause injury to the Domestic Industry, imports of that product may be subject as appropriate to a temporary surveillance procedure carried out in accordance with the terms and procedures regulated in a Statutory Decision issued by the Council of Ministers based on the Minister's proposal.

Article (15)
GCC Industry

1. In the situation where an injurious practice in international trade is the cause of an injury to a GCC industry, all the procedural and substantive rules to be undertaken in this respect should be in conformity with the Regulation of this Law.
2. The Ministry takes part in GCC investigations against international trade practices that are injurious to the GCC industry, which are undertaken by the competent GCC Authorities in conformity with the GCC Common Law.
3. The Ministry shall coordinate with the Government Authority in the Country to implement all the decisions issued by the competent GCC Authorities in relation to investigations against international trade practices that are injurious to the GCC industry.

Article (16)
Penalties

Without prejudice to any other repressive penalty provided for in any other law, anybody who contravenes the provisions of Article (10) hereof shall be subject to imprisonment and a fine of not less than two hundred and fifty thousand (250,000) dirhams or one of these punishments.

Article (17)
Legal review

1. The Federal Courts of Appeal are competent to review appeals filed against administrative actions relating to final determinations issued by the Minister or his Delegate in implementation of the provisions of this Law and its Regulation.
2. The appeal against the administrative actions referred to under clause (1) of this Article will cease to be admissible if this right has not been exercised within three (3) months of the publication of the contested administrative action or its notification to the Interested Party or proven his evident knowledge thereof.
3. The time limit to lodge an appeal shall be suspended if the Interested Party submits a grievance to the Minister. The grievance must be decided within thirty (30) days of its submission. Where the grievance is rejected, the decision should be motivated. The expiration of the thirty days (30) time limit without the Minister's response should be taken as a rejection of the grievance and thereby the deadlines for filing an appeal shall be counted from the explicit or implicit rejection of the grievance as the case may be.

Article (18)
Judicial Investigation Officers

The personnel of the Ministry, designated by a decision of the Minister of Justice in coordination with the Minister, shall be given the status of judicial investigation officers within their respective jurisdiction for the establishment of violations of the provisions of this Law, its Rules of Implementation and the statutory decisions thereof.

Article (19)
Fees

The Council of Ministers issues, based on a proposal of the Minister of Finance, a Statutory Decision specifying the fees required for the implementation of the provisions of this Law.

Article (20)
Final Provisions

The Council of Ministers shall issue, based on a proposal of the Minister, the Regulation of this Law within ninety (90) days of its promulgation.

Article (21)

Any provision in contradiction or not consistent with this law is void.

Article (22)

This Law shall be published in the Official Gazette, and shall come into force on the day following its publication.

Signed by
Khalifa bin Zayed Al Nahyan,
President of the United Arab Emirates

Issued by Us At The Presidential Palace, Abu Dhabi
On: 19 Rajab 1438 AH
Corresponding to: 16 April 2017 AD
