

**SYRIAN ARAB REPUBLIC**  
**Ministry of Economy and Trade**  
**Directorate of Facilitation and Efficiency of Trade**

**Law No. 42 of 2006**  
**Concerning the Protection of National Production**  
**From Injurious Practices of International Trade**  
**( Anti-Dumping- Subsidy- Safeguard Measures)**  
**and**  
**Regulation of The Law**

**Anti-Dumping, Subsidy and Safeguard Measures Unit    Damascus 2008**



# INDEX

page

## The speech of H.E. Minister of Economy and Trade

### Law No. 42 of 2006

#### Part I

<b>Chapter One</b>	Definitions.....
<b>Chapter Two</b>	The Objective of the Law.....
<b>Chapter Three</b>	Conditions and Measures of Anti-Dumping
<b>Chapter Four</b>	The Conditions and Measures for Countervailing Duties against Subsidy Prohibited Subsidy .....
	Specificity .....
	Subsidy .....
	Non-Actionable Subsidies .....
	The Amounts of Subsidy .....
<b>Chapter five</b>	Safeguard Measures and Conditions .....
	Casual Link .....
	Material Retardation of a New Industry
<b>Chapter Six</b>	The objective of the law.....
<b>Chapter Seven</b>	Determination of Injury .....
<b>Chapter Eight</b>	The Potential Injury .....
<b>Chapter Nine</b>	The Provisional Measures .....
<b>Chapter Ten</b>	Price Undertakings .....
<b>Chapter Eleven</b>	The Retroactivity .....

**Chapter twelve** Public Notice .....

**Chapter Thirteen** General Provisions .....

Confidentiality .....

**Part II** **Regulation of Law**

## **The speech of his Excellency Minister of Economy and Trade**

The issuance of the law No. 42 of 2006 concerning the protection of national economy from injurious practices in international trade is considered as an important step to complete the legislative structure in the framework of the economic reform process in Syria , to move towards a social market economy and for the gradual liberalization of the foreign trade sector which causes an expansion and an increasing of trade exchanges, that may associate with some injurious practices in international trade such as dumping, subsidy and unjustifiable increase of imports.

The law / 42 / and its regulations No.23/30/22 issued on 20/2/2007 are the result of the efforts of the national cadres in the public and private sectors with benefiting from the experiences of some countries, legislation and international agreements, especially the relevant WTO agreements.

The law / 42 / and its regulations (in Arabic and English language), is now available to whom it may concern and interest, we hope that the desired objectives, which aim at treating the injurious practices in international trade with Syria, come true in the following cases:

- 1-Dumping cases which may cause injury to the domestic industry or threat thereof.
- 2-Illegal Subsidy by the countries to their exports to Syria
- 3-The injury resulted from unjustifiable increase of imports

**Minister of Economy and Trade**

**Dr. Amer Husni Lutfi**

# The Law of National Production Protection \*

## Law No. 42

### President of the Republic,

By virtue of the constitution, and based on what has been approved by the People Assembly in its session held on 19.10.2006, issue the following:

### Chapter One Definitions Article 1

The following terms, in the application of the provisions of this law, shall have the meaning stated:

- **Law:** Law of the protection of national product from injurious effects of unfair practices in international trade
- **Ministry:** Ministry of Economy and Trade
- **Minister:** Minister of Economy and Trade
- **Committee:** An anti-dumping and subsidy, and the safeguard measures committee as prescribed in this Law.
- **Injurious Practices in International Trade:** means increase of imports of a product as a result of dumping or subsidy which causes material injury to the domestic industry or threat thereof, or retards the establishment of a new industry or the unjustifiable increase of imports which causes serious injury to the domestic industry or threat thereof
- **injury:** it is one of the following two kinds :
  - o Material injury or the threat thereof on the domestic producers or material injury which retards the establishment of a new industry as a result of dumping and subsidy.
  - o injury of the great negative impact on the domestic producers in case of the unjustifiable increase of imports
- **Dumping:** selling imported goods ( like domestic products or have the same characteristics) in Syria at a price lower than the price of the product

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- \* The text in the Arabic language shall prevail in case of difference of interpretation.
  - \* The English text was translated by Miss wesam Awad and supervised by Mr. Mahmoud obied the director of facilitation and efficiency of trade.

in the markets of the exporting country, or below the cost of production, which may cause injury or threat thereof or retard the establishment of a new industry in Syria.

**-Illegal Subsidy:** is any financial contribution provided directly or indirectly, by the government of the country of origin or any public body within its territory and a benefit is thereby conferred to the recipient of subsidy either producer(s) or distributor(s) or transporter(s) or exporter(s) which may cause injury or threat thereof or retard the establishment of a new industry or developing national industry.

**-Unjustifiable Increase of Imports:** are those applied against products (other than dumped or subsidized) imported into Syria 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 that produces like or directly competitive products.

- **Anti- Dumping Measures :** the measures that aim at protecting a certain domestic product against dumping
- **Illegal Subsidy Measures:** the measures that aim at protecting a certain domestic product against illegal Subsidy.
- **Safeguard Measures:** the measures that aim at protecting a certain domestic product against unjustifiable increase of imports.
- **Domestic producers:** producers of the like product whose collective output represents more than 25% of the domestic production of that product.
- **The Domestic product:** it is the industrial or agricultural product or any goods or service product.
- **The Like Product:** the domestic like product is like the imported product to the Syrian Arab Republic in all aspect or another product which has characteristics closely resembling those of the imported one or the one which is similar in use when there is no identical.

## **Chapter Two**

### **The Objective of the Law**

#### **Article 2**

This Law aims at treating the injurious practices in international trade with Syria for the following cases:

- 1- Dumping cases which may cause injury to the domestic industry or threat thereof.
- 2- Illegal Subsidy by the countries to their exports to Syria
- 3- The injury resulted from unjustifiable increase of imports.

**Chapter Three**  
**Conditions and Measures of Anti-Dumping**  
**Article 3**

The conditions that require anti-dumping are as follows:

- 1- Existence of anti-dumping through knowing the export prices and selling prices in the country of export and the volume of imports.
- 2- When material injury happen to the domestic industry or threat thereof representing in decline of productivity or sales and profits or the increase in inventories, or the increased percentage of unemployment.
- 3- A clear casual link exists between dumping and injury happen to the domestic industry.

**Article 4**

The determination of anti-dumping is as follows:

- 1- Dumping duty shall be imposed on imports from the exporting country of the product, in case of dumping, in proportion with the difference between the export price and the normal value to a product.
- 2- The normal value of the product shall be defined through investigation the price of the product in the domestic market of the exporting country, if commercial environment for the production of the product in the country of export in its normal course, without any dumping or subsidy. If that is not possible, the normal value of the product shall be defined through sale price of the product in other countries or through calculating the cost of the exported product with adding a profit margin.
- 3- Dumping duty shall impose as long as the case of dumping continues.

**Chapter Four**  
**The Conditions and Measures for Countervailing Duties against Subsidy**  
**Article 5**

The conditions that require taking Countervailing measures against subsidy shall be defined as follows:

- 1- The prohibited subsidy cases are established.
- 2- When material injury happen to the domestic industry or threat thereof representing in decline of productivity or sales and profits or the increase in inventories, or the increased percentage of unemployment.
- 3- A clear casual link exists between dumping and injury happen to the domestic industry.

## **Article 6**

Countervailing measures against subsidy shall be defined as follows:

- 1- Countervailing duties shall be imposed in cases of prohibited subsidy and in proportion to its volume.
- 2- The validity of the countervailing duties shall expire after five years from the date of imposition or the date of last review.
- 3- Cancellation or reduction of customs tariffs on imported requirements used in the domestic products.
- 4- Any other measures that help the domestic producers to adapt with the competitive imported products, provided that they are in line with the concerned international agreements.

## **Prohibited Subsidy**

### **Article 7**

- 1- Subsidy shall be considered prohibited in the following two cases:
  - a. Subsidies contingent, in law or in fact, whether solely or as one of other conditions, upon export performance.
  - b. Subsidies contingent, whether solely or as one of other conditions, upon the use of domestic over imported goods.
- 2- The granting of a subsidy, without having been made legally contingent upon export performance, is in fact tied to actual or anticipated exportation or export earning.
- 3- The mere fact that a subsidy is granted to enterprises which export shall not for that reason alone be considered to be an prohibited subsidy.

## **Specificity**

### **Article 8**

- 1- Subsidy shall be deemed to be specific when the granting authority or the legislations pursuant to which the granting authority operates limited it to certain enterprises located within the designated geographical region the phrase "certain enterprises" shall mean one enterprise or specific industrial sector or group of enterprises or industries.
- 2- when the granting authority or the legislations pursuant to which the granting authority operates establishes objective criteria or conditions governing the eligibility for, and the amount of subsidy specificity shall not exist, provided that the eligibility is automatic and such criteria and conditions strictly adhered to.

In the course of applying the provisions of this article, the criteria and conditions shall be considered objective if they are characterized by being neutral, so that they do not biased in favor of certain institutions without the other, and are based on economical basis, and are characterized by being fair and common in terms of application, as the volume of the establishment or the number of its employees or others.

### **Article 9**

- 1- Subsidy is any financial contribution provided by the exporting country or any kind of subsidy to the income or prices and a benefit is thereby conferred to the parties or individuals who produce the goods or distribute or transport or sell or export etc...
- 2- The following financial contributions shall be considered Subsidy:
  - a. Any financing presented by the government either directly (as loans and donation) or indirectly (as providing guarantees to loans granted by other parties.).
  - b. Government revenue that is otherwise due is foregone or not collected, exception to this is the exemption, totally or partially, given to a product to be exported from fees and taxes imposed on like products when it is produced for local consumption or return these fees and taxes after export, if they are collected provided that the returned amount does not exceed the amount collected actually.
  - c. Government purchases goods or provides goods and services other than general infrastructure.
  - d. Government carries out the acts stated in a,b & c above through making payment to funding mechanism or entrusting a private body to carry out one or more of the type of functions illustrated in above clause.

### **The Conditions and Measures for Countervailing Duties against Subsidy**

#### **Subsidy Article 10**

It is possible to impose Countervailing Duties on any of the products imported into the country if the result of investigation by the competent authority in accordance with the provisions of the law verifies any of the two following cases:

- a. If the imported product is conferring subsidy as defined in Article 9 of this Law.

- b. If the subsidy provided is in accordance with the concept stated in Article 8 of this law.
  - c. The subsidized imported product causes injury to like products in accordance with the Provisions of this law and these instructions.
- 2- Or the imported product is conferring Prohibited subsidy in accordance with the concept stated in Article 7 of this law.

### **Non-Actionable Subsidies**

#### **Article 11**

It is not allowed to take Countervailing measures against the following forms of subsidy:

- 1- Assistance for research activities conducted by firms or by higher education or research establishments on a contract basis with firms if: The assistance covers not more than 75% of the costs of industrial research or 50% of the costs of pre-competitive development activity. The types of these costs and the concept of the industrial research shall be defined by the ministry.
- 2- Assistance to disadvantaged region within the territory of the exporting country pursuant to a general framework of regional development provided that this Assistance shall not be delivered to specific establishments in this area. The criteria and conditions necessary for considering the disadvantaged areas shall be defined by the ministry.
- 3- Assistance to promote adaptation of existing facilities to new environmental requirements imposed by the related legislations which result in greater constraints and financial burden on firm and establishments, provided that the assistance shall not be more than 20% of the cost of adaptation with new environmental requirements, the firm shall be operating at least two years as of the date of imposing the new environmental requirements.

### **The Amounts of Subsidy**

#### **Article 12**

- 1- The amount of subsidy shall be defined based on benefit to the recipient conferred which is calculated during the period of investigation.
- 2- The below stated principles shall be applied to calculate benefit to the recipient conferred pursuant:

- a- Government provision of equity capital shall not be considered as conferring a benefit, unless the investment decision can be regarded as inconsistency with the usual investment practice of private investors in the territory of the exporting countries.
- b- A loan by a government shall not be considered as conferring a benefit, unless there is a difference between the amount that the firm receiving the loan pays on the government loan and the amount the firm would pay on a comparable commercial loan which the firm could actually obtain on the market. In this case the benefit shall be the difference between these two amounts.
- c- A loan guarantee by a government shall not be considered as conferring a benefit, unless there is a difference between the amount that the firm receiving the guarantee pays on a loan guarantee by the government and the amount that the firm would pay on a comparable commercial loan absent the government guarantee. In this case the benefit shall be the difference in fees.
- d- The provision of goods or services or purchase of goods by a government shall not be considered as conferring a benefit unless the provision is made for less than adequate remuneration. Or the purchase is made for more than adequate remuneration. The adequacy of remuneration shall be determined in relation to prevailing market conditions for the goods or services in question in the country of provision or purchase (including price, quality, availability, marketability, transportation and other conditions of purchase or sale).

**Chapter five**  
**Safeguard Measures and Conditions**  
**Article 13**

Determination of safeguard measures shall define as follows:

- 1- Presence of objective proofs and evidences of unjustifiable increase in imports
- 2- When material injury happen to the domestic industry or threat thereof representing in decline of productivity or sales and profits or the increase in inventories, or the increased percentage of unemployment.
- 3- The presence of a casual relation between the increase in the imports and the injury happen or may happen to the domestic product.

## **Article 14**

The safeguard measures actions shall be defined as follows:

- 1- The safeguard measures can be applied by imposing restrictions on the imports or imposing additional customs duties on the imported goods or both of them.
- 2- These measures can be applied in a way that is sufficient to prevent or remedy injury happened to the related domestic industry.
- 3- The period of application of a safeguard measure shall be four years which may be extended to not more than 10 years
- 4- No safeguard measure shall be applied again to the import of product which has been subject to such a measure, provided that the period of non-application is at least two years.

## **Casual Link**

### **Article 15**

The competent authority shall verify if the dumped imports or conferred subsidy, and through their impact they cause, are the cause or may cause injury to the domestic producers. The authority shall take into account, especially, any significant increase in these dumped imports which conferred subsidy and whether this increase is relative or absolute compared with the production or consumption in the country and its effects on the prices and the volume of margin of dumping.

### **Article 16**

The competent authority shall takes into account, when assessing the casual relationship any known factor other than the dumped imports or conferred subsidy or unjustifiable increase in imports which cause or may cause injury to the domestic industry, inter alia the volume, price which not sold at dumping and subsidies prices, contraction in demand, changes in the pattern of consumption, trader restrictive practices and competition between the foreign and domestic producers, development in technology and export performance and productivity of domestic industry.

### **Article 17**

Where imports of a product from more than one country are simultaneously subject to anti-dumping investigations, the investigating authority may cumulatively assess the effects of such imports only if they determine that:

- 1- The margin of dumping established in relation to the imports from each country is 2% or more of the export price in dumping and subsidy is not less than 1% in case of subsidy.
- 2- The volume of imports from each country is not negligible.
- 3- A cumulatively assessment of the effects of the imports is appropriate in the light of the conditions of competition between the imported products and the like domestic products.

### **Material Retardation of a New Industry** **Article 18**

The competent authority, when determining the existence of a material retard to a new domestic industry to produce like domestic product, shall evaluate the following:

- a. The probability of establishing a domestic industry within a reasonable period of time.
  - b. The possibility of developing this industry and its continuity.
- 2- The competent authority shall observe especially the feasibility study and the concluded loans or which will be concluded and the contracts of purchasing machines for the purpose of establishing new investment projects or expansion of current plants.

### **Chapter Six** **The objective of the law** **Article 19**

The Minister shall define the Administrative authority or the directorate at the ministry that is entrusted with the following tasks:

- 1- Receiving requests concerning the applications of the provisions of this law.
- 2- Examining these requests and the extent of meeting the conditions stipulated for.
- 3- Referring these requests to the committee
- 4- Issuing documents of the resolutions of the committee and circulate them to the concerned parties.
- 5- Follow up the implementation of the resolutions of the committee with the concerned bodies.
- 6- Raising awareness and developing knowledge of dumping, subsidy and safeguard concepts.

- 7- Participating in the activities of the related organizations and international forums.
- 8- Form expertise subcommittees
- 9- Any other task that the minister or the committee may entrust it related to the application of the provisions of this law.

### **Article 20**

An anti dumping, subsidy and safeguard committee is formed by a decision of the minister, charged by the deputy minister with the membership of the representatives of the following ministries: Finance, Industry, Agriculture & Agrarian Reform, Health, the Union of Chamber of Commerce, Union of the Chambers of Industry, Union of the Chamber of Agriculture, at a rank not less than a director. The minister shall have the right to add any member he deems suitable under a decision he issues, while the committee has the right to ask for the assistance of any suitable person for the execution of the its tasks.

### **Article 21**

The tasks of the committee shall be defined as follows:

- 1- Examining the requests submitted to the directorate.
- 2- Referring the recommendations which related to the requests to the minister.
- 3- The periodic review of the results of the issued decisions concerning the provisions of this law.

## **Chapter Seven**

### **Determination of Injury**

#### **Article 22**

The impact of the dumped imports or the imports that receive subsidy or the unjustified increase in imports on the local producers shall be assessed based on the special data related to the similar local product. If data is not available, then assessment shall be based on the special data of production the closest type of products that have the required data available, and to which the local similar products belong to.

### **Article 23**

The directorate shall define the actual physical damage occurred on the local producers as a result of dumping or subsidy or the unjustified increase on imported products based on the study or examination to be carried out for that purpose with observation of the following:

- 1- Existence of significant increase in the volume of dumped or conferred subsidy imports, either in absolute terms or relative to domestic production or consumption. With regard to the effect of the dumped or conferred subsidy imports on the like domestic products prices in the domestic market the following should be taken into consideration:
  - a- the dumped or conferred subsidy imports, had been placed in markets at a price less than the price of the like domestic products with significant difference.
  - b- Imports lead to depress prices of the like product to a significant degree, or prevent price increases which otherwise would have occurred.
- 2- The effects of the dumped or conferred subsidy or unjustifiable increase imports, on the domestic producers, and that can be reached by assessing the indicators and the economical factors related to the status of the domestic producers including the following:
  - a- Actual and potential declines in sales, profits, output market share, productivity, return on investments or utilization of capacity.
  - b- Actual and potential negative effects on cash flow, inventories, employment, wages growth, ability to raise capital or investment.
  - c- Factors affecting domestic prices.

#### **Article 24**

The directorate shall have to investigate that the impact of the dumped or conferred subsidy or unjustifiable increase imports, causes injury to the domestic producers or threat thereof .

#### **Article 25**

The competent directorate shall takes into account, when assessing the casual relationship any known factor other than the dumped imports or conferred subsidy or unjustifiable increase in imports which cause or may cause injury to the domestic industry, inter alia, the volume, price which not sold at dumping and subsidies prices, contraction in demand, changes in the pattern of consumption, trader restrictive practices and competition between the foreign and domestic producers, development in technology and export performance and productivity of domestic industry.

## **Article 26**

Where imports of a product from more than one country are simultaneously subject to anti-dumping investigations, the investigating authority may cumulatively assess the effects of such imports only if they determine that:

- 1-The margin of dumping established in relation to the imports from each country is more of 2% of the export price in dumping and subsidy is not less than 1% in case of subsidy.
- 2-The volume of imports from each country is not less than 3% of the volume of domestic product.
- 3- A cumulatively assessment of the effects of the imports is appropriate in the light of the conditions of competition between the imported products and the like domestic products

## **Chapter Eight**

### **The Potential Injury**

#### **Article 27**

In determining the threat of injury to the domestic producers, the directorate shall verify that the threat of injury shall be based on facts and not merely on allegation, conjecture or remote possibility, the injury must be clearly foreseen and imminent and the directorate shall consider the following:

- 1- Factors indicating the possibility of significant increase in the dumped or conferred subsidy imports such as:
  - a- A significant rate of increase on the rate of importation.
  - b- The existence of significant unexploited production capacity or substantial increase of inventories of the product in question in the exporting country without having export markets to absorb any additional exports
  - c- A significant increase in dumped or conferred subsidy imports into Syria in the light of contracts (future purchase orders).
  - d- Dumped or conferred subsidy products are entering at prices less than the price of the like domestic product that would likely increase demand for the dumped or conferred subsidy products.
- 2- A significant increase of the inventories of the dumped or conferred subsidy products in Syria.

## **Article 28**

The directorate shall not have the right to decide the existence of injury, unless there is a group of factors indicated in the previous Article of this Law, which may conclude that there is an imminent increase on dumped or conferred subsidy and that, unless protective action according to this law is taken, material injury would occur.

## **Chapter Nine The Provisional Measures**

### **Article 29**

- 1- The minister has the right to decide based on the recommendation of the committee, whether a request has been submitted or not, to take provisional measures against the importing producer subject to investigation, if the committee reached to an initial resolution indicating the existence of the injurious practices, and it is found out that unless these measures are taken the injury that may occur to domestic producers can not be prevented.
- 2- The kinds of provisional measures and the period of their application shall be defined in the executive instructions of this Law.

### **Article 30**

- 1- If a resolution is issued to take the final measures in accordance with the Provisions of this Law, the provisional measures shall cease to be valid, and the final measures shall be applied, cash deposit made shall be refunded and duty shall be released retroactively.
- 2- When a final determination is negative, any cash deposit made shall be refunded and any provisional measures duties shall be released.
- 3- The provisions and conditions related to the application of the two clauses 1& 2 above of this Article shall be defined in accordance with the executive instructions of this Law.

### **Article 31**

Council of ministers shall have the right, according to minister justified reason, to stop the application of the provisional measures, if the Council of ministers finds that the application has caused negative impacts on other domestic producers or on the consumers of the public interest.

**Chapter Ten**  
**Price Undertakings**  
**Article 32**

The minister may terminate the resolution of investigation upon receipt of undertakings from importers to increase prices to be adequate to remove the injury to the domestic industry. According to the following arrangements:

- 1- Price undertakings shall not be sought or accepted from importers unless the minister has made preliminary affirmative determination of dumping, subsidy, and injury and casual link.
- 2- Price undertakings shall not be sought or accepted from importers if the increase in price exceeds the necessary level to eliminate the margin of dumping or exceeds the amount of subsidy.
- 3- Undertakings offered need not to be accepted if the directorate considers their acceptance impractical because of the number of importers is too great, or for other reasons, the directorate shall provide the importer the reasons which have led them to consider acceptance of an undertakings as inappropriate, to the extent possible.

**Article 33**

The directorate may also require any importer from whom an undertakings has been accepted to periodically provide information relevant to the fulfillment of such an undertakings and to permit verification of pertinent data These shall be subject to the provisions of confidentiality prescribe in this Law.

**Article 34**

The undertakings shall expire automatically, if a final resolution is issued negating the existence of dumping or subsidy or the resulted injury, except in the cases in which the resolution is related widely to existence of these undertakings, so the minister in these cases has the right to keep the undertakings in force for a suitable period.

**Article 35**

In case of violation of an undertaking related to the prices, the minister shall have the right to terminate the undertakings or to suspend it and take the provisional measures based on the information he gets. The minister has the right to resolve the application of the countervailing duties retroactively to cover the volume of breach totally of partially.

## **Article 36**

The undertaking shall be imposed for 5 years and can be extended if the review process is completed (it is equal to a new transaction) which indicate that the undertakings is still required to prevent the unfair commercial practices and the injury resulted.

## **Chapter Eleven The Retroactivity Article 37**

An anti-dumping duties and countervailing duties can be levied retroactively for the period in which the provisional measures are applied in any of the following specific cases:

- 1-where final determination of injury (but not a threat thereof or of a material retardation of the establishment of an industry) is made.
- 2- Where the effect of the subsidized imports would, in the absence provisional measures, have led to a determination of injury.

## **Article 38**

A definitive countervailing duty may be levied on products which were entered for consumption not more than 90 days prior to the date of application of provisional measures, when the investigating authority determines. And not to exceed the date of investigation commencement, if the following two conditions are fulfilled:

- 1-There is a history of dumping which caused injury for more than once and the importer was aware or should have been aware that the exporter practiced dumping and that such dumping would cause injury.
- 2- The injury is caused by increased big volume of importation of dumped products in a relatively short time. This and other conditions, such as rapid accumulation of inventories of the imported products, may result in weakening of the treating impact of the final anti-dumping duty to be applied.

### **Article 39**

An anti- dumping duty can be levied retroactively on the products entered for domestic consumption, which had been entered 90 days before the application of the Provisional measures, In case of violation of an undertaking related to the prices, is committed provided that the period shall not be extended to the date before the date in which the breach is committed.

### **Article 40**

An anti- dumping duty can be levied retroactively on the product entered to the domestic consumption, which had been entered 90 days before the application of the Provisional measures, if there is a critical condition during which is it established that there is an injury that can not be corrected because of the entrance of imports of the concerned product in big quantities within a relatively short period, and to prevent the occurrence of this injury again.

### **Article 41**

Provisional measures , anti-dumping duties and countervailing duties shall only be applied to imported products which enter for consumption after the time when the decision taken concerning impose these duties enters into force, subject to the exceptions set out in Articles 74-75 of these instructions.

### **Article 42**

If the anti-dumping duty or countervailing duties is higher than the duty paid or payable, which is imposed during the application of the Provisional measures or higher than the amount estimated for the purpose of the security, for the purpose of guarantee or deposit that is presented under the provisions of this law, the difference shall not be collected. If the duty is lower than that, then the difference shall be reimbursed or the duty recalculated, as the case may be.

### **Article 43**

Except as provided in Article / 74 / of this law, where a determination of threat of injury or material retardation is made a anti-dumping duty or the countervailing duties may be imposed only from the date of the resolution for that is issued and any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released within 30 days as of the date of that resolution.

**Chapter twelve**  
**Public Notice**  
**Article 44**

The arrangements indicated above shall be adhered to concerning the notice and public notifications:

- 1- Notice shall be published in two local daily newspapers at the expense of the applicant.
- 2- A copy of the notice is sent to the investigation concerned parties known by the directorate.
- 3- In the notice indicates to the possibility for the concerned party to get a report, upon request, which shall contain sufficient details about the main actual and legal causes on which the resolution is based

**Article 45**

The directorate informs the general customs directorate about the name of all exporters of concerned products who prove that they are dumping or receiving subsidy to collect.

**Chapter Thirteen**  
**General Provisions**  
**Article 46**

All procedures taken under the Provision of this Law shall be cancelled if the cause of imposing is removed by means of a resolution by the Prime Minister based on the proposal of the minister which is based on the recommendation of the committee.

**Article 47**

Confidential information provided to directorate or to the panel or the ministry shall not be disclosed to any other party during the application of the provisions of this law.

**Confidentiality**  
**Article 48**

- 1- If any of the parties of the investigation presents information or data requesting, for justified reasons, to consider them confidential, then the competent authority is prohibited from disclose them without his consent under legal liability.

- 2- If the competent authority finds request confidentiality for any information or data he presented during investigation is not warranted and the party insists on considering them confidential, then the competent authority may disregard such information Unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.
- 3- Interested parties shall furnish non confidential summaries thereof. These summaries shall be insufficient detail to permit reasonable understudy of the substance the competent authority may exempt that party from submitting such summary if it finds it impossible.

#### **Article 49**

Without prejudice any more sever penalty stipulated for under the valid laws, whoever discloses confidential information stated above, shall be subject to a fine of not less than 150 thousand Syrian Pound and does not exceed SP. 1.5 million.

#### **Article 50**

The minister shall issue the executive instructions required for the execution and application of the provisions of this law in cooperation with the concerned parties, and in accordance with the commitments of the Syrian Arab Republic under any international or Arabic agreement.

#### **Article 51**

The Administrative Court only shall have the jurisdiction to settle the disputes related to the execution of the provisions of this law. Appeal can be before the Supreme Administrative Court, but it is not legal to stop the execution of the resolutions issued by the Prime Minister by taking actions under this law. All disputes and appeals shall be settled as quickly as possible.

#### **Article 52**

Ministry of Justice shall keep a table with the records or the experts in the specializations required for the execution of this Law. This table shall be adhered to under the conditions issued and a resolution issued by Minister of Justice in agreement with Minister of Economy and Trade.

When the court refer the cases to the competent expert, the court shall set the dead line

### **Article 53**

Minister of Justice shall issue in agreement with the minister of Economy and Trade a resolution to define the persons who have the capacity of judicial police in terms of the application of the provisions of this law and its executive instructions.

### **Article 54**

Ministry shall collect an amount of SP. 10000 from the applicants upon request submission.

### **Article 55**

Any legislation that contradicts with the provisions of this Law shall be null and void.

### **Article 56**

This law shall be published in the Gazette and come into force as of 01.01.2007.

**Damascus      06.10.1427                      29.10.2006**

**President of the Republic  
Bashar Al Assad**

### **Regulation of Law**

**No. 42 / of 29 / 10 / 2006**

Subject to the provisions of article / 50 / of Law of the protection of national products from injurious effects of unfair practices in international trade No. / 42 / of 29/10/2006

**We illustrate the following:**

### **Article 1**

The following terms and expressions, wherever used in this Law, shall have the meanings hereunder assigned to them:

**Law:** Law of the protection of national product from injurious effects of unfair practices in international trade

**Ministry:** The Ministry of Economy and Trade.

**Minister:** Minister of Economy and Trade.

**Committee:** An anti-dumping, subsidy and the Safeguard measures committee constituted in accordance with the provisions of law / 42 /.

**Directorate:** Directorate of Trade Facilitation and Efficiency.

**Concerned parties:** shall include a producer and an exporter and an importer of the imported product and the government of an exporting country.

## Article 2

- 1- Excluded in determining of domestic producers of a domestic product, domestic producers who import of allegedly subsidized or dumped products or when the domestic producers are related to the importers or exporters of those products.
- 2- the Person considered related to another person in any of the following cases:
  - a- If one controls the other directly or indirectly.
  - b- Both of them are directly or indirectly controlled by a third person.
  - c- Together they directly or indirectly control a third person.
- 3- Subject to the provisions of paragraph / 2 / of this article:
  - a- That the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers.
  - b- For the purpose of this paragraph, one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

## Margin of Dumping

### Article 3

- 1- The margin of dumping is the difference between the normal value and the export price of the imported product.
- 2- The margin of dumping is constructed in percentage by dividing the value resulted in paragraph / 1 / of this article to the export price.
- 3- If the margin of dumping is less than 2%, it shall be neglected

#### **Article 4**

Subject to the provisions of the instructions of these articles to determining whether there is dumping or not the margin of dumping to any producer or exporter should be calculated as following:

- 1- For sales adopted by the directorate in accordance with the conditions of Articles / 7, 8, 9, 10 / of these instructions dumping during the investigation phase shall normally be established on the basis of the difference between of a weighted average normal value and a weighted average of prices of all comparable export transactions within the same term.
- 2- Weighted average of dumping margins which is resulting from the difference of normal value and export prices on a transaction-to-transaction basis, as referred to in paragraph / 1 / of this article.

#### **Article 5**

Dumping margin is calculated for a particular State on the basis of the weighted average dumping margins for individual exporters of this State.

#### **Article 6**

Notwithstanding the provisions of article / 4 / of these instructions, if the directorate finds a pattern of export prices which differ significantly among different purchasers, regions or time periods, the directorate can calculate the dumping margin for a particular product or export on the basis of the difference between of a weighted average normal value and the individual transactions export price the directorate, in such cases, should provide an explanation to the concerned parties as to why such differences cannot be taken into account appropriately when applying the provisions of article / 4 / of these instructions.

#### **Normal Value**

#### **Article 7**

Normal value shall be the price of the product exported to the country when destined for consumption in the country of export in the ordinary course of trade.

- 1-The normal value shall be determined, When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country or when, because of the particular market situation or the

low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, As follows:

- a. By comparison the price of a product when exported to an appropriate third country
- b. According to the cost of production in the country of origin plus an appropriate amount for selling, general and administrative costs and a reasonable margin of profit (constructed value).

2- For the application of paragraph (1) of this article the volume of Sales of the product under consideration to the country of export or a third country, shall be considered small if the amount of sales is less than 5% of the quantity of sales to the country unless the directorate decides, that a lower ratio should be acceptable where the evidence, Provided by the concerned parties, demonstrates that domestic sales at such lower ratio are nonetheless of sufficient magnitude to provide for a proper comparison.

### **Article 8**

- 1- The normal value shall be determined the price at which the products are sold in the exporting country.
- 2- In the case where products are not imported directly from the country of origin the normal value shall be determined at the price in the country of origin in any of the following cases:
  - a. The products are merely transshipped through the country of export.
  - b. Such products are not produced in the country of export.
  - c. There is no comparable price for them in the country of export.

### **Article 9**

The investigating authority may construct the normal value for products exported from the State, that the directorate decided that it did not rely on economics market, on the basis of the data of economics market country with similar production conditions to it, or constructed the normal value or on any other basis it deems appropriate.

### **Article 10**

The directorate may exclude the following sales to determine the normal value of the product:

- 1- Sales with people associated with seller under the provisions of article / 2 / of these instructions.
- 2- Sales of product in the domestic market of the exporting country or sales to a third country at prices below per unit costs of production plus administrative, selling and general costs and profits if the following conditions are combined fulfilled:
  - a. If the prices of sales are below weighted average per unit costs for the period of investigation plus administrative, selling and general costs such prices shall not be considered to provide for recovery of costs within a reasonable period of time.
  - b. If such sales was during a period of time up to one year but not less than six months in all cases.
  - c. If such sales in large quantities, The weighted average selling price of the transactions under consideration for the determination of the normal value is below the weighted average per unit costs, or that the volume of sales below per unit costs represents not less than 20 per cent of the volume sold in transactions under consideration for the determination of the normal value.

### **Export Price Article 11**

Export price shall be the price paid or payable when sold for export to the country from the exporting country.

### **Article 12**

In cases where there is no export price for the product concerned or in cases where the directorate deems the export price is unreliable because of association in accordance with these instructions or a special agreement between exporter and the imported or a third party, the competent directorate can calculate the export price as follows:

- On the basis of the selling price of the imported product to the first independent buyer in the domestic market after undercutting any other costs, profits, charges, and expenses resulting from the importing and reselling the goods in the domestic market.
- In cases where the product don't resell to the independent buyer or don't resell in the same situation which imported by, the directorate may determine the export price on the basis it deems appropriate.

### **Article 13**

For the purpose of the application of provisions of article/ 7 / paragraph / b / of article/ 10 / of these instructions, the minister issued instructions that define the methods and the instructions used in calculating costs and profits in line with the provisions of Anti-dumping agreement of the World Trade Organization.

### **Article 14**

A comparison shall be made between the export price and the normal value of the imported product to calculate the margin of dumping for sales were at as nearly as possible the same time.

### **Article 15**

Due allowance shall be made in each case, on its merits, for differences which affect price comparability, including differences in conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics when the comparison shall be made between the export price and the normal value.

### **Article 16**

When the comparison shall be made between the export price and the normal value, it requires a conversion of currencies, such conversion should be made using the rate of exchange on the date of sale, provided that when the export price is directly linked to foreign currency transactions on forward markets, in this case the forward exchange rate used

### **Article 17**

The margin of dumping which is exclusively the result of fluctuations in exchange rates shall be ignored if it was a result of continued increase in the value of foreign currency compared with the Syrian pound. In an investigation the directorate shall allow exporters at least 60 days to have adjusted their export prices to reflect sustained movements in exchange rates, during the investigation

## **Application of an Investigation**

### **Article 18**

Domestic producers or their representatives such as Chambers of Industry and trade, Agriculture, Unions, associations and concerned trade unions supervising any of the production sectors and others have the right to submit a written request to the minister to protect their products from dumped and

subsidized imported product according to the model prepared in the ministry for this purpose.

### **Article 19**

Domestic producers or on behalf of them shall include the application evidence of the existence of dumping, subsidy or injury and the causal link. The application must include the following data and information:

- 1- Definition of the applicant and identifying of the volume and value of like product by the applicant. Where a written application is made on behalf of the domestic producers, the application must contain a list of their names and a description of the volume and value of domestic production of the like product.
- 2- A complete description to the allegedly dumped product, and to the domestic like product including its technical description or its using and harmonized custom tariff (HS) item, and the names of the country or countries of origin or export in question.
- 3- Identifying the volume and value of domestic production of the like product of industrial and agricultural products by the directorate
- 4- The identity of each exporter or foreign producer, known to the applicant, who produces or exports dumped or subsidized product and a list of known persons importing the product in question.
- 5- Information on export prices and normal value in the case of dumping as follows:
  - a. information on prices at which the imported product in question is sold when destined for consumption in the domestic markets of the exporting country or, where appropriate, information on the prices at which the product is sold from the exporting to a third country or on the constructed value of the product in question, taking into account the provisions of Article / 7 / of these instructions.
  - b. Prices of export the allegedly dumped product to the country or the prices at which the product is first resold to an independent buyer in the country, where appropriate.
- 6- Information on the existence of subsidy and its shape, amount and the possibility to take procedures against it in the case of subsidy.
- 7- Information on the evolution of the volume of the dumped and subsidized imports, the effect of these imports on prices of the like product in the domestic market and domestic producers according to the factors and indices set forth in Article / 23 / of this law.
- 8- Any detailed or additional information the minister decides to include in the application.

## **Article 21**

The directorate may, after presenting the report to the committee and after Minister's approval, initiate an investigation without having received a written application by the domestic industry for the initiation of such investigation only if they have sufficient evidence of dumping, subsidy or unjustifiable increase of imports, injury and a causal link to justify the initiation of an investigation.

## **Initiation an Investigation**

### **Article 22**

The directorate shall examine the application, if it does not meet with conditions required, the application shall be rejected and the applicant shall notify of the reasons why the application has been rejected, it shall not be permissible for the applicant to submit another application based on the same factual aspects and reasons provided in the first application before six months of issuing the decision of rejection.

### **Article 23**

If the applicant meets the required conditions, the directorate shall examine whether the accuracy and adequacy of the evidence provided in the application is enough to initiate an investigation. The directorate shall determine, within thirty days from the date of approval statement, whether the application is accurate and adequate to make the decision of initiation the investigation or not, if the directorate decides not to initiate an investigation because the evidences and information provided are not adequate It should notify , in details, the applicant why the investigation is not initiated. But if the directorate finds that evidences and information provided are adequate and supported by domestic producers as in the following article, the directorate shall present its recommendations of initiating an investigation to the committee. This committee, if agreed to initiate an investigation, shall refer its recommendations to the minister to issue an decision of initiation an investigation.

### **Article 24**

A decision of initiation an investigation shall not be issued unless the directorate, pursuant to published notice concerning the support of domestic producers to the application, shall investigate the following:

- 1- The collective output of domestic producers who support the application expressly constitute more than the collective output of domestic producers who expressly opposite.

- 2- Domestic producers expressly supporting the application shall not account for less than 25 per cent of total production of the like product produced by the domestic industry.

#### **Article 25**

In the case of involving a large number of producers, the directorate may determine support and opposition by using statistically sampling techniques.

#### **Article 26**

For determination the opposition of the application, the directorate shall exclude domestic producers who import of allegedly subsidized or dumped products, and domestic producers who are related to the importers or exporters of those products, in accordance with the provisions of these regulations.

#### **Article 27**

The minister has the right to issue a decision which determines the time during which he rejects any application of investigation certain goods, for the applicant who opposed expressly an application had been submitted on the same goods

#### **Article 28**

The investigation may not be initiated on a product imported from a country, if the directorate finds the volume of dumped imports from a particular country is less than 3% of the volume of imports of the subject goods unless countries which individually account for less than 3% of the total imports of the like product collectively account for more than 7% of the total imports.

#### **Article 29**

The directorate, when initiation an investigation, shall adopt appropriate time called under investigation periods, within this period, the directorate shall collect information on the existence of dumping or subsidy which causes material injury and verify the accuracy of the information and analyze within the adopted periods.

#### **Article 30**

The directorate, under investigation, shall determine an individual margin of dumping for each known exporter or producer concerned of the product

## **Article 31**

In cases where it is difficult to determine the margin of dumping individually in accordance with these instructions for each producer or exporter under investigation because of their number is so large as to make such a determination impracticable, the directorate may limit their examination either to a reasonable number of interested parties or products by using samples which are statistically on the basis of information available to the directorate at the time of the selection, or to the percentage of the volume of the exports from the country in question which can reasonably be investigated the margin of dumping determined in such cases as follows:

- 1- Dumping margin determined individually for each of the sample covered.
- 2- The margin of dumping for those not included in the sample according to the weighted average margin of dumping established with respect to the selected exporters or producers provided that the directorate shall disregard any zero and *de minimis* margins and margins established under the information available in accordance with article /38 / of this instructions investigation.

## **Investigation Procedures**

### **Article 32**

Subject to the provisions of article / 38 / of these instructions the directorate shall examine the accuracy and adequacy of the evidence provided by interested parties, on which based its results.

### **Article 33**

- 1- The applicant or interested parties in an anti-dumping investigation shall be given notice of the information which the directorate requires and ample opportunity to present all evidence. Interested parties receiving questionnaires shall be given at least 30 days for reply from the date of delivering the questionnaire to reply. The period may extend to a maximum 45-day upon cause shown, foreign producers shall be given at least 45 days for reply. The period may extend to a maximum 60-day upon cause shown.
- 2- For the purpose of applying the provisions of paragraph / 1 / of this article, and when the date of receipt of the questionnaire is not exist. For this purpose, it shall be deemed to have been received one week from

the date on which it was sent to the respondent or transmitted to the appropriate diplomatic representative of the exporting country.

#### **Article 34**

The directorate provides opportunities for all interested parties:

- 1- Seeing all information and data that are relevant to the presentation of their cases, which are not confidential.
- 2- Submitting written notes to the directorate, with available evidences related to investigation, during a period determined by the directorate.
- 3- The directorate shall, on request, under its supervision, provide opportunities for all interested parties to meet those parties with adverse interests, so that opposing views may be presented and rebuttal arguments offered, oral information provided shall be taken into account by the directorate only in so far as it is subsequently reproduced in writing. There shall be no obligation on any party to attend a meeting, and failure to do so shall not be prejudicial to that party's case.

#### **Article 35**

The directorate shall take into account any difficulties facing the concerned parties and the applicants and it may extend the period of submitting the information upon good accepted cause whenever it is possible.

#### **Article 36**

The directorate shall provide opportunities for industrial users of the imported product, individuals or their representative bodies, for representative consumers to provide their views or information relevant to the investigation and in the interest of the country to impose such measures.

#### **Article 37**

In order to verify information provided or to obtain further details, the authorities may carry out investigations in the territory of other members as required, provided that they obtain the agreement of the firms and institutions concerned and unless that government objects to the investigation, after notify the representatives of the government of the member in question.

### **Article 38**

In cases in which any interested party refuses access to, or otherwise does not provide, necessary information within a reasonable period or significantly impedes the investigation, the directorate may be based on information available from other sources to complete the investigation and issue its recommendations thereon.

### **Article 39**

Notifications to the applicant or interested parties, letters to complete documents or to ask for comments shall be sent by a registered mail, unless they deliver to the interested party personally or to his legal deputy.

### **Article 40**

The directorate shall terminate the investigation if it find that the volume of imports of the dumped product less than the ratio set out in Article 28 of these instructions

## **Preliminary Decision of an Investigation**

### **Article 41**

the directorate in accordance with the provisions of the law has made a preliminary decision on the existence or subsidy the existence of dumping or injury and subsidy and the causal relationship during a period not less than sixty days of the date of publication the notification of the initiation of an investigating and after giving the concerned parties an opportunity to provide any information relevant.

### **Article 42**

If the preliminary decision illustrates that there is not existence of dumping or injury or subsidy or causal relationship, so the minister has the right to decide the completion or termination of the investigation as he deems appropriate.

### **Article 43**

The directorate shall publish notice of the preliminary decision, and notify the concerned parties in accordance with the provisions of these regulations.

**Provisional Measures**  
**Article 44**

- 1- Provisional measures may apply under the provisions of law on the form of a provisional duty or by cash deposit or bond taking into account the secretariats of the General Customs Directorate provided that not exceed the margin of dumping or amount of subsidy.
- 2- For determination the duty referred to in paragraph / 1 / of this article, the margin of dumping and amount of subsidy are estimated according to information available to the directorate at the time of estimation.

**Article 45**

- 1- The application of provisional measures shall be limited to as short a period as possible, not exceeding four months upon request by exporters representing a significant percentage of the trade involved, in the course of an investigation, if the directorate ,during the investigation, determines that a duty lower than the margin of dumping, it may apply provisional measures to a period not exceeding six months and it may be extended for a period not exceeding three months.
- 2- Provisional measures applied in the case of subsidy for a period not exceeding four months.

**Article 46**

When estimating the amount of the duty, which is imposed in the case of provisional measures, the provisions of these instructions shall be taken into consideration.

**Article 47**

When the directorate applies provisional measures immediately, and before implementation of the decision, it should notify the applicant and publish a notice and notify interested parties in accordance with these instructions.

**Terminating an Investigation**  
**Article 48**

- 1- Upon recommendation by the directorate, the minister shall determine the suspension or termination the decision of initiation an investigation, at any stage after issuing the preliminary decision, in any of the following cases:

- a- If the minister is satisfied that there is not sufficient evidence of dumping or injury or subsidy or causal link to justify proceeding with the case
  - b- If the applicant withdraws the application in accordance with the law.
  - c- If the margin of dumping is less than 2% of the export price, or the amount of subsidy is less than 1% or the injury is negligible
  - d- The volume of imports from each country is less than 3% of the total volume of imports of the like product into Syria.
- 2- Terminating an investigation shall be limited to exporter or country that have any of the cases provided in items / a-c-d / paragraph / 1 / of this article, not include any other exporter or states.

#### **Article 49**

The Council of Ministers upon justified explanation from the minister shall terminate the application of provisional measures if the Council is satisfied that the application has had a negative impact on domestic producers or consumers or the public interest.

#### **Terminating an Investigation because of Accepting Undertaking Article 50**

the minister shall terminate a decision of initiation an investigation, if the exporters undertake to increase the price of their exports to eliminate the cause of investigating under article (51).

#### **Article 51**

- 1- Price undertakings shall not be sought or accepted from exporters unless the minister has made a preliminary affirmative determination on the existence of subsidy or dumping or injury and the causal relationship.
- 2- Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping, or higher than the amount of subsidy.
- 3- Undertakings offered need not be accepted if the authorities consider their acceptance impractical, or for other reasons, in this case, the directorate, if possible, shall notify exporters its decision and its causes.

#### **Article 52**

The directorate may require any exporter from whom an undertaking has been accepted to provide periodically information relevant to the fulfillment of such

an undertaking and to permit verification of pertinent data, this information is subject to the confidentiality provisions provided in these instructions.

### **Article 53**

If a negative determination of dumping or subsidy or injury is made, the undertaking shall automatically lapse, except in cases where such a determination is due in large part to the existence of a price undertaking. In such cases, the minister may require that an undertaking be maintained for a reasonable period.

### **Article 54**

In case of violation of an undertaking related to the prices, the minister shall have the right to terminate the undertakings or to suspend it and take the provisional measures based on the information he gets.

### **Article 55**

The undertaking shall be imposed for 5 years and can be extended if the review process is completed (it is equal to a new transaction) which indicate that the undertakings is still required to prevent the unfair commercial practices and the injury resulted.

### **Article 56**

The provisions of articles / 69-70-71 / of these instructions shall be applied, with adjustment on the undertaking under the provisions of these instructions.

### **Final Provisions**

#### **Article 57**

The directorate shall have made a final decision within four months from the date of publishing the preliminary decision.

#### **Article 58**

After the completion of the investigation, The directorate shall submit to the advisory committee based on the objective evidence attached with a comprehensive report showing the results on injurious practices and injury and the causal relationship, this committee shall examine the entire file and after adaptation, it shall present its recommendations to the minister.

### **Article 59**

If the recommendation of the committee presents to the minister, determine the existence of the injurious practices, the minister shall made a proposal to take provisional measures against them, the proposal should include the kind of provisional measures, their volume and the period of their application, This proposal shall refer to the Prime Minister, within ten days at most, to issue a decision.

### **Article 60**

The Prime Minister shall issue the proposed decision whether for adoption or rejection or amended within a period of not more than thirty days after the day of Minister's reference.

### **Article 61**

The decision of The Prime Minister of imposing the provisional measures come into force from the date specified for this purpose.

### **Article 62**

The final decision shall determine, in the case of existence injurious effects of unfair practices in international trade, the required procedures to protect the national product in accordance with the provisions of this law.

### **Article 63**

If the final decision determines that there is not injurious effects of unfair practices in international trade The directorate shall inform the General Directorate of Customs to terminate the implementation of provisional measures according to the requirements of implementation the final decision.

## **Anti-dumping Duties or Countervailing Duties**

### **Article 64**

- 1- an anti-dumping duty or the countervailing duties shall be collected on a non-discriminatory basis on imports of such product from all exporters found to be causing injury, except as to imports from those sources from which price undertakings under the terms of this agreement have been accepted.

- 2- The directorate informs the General Customs Directorate about the name of all exporters of concerned products who prove that they are dumping or receiving subsidy to collect from them.
- 3- The application of paragraphs / 1 and 2 / of this article is according to the provisions of international Agreements.

### **Article 65**

- 1 - If the directorate has limited, in the investigation, on statistical samples of exporters or producers in accordance with Article / 41/ of these instructions, shall not exceed anti-dumping duties applied to imports to any exporter or producer that is not included in the examination and not individually examined the margin of dumping, is calculated on the basis of the difference between the weighted average and normal value of the selected exporters or producers and the export prices of those exporters or producers
- 2 - When calculating the weighted average, in accordance with paragraph / 1 / of this article, normal values are calculated based on the information available shall be excluded in accordance with the provisions of article / 38 / of these instructions.
- 3 - when the directorate has been limited in the investigation of the statistical sample of exporters or producers in accordance with Article / 30 / of these countervailing duties shall not exceed the weighted average for supported value for all exporters or producers who have been investigating and when calculating the weighted average any subsidized value ,whether it is negative or zero or calculated based on the information available, it will be excluded according to the provisions of article / 38 / of these instructions.

### **Article 66**

The minister shall constitute a Committee of representatives of the ministry and the Directorate of Customs to examine the application of any duty paid in excess of the actual margin of dumping or the amount of subsidy by any importer of a commodity subject to duties and supported by evidence the Committee should present its proposal to the Minister as soon as possible during a period not exceeding twelve months from the date of application for refund.

### **Article 67**

In cases where products, subject to anti-dumping duties or countervailing duties, are exported by new exporters or producers of the exporting country concerned who have not exported the product to the country during the period of investigation and were not under investigation. The directorate shall promptly carry out a review for the purpose of determining individual margins of dumping or countervailing duties for each of them provided that they can show that they are not related to any of the exporters or producers referred to during the course of the review.

### **Article 68**

Anti-dumping duties or countervailing duties shall not be imposed on imports of exporters or producers referred to in Article / 67 / of these instructions during a period of review, except that, If the result of the review determines the existence of dumping or receiving subsidy from those exporters or producers. The ministry has the right to terminate the assessment or may request guarantees necessary to collect the duty retroactively from the date of initiating the review.

### **Article 69**

Anti-dumping duties or countervailing duties shall not impose only in the appropriate amounts to the extent necessary to remedy dumping or subsidy which causing injury

### **Article 70**

- 1- After imposing of duties, the directorate, after a period determined by it, may review the need for the continued imposition of the duty on its initiative or upon request by any interested party which submits positive information substantiating the need for a review.
- 2- If, as a result of the review, the directorate determines that the imposition of anti-dumping duty or countervailing duty is no longer warranted it shall be terminated immediately by following legal procedures

### **Article 71**

- 1- Any definitive anti-dumping duty or countervailing duties shall be terminated on a date not later than five years from its imposition or from the

date of the most recent review under Article / 70 / of these instructions if that review has covered both dumping or subsidy and injury.

- 2- Notwithstanding the provisions of paragraphs /1/ of this article unless the directorate determines, in a review initiated before the date of expiration of the period mentioned in paragraph / 1 / of this article or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping or subsidy and injury. The ministry may determine the remaining of duty in force, also it may determine the remaining of it during the review provided that the review application shall be submitted in accordance with the provisions of this article before sixty days from the date referred to in paragraph / 1 / of this article.

### **Article 72**

The provisions regarding procedure and principles of investigation of law and these instructions shall apply to any review carried out under these instructions. Any such review shall be carried out expeditiously and shall normally be concluded within 12 months of the date of initiation of the review

### **Article 73**

Provisional measures , anti-dumping duties and countervailing duties shall only be applied to imported products which destined for consumption after the time when the decision taken to impose these duties subject to the exceptions set out in Articles 74-75 of these instructions.

### **Retroactivity**

#### **Article 74**

Anti-Dumping duties and countervailing duties can be levied retroactively for the period in which the provisional measures are applied in any of the following specific cases:

- 1- Where final determination of injury (but not a threat thereof or of a material retardation of the establishment of an industry) is made.
- 2- Where the effect of the subsidized imports would, in the absence provisional measures, have led to a determination of injury.

#### **Article 75**

If the anti-dumping duty or countervailing duties is higher than the duty paid or payable, which is imposed during the application of the Provisional

measures or higher than the amount estimated for the purpose of the security, for the purpose of guarantee or deposit that is presented under the provisions of this law, the difference shall not be collected. If the duty is lower than that, then the difference shall be reimbursed or the duty recalculated, as the case may be.

### **Article 76**

Except as provided in Article / 74 / of this law, where a determination of threat of injury of material retardation is made an anti-dumping duty or the countervailing duties may be imposed only from the date of the resolution for that is issued and any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released within 30 days as of the date of that resolution.

### **Article 77**

1- A countervailing duty may be levied on products which were entered for consumption not more than 90 days prior to the date of application of provisional measures, when the investigating authority determines. And not to exceed the date of investigation commencement, if the following two conditions are fulfilled:

- a- There is a history of dumping which caused injury for more than once and the importer was aware or should have been aware that the exporter practiced dumping and that such dumping would cause injury,
- b- The injury is caused by increased big volume of importation of dumped products in a relatively short time. This and other conditions, such as rapid accumulation of inventories of the imported products, may result in weakening of the treating impact of the final anti-dumping duty to be applied.

2- An anti- dumping duty can be levied retroactively on the products entered for domestic consumption, which had been entered 90 days before the application of the Provisional measures, In case of violation of an undertaking related to the prices, is committed provided that the period shall not be extended to the date before the date in which the breach is committed.

3- an anti- dumping duty can be levied retroactively on the product entered to the domestic consumption, which had been entered 90 days before the application of the Provisional measures, if there is a critical condition during which is it established that there is an injury that can not be corrected because of the entrance of imports of the concerned product in big quantities

within a relatively short period, and to prevent the occurrence of this injury again.

### **Public Notice Article 78**

The arrangements indicated below shall be adhered to concerning the notice and public notifications:

- 1- Notice shall be published in two local daily newspapers at the expense of the applicant.
- 2- A copy of the notice is to be sent to the investigation concerned parties known by the directorate.
- 3- In the notice indicates to the possibility for the concerned party to get a report, upon request, which shall contain sufficient details about the main actual and legal causes on which the resolution is based

### **Article 79**

Taking into account the provisions of the protection of confidential information related to these instructions, publishing a public notification on the initiation of the investigation shall contain the following information:

- 1- The name of countries or the exporting country of the product involved.
- 2- The date of initiation of the investigation.
- 3- The basis on which dumping is alleged in the application.
- 4- A summary of the factors, contain in application, on which the allegation of injury is based.
- 5- The address to which representations and responses by interested parties should be directed.
- 6- The time-limits allowed to interested parties for making their views known, and providing any notes or information before making the primarily and the final determination and submitting application for meetings with the parties with conflicting interests.

### **Article 80**

- 1- Taking into account the provisions of the protection of confidential information related to these instructions, publishing notification about preliminary and final determination, determination of levying a definitive anti-dumping duty and provisional measures or terminating them, decision on accepting an undertaking or terminating it, terminating or suspending

the investigation, decisions on the application of anti-dumping duties retroactively and all review decisions, which should include the following:

- a- The names of the suppliers the dumped product to Syria, or when this is impracticable, the supplying countries involved.
  - b- A description of the alleged dumped product which is sufficient for customs purposes.
  - c- The margins of dumping established and a full explanation of the reasons for the methodology used in the establishment and comparison of the export price and the normal value.
  - d- Considerations relevant to the injury determination as set out in the provisions of these instructions.
  - e- Factual and legal grounds on which the decision and the reasons shall be made which have led to arguments of exporters or producers being accepted or rejected.
- 2- The decision prescribed in paragraph / 1 / of this article shall come into force from the date of publishing the notice.

### **General provisions**

#### **Article 81**

The directorate shall organize the following registers:

- 1- Dumping register.
- 2- Subsidies register.
- 3- Safeguard register.

#### **Article 82**

- 1- The ministry shall collect an amount of 10000 SP. from the applicants upon submit the following applications:
  - a. Applications of investigation of protection national production from dumping or subsidy.
  - b. Applications of reviewing the final decision.
  - c. Applications of terminating the investigation because of the acceptance of price undertakings.
- 2- payment, referred to in paragraph /1/ of this article, shall be settled under refer from the directorate to the directorate of the Central Treasury to settle the amount and deliver the receipt to the directorate

### **Article 83**

These instructions shall be published, and notified to whom it may concern to implement.

**Minister of Economy And Trade**

**Dr. Amer Husni Lutfi**