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**中国五矿化工进出口商会**

The Cooperation Council For The Arab States of The Gulf

(Secretation General)

海湾阿拉伯国家合作委员会

（总秘书处）



The GCC Common Law on Antidumping, Countervailing Measures and Safeguard Measures and Its Rules of Implementation



(Amended)

海湾合作委员会反倾销、反补贴措施和保障措施普通法及其实施细则

（已修订）

(2011 - 1432)

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SECTION I

The GCC Common Law on Antidumping, Countervailing Measures and Safeguard Measures (Amended)

(non-official Translation)

第一部分

海湾合作委员会反倾销、反补贴措施和保障措施普通法

（已修订）

（非官方翻译件）

Article 1

Objective

第一条

宗旨

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

本法的宗旨是授权成员国采取措施应对给海湾阿拉伯国家合作理事会的任何产业造成损害的倾销、补贴和进口增加。

Article 2

Scope

第二条

范围

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

本法适用于国际贸易中非成员国对成员国造成损害的行为。

Article 3

Definitions

第三条

定义

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

就本法而言，除另有规定外，下列用语具有以下含义：

- GCC: Cooperation Council for the Arab States of the Gulf.

- 海合会: 海湾阿拉伯国家合作理事会

- Member States: GCC Member States.

- 成员国: 海湾阿拉伯国家合作理事会成员国

- Ministerial Committee (MC): GCC Industrial Cooperation Committee which consist of Industrial Ministers of Member States.

- 部长理事会：海湾阿拉伯国家理事会部长理事会由成员国工业部长组成

- The Financial and Economic Cooperation Committee (FECC): GCC Finance and Economic Committee which con- sists of Member States' Ministers of Finance and Economy.

- 金融经济合作委员会：海湾阿拉伯国家理事会金融经济合作委员会由成员国财政部长组成

- Permanent Committee (PC): Committee on Anti-Injurious

Practices in International Trade of Member States.

- 常设委员会：成员国国际贸易反损害调查委员会

- Bureau of the Technical Secretariat: GCC Technical Sec- retariat Bureau for Anti-Injurious Practices in International Trade

- 技术秘书处：海合会国际贸易反损害调查技术秘书处

- Judicial Commission: The Judicial Commission that is established according to the Economic Agreement of the Member States.

- 司法委员会：司法委员会根据成员国经贸协定设立

- The Law: GCC Common Law on Anti-Dumping, Counter- vailing and safeguard measures.

- 本法：海合会反倾销、反补贴和保障措施普通法

- Rules of Implementation: The rules issued to implement the provisions of the GCC Common Law

- 实施细则：为实施海合会普通法规定而出台的规则

- Internal Rules: The rules of the Permanent Committee’s work modalities and its decision making process.

- 内部规则：常设委员会的工作方式及其决策过程的规则

- Official Gazette: The Gazette issued by the Bureau of the

Technical Secretariat.

- 官方公报：由技术秘书处发布的公报

- Injurious practices in international trade: Dumping, sub- sidy and increase in imports.

- 国际贸易中的损害行为：倾销、补贴和进口增加

- Dumping: Exporting a product to Member States at less than its normal value in the ordinary course of trade for the like product in the exporting country.

- 倾销：以低于正常贸易过程中的出口国同类产品的正常价值向成员国出口产品

- Subsidy: A financial contribution or any form of income or price support in the sense of Article XVI of GATT 1994, provided by the government of the country of origin or a public body within the territory of this country that confer a benefit to the beneficiary.

- 补贴：在一国领土内，由原产国政府或者公共机构提供的财政资助或者GATT 1994第十六条意义上的任何形式的收益或价格支持，目的是授予受益人一项利益

- Measures: Anti-dumping, Countervailing and Safeguard measures.

- 措施：反倾销、反补贴和保障措施

- Anti-dumping measures: Measures against dumping according to this Law and its Rules of Implementation.

- 反倾销措施：依照本法及其实施细则所采取的反倾销措施。

- Countervailing measures: Measures against specific sub- sidy, according to this Law and its Rules of Implementation.

- 反补贴措施：依照本法及其实施细则所采取的，应对专向性补贴的措施。

- Safeguard measures: Measures against increase of imports according to this Law and its Rules of Implementation.

- 保障措施：依照本法及其实施细则所采取的，应对进口增加的措施。

- Definitive measures: Measures adopted by the Ministerial Committee at the end of an investigation, where definitive affirmative determinations have been made according to this Law and its Rules of Implementation.

- 最终措施：在调查结束时，部长理事会根据本法及其实施细则做出最终肯定性裁定时所采取的措施。

- Provisional measures: Temporary measures adopted by the

Permanent Committee, during the investigation where preliminary affirmative determinations have been made according to this Law and its Rules of Implementation.

- 临时措施：调查期间，常设委员会根据本法及其实施细则做出初步肯定性裁定时所采取的临时措施。

- Complaint: A written application submitted according to the form prepared for this purpose.

- 申请书：为本法的目的准备和提交的具有一定格式的书面申请。

- GCC Industry: Member States’ producers as a whole of the like products or those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products. For the purpose of safeguard investigations, the term GCC industry shall mean total Member States producers as a whole of the like or directly competitive products operating within the territory of Member states, or those whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.

- 海合会产业：指成员国国内同类产品的生产者全体，或成员国国内同类产品的产量构成国内总产量主要部分的生产者。就保障措施调查而言，海合会产业指在成员国领土内经营同类产品或者直接竞争产品的生产者全体，或生产同类产品或者直接竞争产品的产量占这些产品全部国内产量主要部分的生产者。

- Interested parties: Exporter or foreign producer, importer of the product under investigation, producers whose industrial inputs include the product under investigation, governmental or private organizations which represent or protect consumers, governments of the exporting country or any other national or foreign parties shown to have an interest in the products under investigation.

- 利害关系方：出口商或外国生产者，被调查产品的进口商，工业生产投入包括被调查产品的生产者，代表或保护消费者的政府或私营组织，出口国政府或对被调查产品有利害关系的任何其他国家或外国当事方。

- GCC Market: overall markets of the GCC Member States.

- 海合会市场：海合会成员国的整体市场

Article 4

Complaint and Investigation Procedures

第四条

申请和调查程序

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

贸易救济申请的提出、接受和审查，调查程序的启动、实施、审查或终止，以及采取措施，都应当遵守本法及其实施细则。

Article 5

Measures

第五条

措施

Measures might be taken in the following cases:

在下列情况下可以采取措施：

1. If it is determined that imports of the products under investi- gation into the Member States are dumped or benefited from a specific subsidy and caused material injury or threaten to cause material injury to an established GCC Industry or materially retard the establishment of a GCC industry, and there is a causal link.

如果确定被调查进口产品存在倾销或受益于某一专向性补贴，对海合会现有产业造成实质损害或实质损害威胁，或者实质阻碍了海合会产业的建立，并且两者存在因果关系。

1. If it is determined that products under investigation are being imported into the Member States in such increased quantities, absolute or relative to the GCC production, and under such conditions as to cause or threaten to cause serious injury to the GCC industry that produced like or directly competitive products, and there is a causal link.

如果确定正在进口至成员国的被调查产品的数量与海合会的生产相比绝对或相对增加，且对生产同类或直接竞争产品的国内产业造成严重损害或严重损害胁迫，并且两者存在因果关系。

Article 6

Forms of Measures

第六条

措施的形式

Measures may take the following forms:

措施可以采取以下形式：

1. Definitive anti-dumping and countervailing measures may take the form of customs duties or price undertakings not greater than the dumping margin or the amount of subsidy that is finally determined.

反倾销和反补贴的终裁措施可以采取关税或者价格承诺的形式，但是不得超过终裁确定的倾销幅度或者补贴数额。

1. Provisional anti-dumping and countervailing measures may take the form of customs duties, price undertakings or security by cash deposit or bond not greater than the provisionally estimated margin of dumping or the amounts of subsidy.

反倾销、反补贴的临时措施可以采取关税、价格承诺、现金保证金或保函等担保形式，其金额不得超过初裁预估的倾销幅度或者补贴数额。

1. Definitive safeguards measures against increase of imports may take the form of either a quantitative restriction, tariff increase, or any other form, which is consistent with the WTO agreements.

针对进口增加的最终保障措施可采取数量限制、提高关税或任何其他符合世贸组织协定的形式。

1. Provisional safeguards measures should take the form of tariff increases.

临时保障措施可采取提高关税的形式。

Article 7

Implementation of the Law and Its Rules of Implementation

本法及其实施细则的实施

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

部长委员会、常设委员会和技术秘书处在其职权范围内，负责本法及其实施细则的实施。

Article 8

Competences of the Ministerial Committee

部长委员会的权限

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

部长委员会有权就下列事项做出决定：

1. Approving the imposition of definitive measures against dumping, specific subsidy and increase in imports, extend- ing, suspending, terminating, and increasing or reducing definitive anti-dumping and countervailing measures.

批准实施倾销、专向性补贴和进口增加的最终措施，延长、暂停、终止、增加或减少反倾销和反补贴的最终措施。

1. Settling disputes that may arise between Member States regarding the interpretation and implementation of this Law.

解决成员国之间可能出现的关于解释和实施本法的争端。

1. Issuing the Rules of Implementation of this Law.

颁布本法的实施细则

1. Deciding on the administrative reviews pertaining to the definitive decisions and determinations made in implementing this Law and its Rules of Implementation

对于与依据本法及其实施细则做出的终裁有关的行政审查做出裁决。

1. Adopting the Internal Regulation of the Bureau of the Technical Secretariat.

通过技术秘书处的内部条例

1. Appointing the Director General of the Bureau of the Technical Secretariat.

任命技术秘书处秘书长

1. Any other competence attributed by this Law and its Rules of Implementation.

本法及其实施细则赋予的任何其他权限。

Article 9

Permanent Committee

常设委员会

1 - Composition of the Permanent Committee

常设委员会的组成

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

常设委员会由各成员国有关部委的副部长或与其职位相当的人士组成。常设委员会主席的任期和轮换遵照海合会的有关政策。

2 - Competences of the Permanent Committee

常设委员会的权限

The Permanent Committee is competent in the following matters:

常设委员会有权处理下列事项：

1. Taking measures stated in this Law and its Rules of Implementation, including imposing provisional meas- ures and accepting price undertakings.

执行本法及其实施细则规定的措施，包括采取临时措施和接受价格承诺。

1. Proposing to the Ministerial Committee the imposition of definitive anti-dumping measures, definitive countervailing measures and definitive safeguard measures against increased imports.

向部长委员会建议实施最终反倾销措施、反补贴措施及保障措施。

1. Setting up committees and establishing specialized administrative units of the Bureau of the Technical Sec- retariat.

成立技术秘书处主委员会及设立专门的行政单元。

1. Adopting the Technical Secretariat’s work strategies in compliance with its predetermined competences.

按照其预定权限批准技术秘书处的工作战略。

1. Proposing appropriate solutions to the Ministerial Committee for settlements of disputes that may arise between Member States regarding the interpretation and implementation of this Law and its Rules of Implementation.

为部长委员会提供解决成员国之间关于解释与适用本法及其实施细则争端的建议方案

1. Proposing amendments to this Law and its Rules of Implementation.

起草本法及其实施细则的修正案

1. Proposing amendments to the Internal Regulation of the Bureau of Technical Secretariat.

起草技术秘书处内部条例的修正案

1. Approving and amending its Internal Rules.

批准和修订其内部规则

1. Approving the proposed budget of the Bureau of Technical Secretariat before its adoption in compliance with the regulatory proceedings.

按照规定程序批准并通过技术秘书处的预算案

1. Adopting financial, administrative and other regulations of the Bureau of the Technical Secretariat.

通过技术秘书处的财政、行政和其他条例

1. Nominating the Director General of the Bureau of the Technical Secretariat.

提名技术秘书处秘书长

1. Any other competence attributed by the Ministerial Committee.

部长承诺授予的任何其他权限。

Article 10

Bureau of the Technical Secretariat

第十条

技术秘书处

1 - Based on this Law, a Bureau of the Technical Secretariat for Anti-injurious Practices in International Trade shall be set up under the umbrella of the General Secretariat of GCC. The Bureau of the Technical Secretariat shall have financial and administrative autonomy by means of a budget annexed to GCC General Secretariat’s budget, and it is directed by a Director General.

根据本法，在海合会总秘书处的领导下，设立国际贸易反损害调查技术秘书处。技术秘书处根据海合会总秘书处预算附件享有财政和行政自主权，由秘书长领导。

2 - Competences of the Bureau of the Technical Secretariat:

技术秘书处的权限：

1. Organizing the Permanent Committee activities and pre- paring for its meetings and agenda, as well as drafting its decisions and carrying out any other function that will be assigned to perform and it has to that effect to request information, studies, statistics and reports that may be use- ful for the work of the Permanent Committee.

为常设委员会组织活动、编排日程、起草裁决，为常设委员会所需的信息、数据、研究、报告提供帮助

1. Following up the implementation of the Ministerial and

Permanent Committee decisions.

追踪部长委员会和常设委员会裁决的执行情况

1. Providing consultancy and technical support to GCC producers and exporters who are facing dumping, sub- sidy and safeguards investigations in other countries and following the investigations' process in coordination with the concerned authorities of Member States.

为调查中的外国出口商、生产者提供磋商与技术支持，依据调查程序协调调各成员国有关当局的关系

1. Participating in the activities of related organizations and international forums.

参与有关组织和国际论坛的活动

1. Providing quarterly reports to the Permanent Committee containing information and statistics regarding the activ- ities of the Bureau of the Technical Secretariat and all registered and examined investigations as well as their time frame and deadlines.

提供常设委员会的季报，含技术秘书处的信息与数据及所有登记在案的案件的调查情况。

1. Receiving the complaints against injurious practices in international trade and related requirements.

接收关于应对国际贸易中的损害行为的申请和其他要求

1. Conducting investigations against injurious practices in international trade and all related reviews in accordance with this Law and its Rules of Implementations.

根据本法及其实施细则，对国际贸易中的损害行为进行调查和所有相关复审

1. Preparing the annual budget project of the Bureau of the

Technical Secretariat and executing it upon its approval.

编制技术秘书处的年度预算计划，并在核准后予以执行

1. Working on developing knowledge and raising Member States’ awareness on the concepts of dumping, subsidy and increase in imports.

开展研究工作，并提升各成员国对于倾销、补贴和进口增加概念的意识

1. Any other duties or activities assigned to the Bureau of the Technical Secretariat by the Ministerial Committee and Permanent Committee.

部长委员会和常设委员会分配的任何其他职责或活动

Article 11

Administrative and Judicial Review

第十一条

行政和司法审查

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

受到适用本法及其实施细则的终裁直接或间接影响的利益相关方，在诉诸司法审查之前，应在终裁在《政府公报》上公布之日起三十（30）天内先向部长委员会提出行政审查。部长委员会应在申请提交之日起六十（60）天内做出审查决定，否则将被视为行政审查被驳回。

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

行政审查被驳回的申请人可在收到通知之日起三十(30)天内以任何方式向司法委员会提起上诉。

Article 12

Confidentiality of Information

第十二条

信息保密

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

根据本法及其实施细则，任何个人及调查和决策机构应当对以保密形式提交的或者具有涉密性质的信息保密。未经向海合会司法委员会提交或者披露该信息的当事人事先书面许可，上述人员和机构不得披露该信息。

Article 13

Penalties

第十三条

罚则

Without prejudice to any other repressive penalty stipulated in any other law, the violation of the rule provided for in Article

12 shall be subject to a monetary fine not exceeding 500.000

Saudi Riyals or its equivalent in the currencies of Member

States.

在不影响其他法律规定的其他强制性处罚的前提下，违反本法12条规定应处以不超过500.000沙特里亚尔或等值的其它成员国货币的罚款。

Article 14

Interpretation and Amendment of the Law

第十四条

对本法的解释和修正

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

金融和经济合作委员会应按照部长委员会的意见解释和修正本法。

Article 15

Entry into Force

第十五条

生效

This Law shall enter into force on 1 January 2004. Member

States must publish it in the Official Gazette.

本法自2004年1月1日起生效。各成员国必须在《官方公报》中予以公布。

SECTION II

Rules of Implementation

of The GCC Common Law on Antidumping, Countervailing Measures and Safeguard Measures (Amended)

(non-official Translation)

第二部分

海湾国家合作委员会反倾销、反补贴措施和保障措施普通法实施细则

（已修订）

（非官方翻译件）

Chapter 1

Definitions

第一章 定义

Article 1

第一条

In applying these Rules of Implementation, each of the employed words and terms shall have the same meaning as stated in Article 3 of the Common Law and the following words and terms shall have the corresponding meaning unless otherwise specified:

适用本实施细则时，每一用词和用语的含义应与普通法第三条保持一致，除另有规定外，下列词语和用语应具有以下含义：

Serious injury: Injury which causes a significant overall impair- ment to the position of the concerned GCC industry.

严重损害：对相关海合会相关产业造成全面重大减损的损害

Threat of serious injury: Serious injury that is clearly imminent to the concerned GCC industry.

严重损害威胁：对相关海合会相关产业造成明显迫近的严重损害

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.

正常价值：在正常贸易过程中出口国消费同类产品的已付或应付价格。

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

出口价格：被调查产品从出口国向海合会市场出口时的已付或应付价格。

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

倾销幅度：调查期内正常价值与出口价格之间的差额。

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

补贴金额：（调查机关）计算的补贴接受者在调查期内接受的利益的绝对货币价值。

Like products: GCC products which are identical or 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 resem- bling those of the product under investigation.

同类产品：同被调查产品在各方面都相同或类似的海合会产品，或如果无此种产品，则为尽管并非相同，但具有与被调查产品极为类似的另一种产品。

The exporting country: The exporting and/or producing coun- try of the product under investigation.

出口国：被调查产品的出口和/或生产国。

Government: Any government, regional or local authority in a foreign country, or any committee or organization that practice any kind of authority on behalf of a foreign coun- tries’ union or a person or committee or organization acting on behalf of the above-mentioned Authorities.

政府：任何外国政府、区域或地方机构，任何代表外国工会行使任何职权的委员会或组织，或者代表上述机构行使职权的个人、委员会或组织。

Specific subsidy: A subsidy that could lead to the imposition of countervailing measures in accordance with the provisions of the Common Law and its Rules of Implementation.

专向补贴：根据《普通法》及其《实施细则》的规定可能导致采取反补贴措施的补贴。

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

被补贴进口产品：接受专向补贴的被调查进口产品。

Interested parties: Exporter(s) or foreign producer(s) or importer(s) of the product under investigation, trade or business association(s) which represent the majority of pro- ducers, importers and exporters of the product under inves- tigation, government(s) of the exporting country(ies), or GCC producers of the like product, governmental or private association(s) which represent consumers and protect their own interests or any other party(ies) (local or foreign) which are determined to have a sufficient interest in the results of the investigation.

利害关系方：被调查产品的出口商、外国生产者或进口商，代表大多数被调查产品的生产者、进口商和出口商的商协会，出口国政府，或海合会同类产品生产者，代表并保护消费者或其他利害关系方的（当地或外国）政府或私有商协会，但应确定其与本案的裁决有充分的利害关系。

Independent buyer(s): Buyer(s) without association, and with- out a commercial or production partnership with the importer in the importing country or with the exporter or producer in the exporting country, and without any relationship with them, or where both of them are not controlled by a third party directly or indirectly and where neither of them are members of same family.

独立购买者：没有组织、且与进口国的进口商或者出口国的出口商/生产者没有商业或生产合作关系的购买者，购买者自身或者其家庭成员与上述主体无任何利害关系，或没有受到第三方直接或间接的控制。

GCC market: Combined markets of the GCC Member States.

海合会市场：海合会各成员国的联合市场。

Product under investigation: The imported product as described

in the notice of initiation of the investigation.

被调查产品：在调查立案公告中描述的进口产品。

Chapter II

Complaint and Investigation Procedures

第二章 申请和调查程序

Section I Complaint

第一节 申请

Article 2

第二条

1. A complaint against dumping, subsidization or increase of imports shall be submitted in writing to the Technical Secre- tariat as per the determined form. The complainant shall provide a non-confidential copy of the complaint in suffi- cient detail to permit a reasonable understanding of the sub- stance of the information submitted in confidence.

应对倾销、补贴和进口增加的申请书应当以规定的书面形式向技术秘书处提交。申请人应当提供详细完整的非保密申请书副本，目的是合理解释其提交的保密信息的内容。

1. The complaint shall be made by GCC industry or on behalf of industry or by concerned Chambers of Commerce and Industry of any Member State, or by producers’ unions.

申请应由能够代表海合会产业的企业提出，或由代表海合会产业的各成员国的相关商协会提出，或由生产者联盟提出。

1. The complaint shall include evidence of the existence of dumping, specific subsidy or increase of imports, the injury caused by the allegedly injurious practices and the causal link between the injurious practice and the alleged injury caused to the complainant, and all available information supporting the complaint.

申请书中应包括以下证据：证明倾销行为、专向补贴或进口增加行为存在的证据，损害行为造成的损害结果的证据，以及损害行为和对申请人造成的损害结果之间存在因果关系的证据，以及支持申请的所有可使用信息。

1. In special circumstances, the Permanent Committee may ini- tiate an investigation without receiving a complaint from those mentioned in paragraph 2 on its own initiative or upon a request from the Ministry overseeing the relevant indus- trial sector in any of the Member States when there is suffi- cient evidence as stated in paragraph 3 of this Article that justifies the initiation of the investigation.

在特殊情况下，常设委员会可在没有收到前文第2款提到的申请的情况下发起调查。常设委员会既可以自主发起调查，也可根据各成员国国内监管相关产业的部门的请求，在有本条第3款所述的充分证据的前提下发起调查。

Article 3

第三条

The Technical Secretariat shall, within a period not exceeding thirty (30) working days starting from the first working day sub- sequent to the receipt of the complaint, examine the accuracy and adequacy of the evidence provided in the complaint and pre- pare an initial report that will be transmitted to the Permanent Committee together with its recommendations whether to reject the complaint or initiate the investigation.

技术秘书处应在自收到申请书之次日起30个工作日内，审查申请书中提供的证据的准确性和充分性，并编写和提交给常设委员会初步报告，并将该初步报告和关于驳回申请或发起调查的建议一并提交给常设委员会。

Article 4

第四条

The Permanent Committee shall within a period not exceeding fifteen (15) working days from the date of receipt of the initial report take one of the following decisions:

常设委员会应在收到初步报告之日起的十五（15）个工作日内做出下列决定之一：

1. Accepting the complaint and transmit it to the Technical Secretariat to register it in the related registers set for that reason and start the investigation when they are satisfied that the information, data, where there appears to be sufficient evidence and facts reported in the complaint are sufficient to justify the investigation as per the provisions of the Com- mon Law and its Rules of Implementation.

接受申请并退还至技术秘书处，要求秘书处登记在专设的登记册中，并在其认为申请中提供了充分的证据和事实，且相关的信息和数据根据《普通法》及其《实施细则》可以启动调查时，发起调查。

1. Reject the complaint due to the inaccuracy, incorrectness or insufficiency of information to justify the initiation of an investigation.

资料不准确、不正确或证据不足以证明发起调查的正当性时，驳回申请。

Article 5

第五条

The Technical Secretariat shall notify the complainant about the Permanent Committee's decision within seven (7) working days from the date of its issuance.

技术秘书处应在常设委员会做出决定的七个（7）工作日内，将常设委员会的决定告知申请人。

Article 6

第六条

1. The Permanent Committee shall decide to initiate an anti- dumping or an anti-subsidy investigation only when the complaint is supported by domestic producers whose col- lective output constitutes more than fifty percent (50%) of the total production of the domestic like product produced by that portion of the industry expressing either support for or opposition to the complaint; and domestic producers expressly supporting the complaint account for at least twenty five percent (25%) of total production of the domes- tic like product produced by the GCC industry.

常设委员会只有在申请是具有海合会国内产业代表性的情况下，才可以决定发起反倾销或反补贴调查。国内产业代表性要求国内生产者总产量占国内产业中支持或反对申请的国内同类产品生产者生产的同类产品总产量的50％以上。明确表示支持的国内生产者的产量至少应占国内产业生产的同类产品总产量的25％。

1. Producers that are related to the exporters or importers or are themselves importers of the product to the complaint might not be taken into consideration in assessing the represen-tativeness of the concerned GCC industry.

在评估相关海合会产业的代表性时，不应考虑与出口商或进口商有关联的生产者，或本身是被调查产品进口商的生产者。

1. For the purpose of paragraph (2), producers shall be deemed to be related to exporters or importers only if one of them directly or indirectly controls the other; or both of them are directly or indirectly controlled by a third party; or together they directly or indirectly control a third party, provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers. For the purpose of this paragraph, one shall be deemed to control another when the former is legally or operationally in a posi- tion to exercise restraint or direction over the latter.

就第2款而言，满足以下情形可视为生产者与出口商或进口商有关联关系：生产者中的一方直接或间接控制另一方，或他们直接或间接被第三方控制，或他们直接或间接共同控制的第三方。认定这种关联的前提是，有理由相信或怀疑这种关联会使得相关生产者的行为不同于非关联生产者。就本款而言，如一方在法律上或经营上处于限制或引导另一方的地位，即前者应被视为后者的控制者。

1. In exceptional circumstances, the GCC industry may be interpreted as the local producers in different markets or areas within the GCC Member States if:

在例外情形下，海合会产业可能被解释成不同市场或海合会各成员国地区的当地生产商，如果：

1. The producers within such a market or area sell all or almost all of their production of the product in question in this market

该市场或地区中的生产者在该市场中出售他们生产的全部或几乎全部涉案产品

1. If it appears that the demand in this area or market is not substantially covered by the producers of the like product elsewhere in other GCC Markets or areas.

如果该地区或市场的需求没有被其他海合会市场或地区的类似产品生产商所实质性满足

In such circumstances, injury may be found to exist even where the rest of the domestic industry of the like product in other markets or GCC Member State are not injured, provided that there is a concentration of dumped or subsidized imports in question in that area or such isolated market and provided further that imports are causing injury to the producers of all or almost all of the production within this market.

在上述情况下，即使该地区或市场以外的其他市场或地区的同类产品未受损害，只要涉及倾销或补贴的产品集中进入该地区或市场，且只要进口产品对所有或几乎所有产品的生产者造成了损害，就可以认定存在损害。

In case of safeguard investigation, serious injury or threat thereof shall be based on the circumstances existing in country (ies), in which the affected industry is located.

在保障措施调查中，严重损害或严重损害威胁应基于受影响行业所在国家出现的情况进行判断。

Article 7

第七条

1. The Technical Secretariat shall, upon receipt of a properly- documented complaint regarding dumping or subsidization and before proceeding to initiate an investigation, notify the government of each country concerned.

技术秘书处应在收到关于倾销或补贴的适当申请后，开始调查前，通知每一个相关国家的政府。

1. The Technical Secretariat shall upon acceptance of a com- plaint regarding subsidization and before the initiation of an investigation, take all necessary measures to invite the exporting countries of the subsidized products under consid- eration to conduct consultations with the aim of clarifying the facts of the complaint, the evidence provided in the com- plaint and to reach a mutually agreed solution.

技术秘书处应在收到关于补贴的申请书后、开始调查前，采取一切必要措施，邀请授予补贴的出口国进行磋商，以便澄清案件事实、申请书中提供的证据，并达成一致的解决办法。

1. The conduct of consultations shall not prevent the initiation of the investigation from proceeding, the reaching prelimi- nary or final determinations or the application of provisional or final measures in accordance with the provisions of these Rules of Implementation.

磋商的进行不应妨碍根据实施细则的规定的各项程序的进程，包括启动调查，做出初步或最终裁定，以及适用临时或最终措施。

Article 8

第八条

The Technical Secretariat maintains records of received complaints, maintains all related procedures and actions as well as confidential files that are provided on a confidential basis or that are by their nature confidential. Such confidential information will not be disclosed except as the provisions of protection and treatment of confidential information according to the Common Law and its Rules of Implementation.

技术秘书处应妥善保存收到的申请书，所有相关程序和动议的文件，以及在保密基础上提供的文件或有涉密性质的机密文件。除非依据普通法及其实施细则中关于保护和处理机密信息的规定进行保护和处理，否则上述涉密信息不得公开。

Section II Procedures of Investigation

第二节 调查程序

Article 9

第九条

The notice of the initiation of an investigation shall be pub-

lished in the Official Gazette within ten (10) working days from the date on which the affirmative Permanent Committee decision was taken. The initiation of an investigation shall be effective on the date on which the notice of initiation is published in the Offi- cial Gazette. The notice of initiation of an investigation shall contain the following information:

启动调查的通知应在常设委员会做出肯定决定之日起10日内在官方公报上公布。启动调查通知于官方公报上公布之日起生效。通知应包含以下内容：

1. A description of the product under investigation, including its technical characteristics, end-uses and its current tariff classification number.

对于被调查产品的描述，包括产品技术特征、最终用途和现行有效的关税编码。

1. A description of the like domestic product(s) or directly competitive product(s), including their technical characteris- tics and end-uses.

对于同类产品或直接竞争产品的描述，包括其技术特征和最终用途。

1. The name and address of the complainant and all other known producers of the like domestic product(s) or directly competitive product(s).

申请人的名称和地址，以及其他所有已知同类产品或直接竞争产品生产者的名称和地址。

1. Name(s) of the country(ies) of origin or export of the prod- uct under investigation.

被调查产品的原产国或出口国名称。

1. A general summary of the factors related to the allegations of serious or material injury or threats thereof and practices under investigation.

与严重或实质损害/损害威胁相关的论述以及与被调查行为相关的要素的论述。

1. The investigation’s initiation date.

启动调查的日期。

1. The timetable for the investigation procedures, including:

调查程序的时间表，包括：

1. The deadline for interested parties desiring to participate in the investigation to make themselves known in writing to the Technical Secretariat,

参与调查的利害关系方以书面形式告知技术秘书处的截止日期，

1. The time frames within which interested parties shall present their arguments or information in writing,

各利害关系方书面提交主张或信息的时限，

1. The time-limits within which interested parties have the opportunity to present their submissions in writing,

各利害关系方以书面形式提交主张的机会时限，

1. The period within which interested parties shall request a public hearing when necessary.

各利害关系方在必要时要求公开听证的时限。

1. The address of the Technical Secretariat, the Technical Sec- retariat Director General’s name, address and phone or the party to whom the interested parties shall submit informa- tion and comments.

技术秘书处的地址，技术秘书处秘书长的姓名，各利害关系方可提交信息和评论的地址和电话。

Article 10

第十条

1. Taking into consideration the protection of the confidential information, the Technical Secretariat shall, as soon as the anti-dumping and anti-subsidy investigations are initiated, provide the full text of the non-confidential version of the complaint and a copy of the notice of initiation of the inves- tigation to all known interested parties and the representa- tives of the exporting countries by official means.

鉴于对机密信息的保护，在发起反倾销、反补贴调查后，技术秘书处应尽快提供非保密版申请书全文以及向所有已知的利害关系方和出口国代表正式发出立案公告的副本。

In the case of safeguard investigations, the interested parties shall be notified by publishing the notice of initiation in the Official Gazette.

在保障措施调查中，应以在官方公报公布立案公告的方式告知利害关系方。

1. If the number of exporters concerned is particularly high, the full text of the non-confidential version of the complaint may instead be provided only to the authorities of the exporting countries.

如果相关出口商数量过多，非保密版申请书的全文可只提供给出口国的主管政府机关。

Article 11

第十一条

The Technical Secretariat shall, in the case of antidumping and anti-subsidy investigations, send as soon as possible questionnaires to the known interested parties, including known domestic produc- ers, importers, exporters, foreign producers, and consumer associa- tions to collect the necessary data and information.

在反倾销和反补贴调查中，技术秘书处应尽快将调查问卷发送给已知利害关系方，包括已知的国内生产者、进口商、出口商、外国生产者和消费者协会，以收集必要的数据和信息。

In the case of safeguards investigation, questionnaires shall be sent to the parties who made themselves known and request a questionnaire or transmitted to the diplomatic representatives of the exporting countries.

在保障措施调查中，应将调查问卷发送给已知并要求填写调查问卷的利害关系方，或发送给出口国的外交代表。

Article 12

第十二条

1. Interested parties shall clearly and completely respond to questionnaires within a time-limit not exceeding forty (40) days from the date on which the questionnaires were sent to them or to the appropriate diplomatic representative of the exporting countries.

利害关系方应在（调查机关）向该利害关系方或其出口国外交代表发出调查问卷之日起40天内，清楚完整的答复调查问卷。

1. An extension of ten (10) days may be granted upon a duly justified request by a party made before the end of the origi- nal period and showing due cause for such extension.

如有利害关系方在原调查期限结束前提出延期申请，并说明延期的正当理由，可准予延期10天。

1. The questionnaires are considered to be received by the exporters or the foreign producers after seven (7) days from the day on which they were sent, or transmitted to the appro- priate diplomatic representative of the concerned country.

在（调查机关）发出或者转交给相关国家外交代表调查问卷7日后，视为出口商和外国生产者已收到问卷。

1. The Technical Secretariat may disregard any reply to ques- tionnaire that is not submitted within the time-limit provided for replying and in the requested form, where it considers that the conditions for disregarding information under Arti- cle 26 of these Rules of Implementation have been met.

如果技术秘书处认为出现的情形满足了实施细则第26条规定的条件，则可以不予接受未在规定答复期限内提交，或未按要求的形式提交的任何答卷。

Article 13

第十三条

If the number of exporters, producers, importers, types of products or transactions under investigation are so large as to make such investigation impracticable, the investigation may be limited to a representative sample of interested parties, products under investigation, or transactions by using statistically-valid samples based on either the information available at the time of selection or the largest percentage of export volume, production, or sales of the concerned country which can be reasonably verified during the period of the investigation.

在出口商、生产者和进口商的数量或所涉及的产品种类特别多而使调查难以进行时，调查机关可通过统计上有效的抽样技术，将调查范围限制在合理数量的利害关系方或产品上，或限制在可进行合理调查的来自涉案国家出口量的最大百分比上。

Article 14

第十四条

1. All parties that request to participate in the investigation as interested parties within the time-limit stated in the notice of initiation of the investigation shall have fair opportunity to defend their interests. Public hearings may be held to present their views and arguments, taking into consideration the need to protect confidential information.

在立案调查通知规定的时间内，要求作为利害关系方参与调查的各方，都有公平的机会捍卫自身的权益。可申请召开听证会，陈述抗辩意见和论点，并要求机密信息被保密处理。

1. There shall be no obligation on any interested party to attend public hearings, and failure to do so shall not be prejudicial to that interested party’s case.

利害关系方没有义务必须参加听证会，且不参加并不会给利害关系方在案件中带来不利影响。

3. All parties that request to participate in the investigation as interested party within the time-limit stated in the notice of initiation shall have fair opportunities, whenever practicable and upon written request, to see information related to the investigation and that used to reach the findings of the inves-

tigation, in accordance with the rules concerning confidential information contained in this Common Law and its Rules of Implementation.

在立案调查通知规定的时间内，要求作为利害关系方参与调查的各方，应在切实可行的情况下以书面形式请求调查机关，查阅与调查相关的信息，以及用于做出调查结论的必要信息，上述请求应符合普通法及其实施细则中有关机密信息处理的规则。

Article 15

第十五条

1. The Technical Secretariat shall keep records of the public hearings, which should be placed in the public file, with the exception of confidential information.

技术秘书处应适当保存听证会记录，除保密信息外，应将其存放在公开文件中。

1. All interested parties participating in the public hearing, pro- viding a reasonable reason, have the right to provide other oral information related to the investigation, but it shall not be taken into account in the investigation unless it is subse- quently submitted in writing within a time-limit not exceed- ing ten (10) days after the date of public hearing.

所有参与公开听证会的利害关系方，基于正当理由都有权口头提供与调查相关的其他信息，但在调查过程中不会接受口头证言与信息，除非是在听证会结束后的10天内以书面形式提交的，对案件有重要影响的信息。

Article 16

第十六条

Interested parties that intend to attend a public hearing shall notify the Technical Secretariat at least seven (7) working days before the date of the public hearing of the names of their repre- sentatives that will attend the hearing as well as the written argu- ments and information to be provided at the hearing.

希望参加听证会的利害关系方应至少在召开听证会7个工作日前通知技术秘书处参与听证会的代表姓名，并以书面形式提交拟在听证会陈述和辩论的评议。

Article 17

第十七条

Public Hearings shall be presided over by the Director Gen- eral of the Technical Secretariat or his interim, who shall under- take the necessary measures to protect confidential data and statistics. Public hearings shall be organized in a manner to ensure that all participating parties have adequate opportunities to present their views.

听证会应由技术秘书处秘书长或其临时代表主持，秘书长或其临时代表应当采取必要措施保护机密信息和数据。听证会需要确保所有参与方都可获得充分评议的机会。

Article 18

第十八条

1. In order to verify the information provided or to obtain further details related to the investigation, the Technical Secretariat may carry out visits to countries outside the GCC Member States, provided that it obtains the agreement of the firms con- cerned and receives no objection from the country concerned after notifying their representatives to the on the spot visit.

为核实提交的信息或可获得的与调查相关的更多详细信息，技术秘书处可以对海合会成员国以外的国家进行访问和实地核查，但应获得有关企业的同意并通知涉案国的政府代表，但反对核查的除外。

In order to verify the information provided or to obtain fur- ther details related to the investigation, the Technical Secre- tariat may carry out on the spot visits inside GCC Member States.

为核实提交的信息或可获得的与调查相关的更多详细信息，技术秘书处可以在海合会各成员国内进行实地访问和核查。

1. The procedures described in Annex I of the WTO Agree- ment on the Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994 and Annex VI of the Agreement on Subsidies and Countervailing Measures shall apply to on the spot visits conducted under this Article.

WTO反倾销协议附件一和WTO补贴与反补贴措施协议附件四规定的程序应当适用于根据本条进行的实地核查。

Article 19

第十九条

1. Any information which is by its nature confidential or which is provided on a confidential basis by interested parties shall be treated as confidential, if reasonable cause being shown, such information shall not be disclosed without the specific permission of the party submitting it.

机密性信息或利害关系方通过保密形式提交的信息，应当被视作机密信息。此类信息未经提供信息的利害关系方许可外不得披露。

1. Interested parties providing confidential information shall be required to furnish reasons supporting its confidential treat- ment and non-confidential summaries thereof. Such sum- maries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

调查机关应要求提供机密信息的利害关系方提供此类信息的非机密摘要。这些摘要应足够详细，以便能够合理了解以机密形式提交的信息的实质内容。

1. In exceptional circumstances, interested parties may indicate that information is not susceptible of summary. In such cases, a statement of the reason must be provided.

在特殊情况下，利害关系方可表示该保密信息不可做摘要，但必须说明正当理由。

1. If it is found that the request for confidentiality is not war- ranted, and if the supplier of the information is either unwill- ing to make the information public or to authorize its disclo- sure in generalized or summary form, such information, may be disregarded unless it can be satisfactorily demonstrated by appropriate sources that the information is correct.

如果调查机关认为保密请求缺乏正当性，且信息提供者既不愿公开信息，又不愿授权以摘要的形式公开披露，除非信息的正当来源可以被充分论证，否则此类信息将不予采信。

Article 20

第二十条

1. The Technical Secretariat shall normally make a preliminary determination report no later than one hundred and eighty (180) days after initiation of the investigation and a final report one hundred and eighty (180) days from the date of the preliminary report, that includes the objective evidence obtained during the investigation, all information available to or issued by the Technical Secretariat at that time, and to what extend the standards, and requirements and conditions stipulated in the Rules of Implementation are satisfied.

技术秘书处应当在启动调查后的180天内做出初步裁定，在做出初步裁定报告的180天内做出最终裁定报告。报告应包括，调查中获得的客观证据、裁决时可获取的或已发布的所有信息，以及实施细则的规定中相关标准、要求和条件被满足的程度。

1. These determinations shall be available in reports containing sufficient detail regarding the findings reached on all issues of fact and law, and reasons that have led to those conclusions, taking into account the need to protect confidentiality.

初裁报告中披露的内容应当包含，所有基本事实、所依据的法律规定及各利害关系方陈述的理由和提交证据，并需要对相关信息提前做保密处理。

1. All interested parties have the right to comment and submit their arguments within fifteen (15) days of the disclosure of the preliminary reports or any published conclusions during the investigation and before reaching final determinations.

各利害关系方在初裁报告或任何其他调查结论发布之日起15日内，并在做出最终裁定之前，都有权补充评议。

Article 21

第二十一条

Within thirty (30) working days of receiving the report sub- mitted by the Technical Secretariat, the Permanent Committee shall act on the report, by either:

常设委员会在收到技术秘书处提交的报告后的30天内应当对报告做出以下处理：

1. Terminating the investigation without imposing measures, where it is satisfied that there is insufficient evidence of prac- tices of dumping, subsidy, increases in imports or injury, and a causal link between the practice and the injury affected by it.

在确信没有充分证据证明存在倾销、补贴和进口增加的行为、或造成损害，或倾销行为和损害结果存在因果关系时，应终止调查且不采取任何措施。

1. Imposing provisional measures or any related measures if an affirmative determination of practices of dumping, subsidy or increases in imports, and injury, and causal link has been made.

如果对存在倾销、补贴或进口增加的行为，造成损害结果和行为和结果之间的因果关系做出肯定性裁决，则应当采取临时措施或任何其他相关措施。

Article 22

第二十二条

Upon the decision of the Permanent Committee to terminate the investigation without imposing measures, the Technical Sec- retariat shall notify the complainant and publish a public notice in the Official Gazette along with the decision, including the fol- lowing information:

常设委员会决定终止调查且不采取措施时，技术秘书处应通知申请人，并在《官方公报》上及时发布裁决公告，公告应包括以下信息：

1. Identity of the complainants and the domestic products that requested the investigation;

申请要求调查的本案申请人和国内产品；

1. Identifying the products under investigation;

指明被调查的涉案产品；

1. Reasons for termination.

终止调查的原因。

Article 23

第二十三条

The investigation shall be completed within twelve (12) months from its date of initiation. The Permanent Committee may in special circumstances extend this period for no more than six (6) months.

调查应当在启动之日起的12个月内完成。常设委员会可在特殊情形下最长延期6个月。

Article 24

Upon the decision to impose measures, whether provisional or definitive, the Technical Secretariat shall notify the complainant and issue a public notice of the application of the measures in the Official Gazette, which shall contain the following information, taking into consideration confidentiality requirements:

在做出采取措施的决定之前，不论临时措施还是最终措施，技术秘书处都应当告知申请人并在官方公报上发布实施措施的公告。在经过保密处理后，公告应当包含以下信息：

1. The identity of the parties subject to the measures.

受措施约束的利害关系方的身份信息。

1. The identification of the products subject to the measures.

被采取措施的涉案产品的特性。

1. A summary of the reasons leading to the imposition of measures.

概述被采取措施的理由。

1. The form, level and duration of the measures’ application.

采取措施的形式，范围和持续时间。

Article 25

第二十五条

1. Notifications, letters, and any other requested information shall be sent to known interested parties or their assigned representatives by registered mail which confirms deliveries to the interested parties.

通知、信件和任何其他信息，应通过挂号信的方式发送给相关的已知利害关系方或指定代表，并确认利害关系方可接收到。

1. The above-mentioned notification to the known interested parties in foreign countries can be made through their diplo- matic representatives or authorized consuls in any of the GCC Member States.

可通过海合会各成员国外交代表或授权领事，向相关的已知利害关系方发出上述通知。

Article 26

第二十六条

1. If any interested party refuses access to, or otherwise does not provide necessary information or does not submit them within the period of time prescribed form or significantly impedes the investigation, preliminary and final determina- tions either affirmative or negative may be taken on the basis of the information available.

如果利害关系方拒绝他方获取信息，或不提供必要信息，或没有在规定期限内按要求提交信息，或严重妨碍调查，则应根据可获取的信息做出肯定或否定的初步和最终裁决。

1. If any interested party provides false or misleading informa- tion, such information shall be disregarded and available information may be used.

如果利害关系方提供了虚假或误导性信息，则不予采信，并使用可获取的信息。

1. In implementing this Article, applicable procedures and pro- visions set forth in Annex II of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 shall be taken in consideration.

在执行本条时，应符合WTO反倾销协定附件二中规定的适用程序和条款。

Chapter III Anti-dumping

第三章 反倾销

Section I

Determinations of Dumping

第一节 倾销的确定

Article 27

第二十七条

1. The normal value shall normally be based on the comparable price paid or payable, in the ordinary course of trade, for sales of like product by independent customers in the domestic market of the exporting country.

正常价值通常应基于在正常贸易过程中出口国国内市场上同类产品销售给独立消费者的已付或应付的可比价格确定。

1. Notwithstanding paragraph 1 above, where a product under investigation is not imported directly from the country of origin but is exported to the GCC from an intermediate country, the normal value shall be established on the basis of comparable price paid or payable, in the ordinary course of trade, in the domestic market of the country of origin if the products are not produced in the country of export (i.e., the products are merely transshipped through the country of export), or there is no comparable price for them in the country of export.

尽管有上述第1款的规定，如果受调查的产品不是直接从原产国进口而是从第三国出口到海合会的，则正常价值应根据在原产国国内市场正常贸易过程中已付或应付的可比价格确定，条件是产品在出口国没有生产（即产品仅通过出口国运输），或者在出口国没有类似的价格。

1. In the case of an association, partnerships agreements or a compensatory arrangement or other related arrangements form of compensatory arrangement among interested parties, prices among them may be considered to be not in the ordinary course of trade and may not be used to establish normal value.

如果利害关系方之间有联合、合作协议、赔偿性安排或者与赔偿性安排相关的其他安排，他们之间的价格不能被视为正常交易过程中的价格，且不能用其确定正常价值。

1. Sales of the like product destined for consumption in the domestic market of the exporting country shall be consid- ered to be of sufficient quantity for the determination of the normal value if such sales constitute five percent (5%) or more of the export sales volume of the product under inves- tigation to the GCC Member States. However, a volume lower than five percent (5%) of sales may be used if there is a satisfaction, based on the evidence submitted by the inter- ested parties or otherwise available, that sales of such lower volume are nonetheless of sufficient magnitude to provide for proper comparison.

出口国国内市场中供消费的同类产品的销售如占被调查的产品销往进口海合会成员国销售的5%或以上，则此类销售通常应被视为确定正常价值的足够数量。但是如有利害关系方提交的或者其他形式可以获取的证据表明较低比例的国内销售仍属进行适当比较的足够数量，则可接受小于5%的比例。

1. 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 such sales do not permit a proper compari- son because of the particular market situation or the low vol- ume of the sales in the domestic market of the exporting country, the normal value of the like product shall be estab- lished on the basis of the cost of production in the country of origin plus a reasonable amount for administrative selling and general costs as well as for profit margin, or on the basis of export price, in the ordinary course of trade, to an appropriate third country, provided that this price is reasonable.

如在出口国国内市场的正常贸易过程中不存在该同类产品的销售，或由于出口国国内市场的特殊市场情况或销售量较低，不允许对此类销售进行适当比较，则同类产品的正常价格应当通过原产国的生产成本加合理金额的管理、销售和一般费用及利润率来决定，或者通过正常贸易过程中对适当第三方的出口价格（只要该价格具有代表性）来确定。

1. Sales of the like product in the domestic market of an exporting country or export sales to a third country at prices below per unit (fixed and variable) costs of production plus administration, selling and general costs may be treated as not being in the ordinary course of trade by reason of price and may be disregarded in determining normal value, only if it is determined that such sales were made:

如果出口国国内市场同类产品的销售或者对第三国的出口销售低于单位（固定和可变）生产成本加合理金额的管理、销售和一般费用及利润率，可能因为价格原因，不被视为在正常贸易过程中，且可能在确定正常价格的时候不予考虑，除非：

1. Within an extended period of time, which shall normally be for one (1) year and shall in no case be less than six (6) months.

在一段时间内持续，一般为1年，任何情况下都不能少于六个月。

1. In substantial quantities, when it is established that the weighted average selling price of the transactions under consideration for the determination of the normal value is below the weighted average unit cost, or that the volume of sales below cost is not less than twenty percent (20%) of sales under consideration for the determination of the normal value.

实质数量，如为确定正常价值而被调查的交易的加权平均销售价格低于加权平均单位成本，或低于单位成本的销售量不少于为确定正常价值而被调查交易的销售量的20%

c) At prices which do not provide for recovery of all costs within a reasonable period of time, if prices which are below per unit costs at the time of sale are above the weighted average per unit cost for the period of investiga- tion, such prices shall be considered as providing for recovery of costs within a reasonable period of time.

以不能在一段合理时间内收回成本的价格进行。如在进行销售时低于单位成本的价格高于调查期间的加权平均单位成本，则此类价格应被视为能在一段合理时间内收回成本。

1. Where the country exporting the product under investigation is a non-market economy country, normal value may be determined on the basis of:

当出口被调查产品的国家为非市场经济国家，可以以下各项确定正常价值：

1. The comparable price paid or payable or constructed nor- mal value, in the ordinary course of trade, for sales of the like product when destined for consumption in a market economy of a third country: or

已付或应付的可比价格，或者在正常贸易过程中销售至第三国市场经济中消费时的推定价格；或者

1. The comparable price paid or payable, in the ordinary course of trade, for exports of the like product from such a market economy of the third country to other countries, including the GCC Member States: or

在正常贸易过程中 从市场经济第三国出口同类产品至他国（包括海合会成员国）的已付或应付的可比价格；或者

1. Any other reasonable basis including the price actually paid or payable in the GCC market for the like product, duly adjusted if necessary to include a reasonable profit margin.

任何其他合理的基础，包括海合会市场为类似产品已付或应付的价格，但可以在必要时适当调整以包括合理的利润率。

Article 28

第二十八条

1. The export price shall be determined by the price actually paid or payable of the product under investigation when it is sold for export from the exporting country into the GCC market.

出口价格应根据被调查产品从出口国出口到海合会市场时的实付或应付价格确定。

1. In cases where there is no export price of the product under investigation or where it appears that the export price is unreliable because of association or a compensatory arrange- ment between the exporter and the importer or a third party, the export price may be constructed on the basis of the price at which the imported products are resold to first indepen- dent buyer, or if those products are not resold to an indepen- dent buyer, or not resold in the condition as they were imported, or any reasonable basis.

如被调查产品不存在出口价格，或者由于出口商与进口商或第三者之间的联合或补偿性安排，使得出口价格不可靠，则出口价格可在进口产品首次转售给一独立购买者的价格基础上推定，或如果该产品未转售给一独立购买者或未按进口时的状态转售，则可在合理基础上推定。

Article 29

第二十九条

1. A fair comparison shall be made between the export price and the normal value.

对出口价格和正常价值应进行公平比较。

1. This comparison shall be made at the same level of trade, nor- mally at the ex-factory level, and in respect of sales made as close as possible to the same time and with due account to be taken in consideration, the settlements for differences which affect price comparability. This comparison includes differ- ences in conditions and terms of sale, physical characteristics, import charges, taxation, quantities, level of trade, and any other differences which are claimed and also demonstrated by interested parties to affect prices and price comparability.

出口价格和正常价值的比较应在相同贸易水平上进行，通常是在出厂前的水平上进行，且应尽可能针对在相同时间进行的销售且进行适当考虑。这一比较包括在销售条件和条款、物理特征、进口费用、税收、数量、贸易水平等其他利害相关方主张和展示的能够证明影响价格可比性的差异。

1. If the export price is determined on the basis of the selling price of the product under investigation to the first independent buyer in the GCC market, allowances for costs, including duties and taxes, incurred between importation and resale, as well as profit margins accruing, shall also be made. If in this case, price com- parability has been affected, the normal value shall be calcu- lated at a level of trade equivalent to the level of trade of the constructed export price or due allowances shall be made for the differences mentioned in this Article.

如果出口价格根据海合会市场第一个独立购买者购买受调查的产品的销售价格进行确定，还应对进口和转售之间产生的费用(包括捐税)及所产生的利润幅度进行减免。如在这些情况下价格的可比性已经受到影响，则应在与推定的出口价格相同的贸易水平上确定正常价值，或应根据本条进行适当减免。

Article 30

第三十条

1. The existence of dumping margins during the period of the inves- tigation phase shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable exports of product under investigation to the GCC market, or by a comparison of normal value and export price on a transaction-to-transaction basis.

调查阶段倾销幅度的存在通常应在对加权平均正常价值与全部可比出口交易的加权平均价格（出口至海合会的受调查的产品）进行比较的基础上确定，或在逐笔交易的基础上对正常价值与出口价格进行比较而确定。

1. A normal value established on a weighted average basis may be compared to prices of individual export transactions to the GCC market, if there is a pattern of export prices which differ significantly among different purchasers, regions or time period, and if using the methods in paragraph 1 would not reflect the dumping being practiced.

如一种出口价格在不同购买者、地区或时间之间差异很大，且使用第一款的方式不能反映正在实行的倾销，则在加权平均基础上确定的正常价值可以与单笔出口至海合会市场的交易价格进行比较。

1. Dumping margin shall be determined based on the amount by which the normal value exceeds the export price. An individual dumping margin shall be determined for each known exporter or producer concerned by the product under investigation.

倾销幅度应当根据正常价值超过出口价格的数额确定。被调查产品的每个已知出口商或生产者应确定单独的倾销幅度。

1. Notwithstanding paragraph 3 of this Article, in cases where the number of exporters, producers, importers, or types of products involved or trade transactions is so large as to make it impracticable to determine an individual dumping margin for each known exporter or producer, the investigation may be limited to an examination of a reasonable number of interested parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest percentage of the volume of production, sales or exports which can reasonably be investigated within the time-limit.

根据第三款的规定，在出口商、生产者、进口商的数量或所涉及的产品种类或买卖交易特别多，而使对每个已知的出口商和生产者确定单独倾销幅度不实际时，调查可仅限于对合理数量的利害关系方、被调查产品或交易。方法是使用在抽样时可获得的信息统计上的有效样本，或以可在现有时间内进行合理调查的生产、产量或销售量的最大百分比。

1. When an investigation is limited to a representative sample in accordance with this Article and Article 13, any anti- dumping measures applied to imports from exporters or pro- ducers which have made themselves known but not included in the sample shall not exceed the weighted average dumping margin established with respect to the selected exporters or producers provided that any zero, de minimis margins, and margins established in circumstances referred to in Article 26 shall be disregarded.

根据本条和第13条的规定，只对有代表性的样本进行调查，对于已知但是没有包括在样本里的出口商或生产者采取的反倾销措施不得超过根据被抽中的出口商或生产者确定的加权平均倾销幅度，但在第26条所述情况下确定的任何为零、微量倾销和幅度均应不予考虑。

1. In cases where the examination is limited in accordance with this Article and Article 13, individual determinations of the dumping margin shall be made for any exporter or producer not initially selected who submits the necessary information within the time-limit for that information to be considered during the investigation except where the number of export- ers or producers is so large that individual examinations would be unduly burdensome to the authorities and prevent timely completion of the investigation.

根据本条和第13条的规定的限制审查范围时，仍应对及时提交在调查过程中将进行考虑的必要信息的、但最初未被抽中的任何出口商或生产者单独确定倾销幅度，除非出口商或生产者的数目特别大，使单独审查给主管机关带来过分的负担并妨碍调查的及时完成。

Section II Determination of Injury

第二节 损害的确定

Article 31

第三十一条

A determination of material injury shall be based on an objective examination of all positive evidence of the following:

实质损害的确定应当基于对以下所有肯定性证据的客观审查：

1. The volume of dumped imports and its effect on prices in the GCC domestic market for like products and they can be determined by evaluating the following factors:

倾销进口产品的数量及其对海合会国内市场同类产品价格的影响，可以通过衡量下列因素来确定：

1. With regard to the volume of the dumped imports, consider- ation shall be given to whether there has been a significant increase in dumped imports, either in absolute terms or rel- ative to production or consumption in the GCC market.

关于倾销进口产品的数量，应考虑倾销进口产品的绝对数量或相对于海合会市场中生产或消费的数量是否大幅增加。

1. With regard to the effect of the dumped imports on sales prices of the like product in the GCC market, considera- tion shall be given to whether:

关于倾销产品进口对海合会市场同类产品销售价格的影响，应当考虑：

1. There has been a significant price undercutting by dumped imports when compared with the price of the domestic like product;

与国内同类产品的价格相比，倾销进口产品是否大幅削低价格

1. Whether the effect of such imports is otherwise to depress prices to a significant degree; or

进口产品的影响是否来自大幅压低价格；或者

1. Whether the effect of such imports is to prevent price increases, which otherwise would have occurred, to a significant degree.

进口产品的影响是否在很大程度上抑制在其他情况下本应发生的价格增加

No one or several of the factors identified in paragraph 1 of this Article can necessarily provide decisive guidance.

本条第一款指出的因素中的一个或多个均未必能够给予决定性的指导。

1. The impact of the dumped imports on the GCC industry concerned, through an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including:

通过对影响产业状况的所有有关经济因素和指标的评估，倾销进口产品对海合会产业的影响包括：

1. Actual and potential decline in sales, profits, production, market share, productivity, return on investments, or utili- zation of capacity;

销售、利润、产量、市场份额、生产力、投资收益或设备利用率实际和潜在的下降；

1. Factors affecting GCC prices; actual and potential nega- tive effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments; and

影响海合会价格的因素；对现金流动、库存、就业、工资、增长、筹措资金或投资能力的实际和潜在的消极影响；以及

1. The magnitude of the dumping margin.

倾销幅度大小

This list is not exhaustive, nor can any one or more of these factors necessarily give decisive guidance.

清单中的因素是不完全列举，这些因素中的一个或多个均未必能给予决定性的指导。

1. The effect of the dumped imports shall be assessed in relation to the production of the GCC industry of the like product when available data permit separate identification of that pro- duction on the basis of criteria such as the production process and producers’ sales and profits. If such separate identification of production is not possible, the evaluation of the impact of dumped imports should be undertaken by searching in narrow- est group or range of products which include the like product for which the necessary information can be provided.

如果可获得数据能够根据工序、生产者的销售和利润等标准为基础，可分别确认同类产品在海合会各成员国国内的生产数据，则补贴进口产品的影响应与该生产数据相比较进行评估。如不能分别确认该生产数据，则补贴进口产品的影响应通过审查包含同类产品的最小产品组成或产品类别的生产而进行评估，且能够获得上述产品的必要数据信息。

Article 32

第三十二条

1. A determination of a threat of material injury on the GCC industry concerned shall be based on facts and not merely on allegation, conjecture or remote possibility and on an exami- nation of whether such injury is clearly foreseen and imminent. Taking into account the following:

对海合会相关产业的实质损害威胁的确定应依据事实，而不是仅依据指控、推测或极小的可能性；应当审查这样的损害是否是能够明显预见且迫近的。应考虑下列因素：

1. A significant rate of increase of dumped imports into the GCC market indicating the likelihood of substantially increased importations;

倾销进口产品进入海合会市场的大幅增长率，表明进口实质增加的可能性；

1. Sufficient freely disposable capacity of the exporter or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased dumping exports to the GCC market, taking into account the availability of other export markets to absorb any additional exports;

出口商可任意增加的、或即将实质增加的生产能力，表明倾销出口产品进入海合会市场实质增加的可能性，同时考虑通过其他国家出口市场增加额外出口的可操作性和可能性；

1. Whether imports are entering at prices that will have a sig- nificant depressing or suppressing effect on domestic prices and would likely increase demand for further imports; and

进口产品是否以对国内价格产生大幅度抑制或压低影响，是否会增加对更多进口产品的需求；以及

d. Inventories of the product under investigation.

被调查产品的库存情况

1. Other relevant factors that are supported by sufficient evi- dence may be taken into consideration, however no one or several of these factors listed above, alone or in combination, can necessarily give decisive guidance but the totality of the factors considered must lead to a conclusion that more dumped exports are imminent and that, unless preventative action is taken, material injury will occur.

其他有充足证据支撑的相关因素也应当被考虑，但是这些因素中的任何一个本身都未必能够给予决定性的指导，但被考虑因素作为整体必须得出如下结论，即更多的倾销出口产品是迫近的，且除非采取保护性行动，否则实质损害将会发生。

Article 33

第三十三条

1. It must be demonstrated, that injuries caused to concerned GCC industry resulting from dumped imports and they are not related to other reasons.

必须证明，对于海合会相关产业的损害是由倾销进口产品造成的，而与其他原因无关。

1. Known factors other than dumped imports, which are at the same time injuring the concerned GCC industry, shall be examined, and injuries caused by these other factors must not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia:

应当审查除了倾销进口产品外的，同时在损害相关海合会产业的任何已知因素，而且这些已知因素造成的损害不得归因于倾销进口产品。在这方面可能相关的因素包括：

1. The volume and prices of imports not sold at dumped prices;

未以倾销价格销售的进口产品的数量和价格

1. Contraction in demand or changes in the patterns of con- sumption;

需求的减少或消费模式的变化

1. Commercial restriction and competitions between GCC

and foreign producers;

外国与海合会生产者的限制贸易的做法及它们之间的竞争

1. Developments in technologies; and

技术发展；以及

1. The export performance and productivity of the GCC

industry.

海合会产业的出口实绩和生产率。

Article 34

第三十四条

Where imports of a product from more than one country are simultaneously subjected to an anti-dumping investigation, the effects of such imports shall be cumulatively assessed only if it is determined that:

对从两个及以上国家进口的同一产品同时进行反倾销调查时，则必须确定以下内容后，方可累积评估此类进口产品的影响：

1. The margin of dumping established in relation to the imports from each country is more than the de minimis dumping margin, two percent (2%) or more of the export price;

对来自每一国家的进口产品的倾销幅度已确定超过最低限度，即出口价格的2%或以上；

1. The volume of the dumped imports from each country is not negligible: three percent (3%) or more from total of the GCC imports of the product under investigation; and

来自每一国家的倾销进口产品的数量不可忽略不计：达到海合会进口被调查产品的总数的3%或以上；且

1. A cumulative assessment of the effects of the imports is appro- priate in light of the conditions of competition between the imported products from concerned countries and the conditions of competition between the imports and the like GCC product.

根据进口产品的竞争条件和进口产品与海合会同类产品之间的竞争条件，对进口影响所做的累积评估是合理适当的。

Article 35

第三十五条

A recommendation of immediate termination of the investi- gation shall be made without imposing any measures in the fol- lowing circumstances:

下列情形时应当建议立即终止调查且不采取任何措施：

1. Withdrawal of the complaint, unless where such termination is against GCC interest.

撤回申请，除非终止不符合海合会各成员国的利益。

1. There is no sufficient evidence for the existence of dumping, injury or causal link between them to justify the continuation of an investigation.

没有足够证据证明存在倾销、损害或两者之间存在因果关系，因此没有理由继续进行调查。

1. When the dumping margin is de minimis. It shall be consid- ered to be de minimis if the dumping margin is less than two percent (2%), expressed as a percentage of the export price.

倾销幅度属微量。如倾销幅度按出口价格的百分比表示小于2％，则该幅度应被视为微量。

1. If the volume of dumped imports of the product under investi- gation from a particular country is negligible i.e. less than three percent (3%) of the total imports of the product under investi- gation to GCC market, unless imports from all countries under investigation which individually account for less than three percent (3%) of the total imports of the product under investi- gation collectively account for more than seven (7%) percent of imports of the product under investigation to GCC market.

倾销受调查的进口产品的数量可忽略不计，即低于被调查产品进入海合会市场总量的3%，除非正在调查的来自每个国家的进口产品数量低于被调查产品总进口数量的3%，但其进口数量总额超过了进入海合会市场的被调查产品的7%。

Section IV Price Undertakings

第四节 价格承诺

Article 39

第三十九条

1. Upon the approval of the Permanent Committee, an investi- gation may be suspended or terminated without the imposi- tion of anti-dumping measures when the Technical Secretar- iat receives a satisfactory voluntary undertaking from any exporters, which eliminates the injurious effect of the dump- ing. Such undertakings shall take the following forms:

经常设委员会同意，调查程序可以中止或终止而不采取反倾销临时措施，如技术秘书处收到出口商符合要求的自愿承诺，即承诺消除倾销的损害性影响。此类承诺应当采用以下形式：

1. The commitment of an exporter to increase prices of the product under investigation into Member States in order to eliminate the dumping margin.

为了消除倾销幅度，出口商承诺提高进入各成员国的被调查产品的价格。

1. The commitment of an exporter to cease exports at dumped prices to Member States of the products under investigation.

出口商承诺停止以倾销价格将被调查产品出口至各成员国。

1. Price undertakings shall not be sought or accepted from exports unless a preliminary affirmative determination of dumping, injury, and causal link has been made.

除非对倾销、倾销所造成的损害以及因果关系做出肯定的初步裁定，否则不得寻求或接受出口商的价格承诺

1. Undertakings offered need not be accepted if their accep- tance is considered impractical, because the number of actual or potential exporters is too great, or for any other reasons, including reasons of general policy. Should the case arise and when practicable, the exporter shall be provided with the reasons that have led to a consideration that acceptance an undertaking would be inappropriate and shall, to the extent possible, be given an opportunity to make written comments thereon.

如（主管机关）认为接受价格承诺不可行，则不必接受所提承诺，例如由于实际或潜在的出口商数量过大，或由于其他原因（包括一般政策原因）。如发生此种情况且在可行的情况下，（主管机关）应向出口商说明其认为不宜接受承诺的理由，并应在可能的限度内给予出口商就此发表意见的机会。

1. Parties that offer an undertaking shall be required to provide a non-confidential version of such undertakings, so that it may be made available to interested parties of the investigation on request.

做出承诺的各方应提供此类承诺的非保密版本，以便应要求向被调查产品的利害相关方提供。

1. Undertakings may be suggested by the Technical Secretariat to exporters but no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer such undertakings, or do not accept an invitation to do so, shall in no way prejudice the consideration of the case. However, it may be determined that a threat of injury is more likely to be realized if the dumped imports continue.

价格承诺可由技术秘书处向出口商提出建议，但不得强迫出口商做出承诺。出口商不提出价格承诺或不接受承诺邀请的事实，决不能有损于对案件的调查。但是，如倾销进口产品继续发生，则技术秘书处有权做出实质损害威胁有可能发生的裁定。

Article 40

第四十条

1. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping. Price undertakings shall remain in force only as long as they are necessary to counteract the injurious effect of the dumping.

价格承诺的提价不得超过抵消倾销幅度所必需的限度。价格承诺应仅在抵消造成损害的倾销所必需的限度内实施。

1. Where price undertakings are accepted, the investigation of dumping and injury shall nevertheless be completed if an exporter so desires or the Technical Secretariat so decides. In such a case:

出口商同意或技术秘书处做出决定，在价格承诺的条款被接受时，则表明倾销和损害的调查程序完结。情形如下：

1. If a negative determination of dumping or injury is made by the Permanent Committee, the price undertaking shall automatically lapse. Except in cases where such a deter- mination is due in large part to the existence of such an undertaking. In such cases it may be required that an undertaking be maintained for a reasonable period consis- tent with the provisions of these Rules of Implementation.

如常设委员会做出关于倾销或损害的否定裁定，价格承诺则自动失效，除非否定裁定主要是由于达成价格承诺而做出的。在此情形下，可要求在与实施细则的规定相一致的合理期限内维持承诺。

1. In the event that an affirmative determination of dumping and injury is made by the Permanent Committee, the undertaking shall continue consistent with its terms and the provisions of these Rules of Implementation.

如常设委员会做出关于倾销和损害的肯定裁定，则承诺应按其条件和实施细则的规定继续有效。

Article 41

第四十一条

1. Any exporter from whom undertakings have been accepted shall provide periodically to the Technical Secretariat infor- mation relevant to the fulfillment of such undertakings and shall permit verification of pertinent data. Failure to comply with such requirements shall be deemed to be a violation of the undertakings.

承诺已被接受的任何出口商应定期向技术秘书处提供有关履行价格承诺的信息，并允许核查有关数据。违反这些要求的，应被视为违反承诺。

1. If it is noticed that the price undertaking is violated, a report may be submitted to the Permanent Committee to impose provisional duties in accordance with Article 36 of these Rules of Implementation on the basis of the best information available. In such a case, definitive anti-dumping duties may be retroactively levied on goods entered for consumption, from the date of violation, no more than ninety (90) days before the application of provisional measures.

如发现违反价格承诺，应根据可获得的最佳信息向常设委员会报告，根据实施细则第36条征收临时关税。在此类情况下，可以从违反之日起，对实施临时措施前90天内进口供消费的产品追溯征收最终反倾销税。

1. If it is noticed that the price undertaking is violated by any exporter, the Permanent Committee may automatically apply the provisional and definitive duty which has been already imposed on other exporters provided that the exporter has been given an opportunity to comment and unless he has withdrawn the undertakings.

如果发现任何出口商违反了价格承诺，常设委员会可以在给予出口商就此发表意见的条件下自动适用已经强加给其他出口商的临时和最终税，除非出口商已撤回承诺。

Section V Retroactivity

第五节 溯及力

Article 42

第四十二条

1. Provisional measures and definitive anti-dumping duties shall only be applied to products imported for consumption from the date of imposition, subject to the exceptions in par- agraph 2 of this Article, and Articles 44 and 45 of these Rules of Implementation.

临时措施和最终反倾销税仅适用于自实施之日起进口供消费的产品，但需遵守本条第2款和实施细则的第44条和第45条的例外。

1. The Ministerial Committee may, acting on a proposal sub- mitted by the Permanent Committee, impose definitive anti- dumping duties retroactively for the period for which provi- sional measures have been applied, where:

部长委员会可根据常设委员会的提案，对于已经采取临时措施的期间追溯征收最终反倾销税，包括：

1. A final determination of material injury has been made.

实质损害的最终裁定已经做出

1. A final determination of threat of material injury has been made: where it is considered that the effect of the dumped imports would, in the absence of the provisional meas- ures, lead to a determination of material injury.

已经做出损害威胁的最终裁定，认为如不采取临时措施，倾销产品进口的影响将确定造成实质损害。

Article 43

第四十三条

1. Where the definitive anti-dumping duty is higher than the provisional duty paid or payable, or the amount estimated for the purpose of security, the difference shall not be col- lected. If the definitive duty is lower than the provisional duty paid or payable, or the amount estimated for the pur- pose of security, difference shall be reimbursed or the duty recalculated.

如最终反倾销税高于己付或应付的临时税或为担保目的而估算的金额，则差额部分不得收取。如最终反倾销税低于已付或应付临时税或为担保目的而估算的金额，则差额部分应当退还或者重新计算税额。

1. Where a final determination is negative, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner

如最终裁定为否定性的，则在实施临时措施期间所交纳的现金保证金应迅速予以退还，任何保函应迅速予以解除。

Article 44

第四十四条

Except as provided in paragraph (2b) of Article 42, where a final determination of threat of material injury or material retar-dation has been made, but no injury has yet occurred, a definitive anti-dumping duty may be imposed only from the date of the final determination of a threat of material injury or material retardation of the establishment of a GCC industry. Any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds shall be released in an expeditious manner.

除第42条第2.b款的规定外，如做出实质损害威胁或实质阻碍的裁定（但未发生损害)，则最终反倾销税只能自做出实质损害威胁或实质阻碍建立海合会产业的裁定之日起征收。在实施临时措施期间所交纳的任何现金保证金应迅速予以退还，任何保函应迅速予以解除。

Article 45

第四十五条

A definitive anti-dumping duty may be levied on products which were entered to the Member States for consumption not more than ninety (90) days prior to the date of application of provisional measures but not prior to the date of initiation of the investigation provided that:

满足下列条件时，可以对在实施临时措施之日前90天内进口至成员国供消费的产品征收反倾销税，但是不得早于调查开始之日：

1. There is a history of dumping for the product under investiga- tion prior to the period of investigation initiation or that the importer was, or should have been aware, that the exporter practices dumping and that such dumping would cause injury; and

被调查产品有在发起调查之前造成倾销的历史记录，或进口商已经知道或应当知道出口商实施倾销，且倾销会造成损害；

1. The injury is caused by massive dumped imports of a product in a relatively short period of time which, in light of the tim- ing and the volume of the dumped imports and other circum- stances such as a rapid build-up of inventories of the imported product, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied, provided that the importers concerned have been given an opportunity to comment.

损害是由在相对较短时期内倾销产品的大量进口造成的，根据倾销产品的时间和数量及其他情况（例如进口产品的库存快速增加），该倾销产品可能会严重破坏即将实施的最终反倾销税的救济效果，且只要已经给予有关进口商发表意见的机会。

1. The Permanent Committee may, after initiating an investiga- tion, take such measures as the withholding of appraisement or assessment as may be necessary to collect anti-dumping duties retroactively, as provided in this Article, once it has suf- ficient evidence that the conditions set forth in this Article are satisfied.

常设委员会在发起调查后，如有充分证据证明本条所列条件得到满足，即可采取本条规定的追溯征收反倾销税，依据必要的预扣估算的倾销幅度。

Section VI

Review of Anti-dumping Measures

第六节 反倾销措施的复审

Article 46

第四十六条

1. At any time and where warranted, the Permanent Committee may, on its own initiative, at the request of a Member State, or on a proposal of the Technical Secretariat review the need for continuing the imposition of the definitive anti-dumping duties. Any interested party may submit a written request to review the need for continuing the imposition of the defini- tive anti-dumping duties, provided that a reasonable period of time of at least one year has elapsed since the imposition of the definitive anti-dumping duties, and shall contain posi- tive information substantiating the need for such a review.

在任何有正当理由的情况下，常设委员会可以根据会员国的请求或根据技术秘书处的提议，可自行复审继续征收最终反倾销税的必要性。任何利害关系方均可提交书面请求复审是否需要继续征收反倾销税，条件是自征收最终反倾销税起至少经过一年的合理时间，并应包含证实需要进行复审的合理正当的证据材料。

1. The Technical Secretariat shall publish a notice of the initia- tion of the review in the Official Gazette.

技术秘书处应在《官方公报》上公布启动复审的公告。

1. A proposal of actions shall be submitted by the Permanent Committee to the Ministerial Committee no later than thirty (30) days prior the expiration of the review deadline. The proposal should be as follows:

在复审最后期限届满前三十（30）天内，常设委员会应向部长级委员会提出动议。该提案应如下：

1. A proposal shall be raised to the Ministerial Committee to repeal the anti-dumping measures immediately if the review determined that the imposition of anti-dumping duties is no longer warranted.

如果复审决定不再需要征收反倾销税，应立即向部长级委员会提出废除反倾销措施的建议。

1. To maintain or amend the anti-dumping measures if the review determined that dumping and/or injury would be likely to continue or recur if the measures were removed.

如果复审确定倾销和/或损害有可能继续或再次发生，则应维持或修改反倾销措施。

1. Any such review shall be carried out expeditiously and shall normally be concluded within twelve (12) months of the date of initiation of the review.

任何复审均须迅速进行，且通常在开始复审之日起12个月内完成。

Article 47

第四十七条

1. If products exported to Member States are subject to defini- tive anti-dumping duties, a review shall also be carried out for the purpose of determining individual dumping margins for new exporters or producers in the exporting country in question that did not export the product to the GCC during the period of investigation, provided that these exporters or producers can show that they are not related to any of the exporters or producers in the exporting country that are sub- ject to the anti-dumping duties.

如出口到成员国的产品被征收最终反倾销税，则应进行复审以确定所涉出口国中在调查期间未向海合会出口该产品的任何出口商或生产者的单独倾销幅度，只要这些出口商或生产者能够证明他们与出口国中该产品被征收反倾销税的任何出口商或生产者无关联。

1. No anti-dumping duties shall be levied on imports from such exporters or producers while the review is being carried out. However, the Permanent Committee may, upon a proposal of the Technical Secretariat, withhold appraisement custom or request guarantees to ensure that, should such a review result in a determination of dumping in respect of such pro- ducers or exporters, anti-dumping duties can be levied retro- actively to the date of the initiation of the review.

在进行审查期间，不得对来自此类出口商或生产者的进口产品征收反倾销税。但是，常设委员会可以根据技术秘书处的提议，预扣估算和/或要求做出担保，以保证在该审查确定此类出口商或生产者存在倾销时，能够自该审查开始之日起追溯征收反倾销税。

1. Such a review shall be initiated and carried out on an accel- erated basis and shall normally be completed within nine (9) months from its initiation and in any event no later than twelve (12) months of the date of initiation of the review.

任何复审应迅速发起并进行，且通常应在复审开始之日起9个月内完成，且不得迟于复审开始之日起12个月内。

Article 48

第四十八条

1. The Permanent Committee shall, on their own initiative, on a proposal of the Technical Secretariat, or upon a duly sub- stantiated request made by or on behalf of GCC domestic industry, no later than three (3) months prior to the expiry of the duties, initiate a review to determine that the expiration of the duties would be likely to result in a continuation or recurrence of dumping and injury.

在反倾销税终止前三个月内，常设委员会应根据技术秘书处的提议，或根据海合会国内产业或国内产业代表提出的有充分证据的请求，或自行进行复审，以确定反倾销税的终止是否可能导致倾销和损害的继续或再度发生。

1. The anti-dumping duties remain in force until the end of the review.

在复审结果裁定之前，可继续征税。

1. A proposal of actions shall be submitted by the Permanent Committee to the Ministerial Committee not later than thirty (30) days prior the expiration of review deadline as follows:

常设委员会应不迟于复审期限届满前30天内向部长级委员会提交以下动议：

1. A proposal shall be raised to the Ministerial Committee to repeal the anti-dumping measures, if the review deter- mined that the imposition of anti-dumping duties is no longer warranted

复审确定不再需要征收反倾销关税的，应向部长级委员会提出废除反倾销措施的建议。

1. To maintain the anti-dumping measures, if the review determined that dumping and injury would be likely to continue or recur if the measure were removed.

复审确定废除反倾销措施可能导致倾销和损害继续或再度发生的，应继续实施反倾销措施。

1. Any such review shall be carried out expeditiously and shall be concluded within twelve (12) months of the date of initia- tion of the review.

任何此类复审应迅速进行，且通常应在复审开始之日起12个月内完成。

1. In carrying out investigations, interested parties shall be pro- vided the opportunity to amplify, rebut or comment on the matters set out in the expiry review, and conclusions shall be reached with due account taken of all relevant and duly doc- umented evidence presented in relation to the question of whether the expiry of measures would be likely, or unlikely to lead to the continuation or recurrence of dumping and injury.

在进行调查时，应向利害关系方提供对到期审查中所列事项进行解释、反驳或发表评论的机会，并应将所有相关和适当的关于反倾销税的终止是否可能导致倾销的继续或再度发生的文件证据考虑在内时，方可做出裁定。

1. A notice of the initiation of the expiry review of anti- dumping measures shall be published in the Official Gazette.

《反倾销措施期满审查通知书》应在《官方公报》中公布。

7. Provisions of Articles 46, 47 and 48 shall be applied to price undertakings.

第四十六条、第四十七条和第四十八条的规定适用于价格承诺。

Chapter IV

Subsidy and Countervailing Measures

第四章 补贴和反补贴措施

Section I Determination of Subsidization

第一节 补贴的确定

Article 49

第四十九条

A subsidy shall be deemed to exist if:

如出现下列情况，应视为存在补贴：

1. There is direct or indirect financial contribution, by the gov- ernment of the country of origin or export or a public body, that confers a benefit to the recipient, i.e. where:

存在由原产国、出口国的政府或任何公共机构提供的直接或间接财政资助，即如果：

1. Government practice involves a direct transfer of funds (e.g. grants and loans), or potential direct transfers of funds or liabilities (e.g. loan guarantees);

涉及资金的直接转移（如赠款和贷款）、潜在的资金或债务的直接转移（如贷款担保）的政府做法；

1. Government revenue that is otherwise due is forgone or not collected (e.g. fiscal incentives such as tax (debit));

放弃或未征收在其他情况下应征收的政府税收（如税收抵免之类的财政鼓励）；

1. A government provides goods or services other than pub- lic infrastructure, or purchases goods;

政府提供公共基础设施以外的货物或服务，或购买货物；

1. A government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions mentioned in (a) to (c) above which, would normally be vested in the govern- ment and the practice in no real sense, differs from prac- tices normally followed by governments; or

政府向一筹资机构付款，或委托或指示一私营机构履行以上（a）至（c）列举的一种或多种通常应属于政府的职能，且此种做法与政府通常采用的做法并无实质差别；或

2. Any form that would support income or price in the sense of

Article XVI of GATT 1994.

存在GATT 1994第16条意义上的任何形式的收入或价格支持。

Article 50

第五十条

1. A subsidy, as defined in Article 49, shall be countervailable if such a subsidy is specific as defined in paragraphs 2, 3 and 4.

对于按第49条定义的补贴，只有在其依照第2款、第3款和第4款的规定属专向性补贴时，则此种补贴属可诉补贴。

1. In order to determine whether a subsidy is specific to an enter- prise or industry or group of enterprises or industries (hereinafter referred to as certain enterprises) within the jurisdiction of the granting authority, the following principles shall apply:

为确定补贴是否属对授予机关管辖范围内的企业或产业、或一组企业或产业（“某些企业”）的专向性补贴，应适用下列原则：

1. Where the granting authority, or the legislation pursuant to which the granting authority operates, explicitly limits access to a subsidy to certain enterprises, such subsidy shall be specific;

如授予机关或其运作所根据的立法将补贴的获得明确限于某些企业，则此种补贴应属专向性补贴；

1. Where the granting authority, or the legislation pursuant to which the granting authority operates, establishes objective criteria or conditions governing the eligibility for a subsidy and its amount, specificity in this case shall not exist, provided that the eligibility is automatic and that such criteria and conditions are strictly adhered to;

如授予机关或其运作所根据的立法制定适用于获得补贴资格和补贴数量的客观标准或条件，则不存在专向性，只要该资格为自动的，且此类标准和条件得到严格遵守。

1. If, notwithstanding any appearance of non-specificity resulting from the application of the principles laid down in subparagraphs (a) and (b), there are reasons to believe that the subsidy may in fact be specific, other factors may be considered. Such factors are:

如尽管因为适用（a）项和（b）项规定的原则而表现为非专向性补贴，但是有理由认为补贴可能事实上属专向性补贴，则可考虑其他因素。此类因素为：

- Use of a subsidy program by a limited number of certain enterprises or predominant use by certain enterprises.

有限数量的某些企业使用补贴计划或某些企业主要使用补贴。

- The granting authority gives disproportionately large amounts of subsidy to certain enterprises when compared with other enterprises, taking in consideration the diversi- fication of economic activities within the jurisdiction of the granting authority, as well as of the length of time dur- ing which the subsidy program has been in operation.

与其他企业相比给予某些企业不成比例的大量补贴。在适用本项时，应考虑授予机关管辖范围内经济活动的多样性程度，及已经实施补贴计划的持续时间

1. A subsidy which is limited to certain enterprises located within a designated geographical region within the jurisdiction of the granting authority shall be specific, but the setting or change of generally applicable tax rates by all levels of government entitled to do so shall not be deemed to be a specific subsidy for the purpose of these Rules of Implementation.

限于授予机关管辖范围内指定地理区域的某些企业的补贴属专向性补贴。但就本实施细则而言，不得将有资格的各级政府所采取的确定或改变普遍适用的税率的行动被视为专向性补贴。

1. Notwithstanding paragraphs 2 and 3, the following subsidies shall be deemed to be specific by their nature:

除第2和第3款的规定外，下列补贴根据其性质应被视为专向性补贴：

1. Subsidies contingent, in law or in fact, upon the level of exporting performance, whether solely or as one of several other conditions.

法律或事实上视出口实绩为唯一条件或多种其他条件之一而给予的补贴。

1. Subsidies contingent whether solely or as one of several other conditions, upon the use of domestic over imported goods.

视使用国产货物而非进口货物的情况为唯一条件或多种其他条件之一而给予的补贴。

Section II

Calculation of the Amount of the Countervailable Subsidy

第二节 反补贴金额的计算

Article 51

第五十一条

The amount of subsidy shall be calculated based on the fol- lowing rules:

补贴数额应根据以下规则计算：

1. Determine the total subsidy amount received by the recipient foreign producer or exporter from the subsidy or program in question and the portion of the total subsidy amount that is received during period of investigation.

确定外国生产商或出口商接收者在所涉补贴或方案中收到的补贴总额，以及在调查期间收到的补贴总额的部分。

1. Determine the individual amount of subsidization for each known foreign producer or exporter for the product under investigation.

确定每个已知外国生产商或出口商对被调查产品的个别补贴金额。

1. Taking into consideration paragraph 2 of this Article, where in case the number of exports, producers, importers or types of products involved or trade transactions is so large as to make it impracticable to determine an individual subsidy amount for each known foreign producer or exporter con- cerned of the product under investigation, the Technical Sec- retariat may limit its examination to a reasonable number of interested parties or products or trade transactions by using samples which are statistically valid on the basis of informa- tion available at the time of the selection, or to the largest percentage of production volume, sales or exports which can reasonably be investigated within the time available.

根据本条第2款，如果所涉产品的出口商、生产者、进口商或产品类型或贸易交易数量之多，以致无法确定每一已知外国生产商或出口商对所调查产品的个别补贴额，技术秘书处可将审查限于合理数量的利害关系方或产品或贸易交易，方法是基于抽样时可获得的符合统计学的有效样本，或基于在调查期内可获得的合理生产量、销售或出口的最大百分比。

1. Deduct from the amount of calculated subsidy any applica- tion fee, other costs incurred in order to qualify for, or to obtain the subsidy, or export taxes, duties or other charges levied on the export of the product under investigation to the Member States.

补贴额中应扣除各种申请费、为获得或达到补贴标准而产生的其他费用，或就被调查产品出口到各成员国而征收的出口税、关税或其他费用。

1. The amount of the subsidy shall be calculated per unit of the product under investigation exported to the Member States.

补贴额应按出口至各成员国的被调查产品的每一单位价格计算。

Article 52

第五十二条

The amount of subsidy received by the recipient shall be cal- culated in terms of the benefit conferred on the recipient.

接收方收到的补贴金额应根据授予接收方的利益计算。

As regards the calculation of benefit to the recipient, the fol- lowing rules shall apply:

关于接收方利益的计算，应适用以下规则：

1. Government provision of equity capital shall not be considered to confer a benefit, unless the investment can be regarded as inconsistent with the usual investment practice (including for the provision of risk capital) of private investors in the exporting country;

政府提供股本不得视为授予利益，除非投资决定可被视为与该成员领土内私营投资者的通常投资做法（包括提供风险资金）不一致；

1. Loans provided by a foreign government shall not be con- sidered to confer a benefit, unless there is a difference between the amount that the firm receiving the loan pays on the government loan and the amount that the firm would pay for a comparable commercial loan that the firm could actu- ally obtain on the market. In that event, the benefit shall be the difference between these two amounts;

政府提供贷款不得视为授予利益，除非接受贷款的公司支付政府贷款的金额不同于公司支付可实际从市场上获得的可比商业贷款的金额。在这种情况下，利益为两金额之差；

1. Loans guarantee by a foreign government shall not be con- sidered to confer a benefit, unless there is a difference between the amount that the firm receiving the guarantee pays on a loan guaranteed by the government and the amount that the firm would pay for a comparable commer- cial loan in the absence of the government guarantee. In this case the benefit shall be the difference between these two amounts, adjusted for any differences in fees;

政府提供贷款担保不得视为授予利益，除非获得担保的公司支付政府担保贷款的金额不同于公司支付无政府担保的可比商业贷款的金额。在这种情况下，利益为在调整任何费用差别后的两金额之差；

1. The provision of goods or services or purchase of goods by a government shall not be considered to confer a benefit, unless the provision is made for less than adequate remuner- ation or the purchase is made for more than adequate remu- neration. The adequacy of remuneration shall be determined in relation to prevailing market conditions for the product or service in question in the country of export or purchase including price, quality, availability, marketing, transporting and other sales and purchasing conditions.

政府提供货物或服务或购买货物不得视为授予利益，除非提供所得低于适当的报酬，或购买所付高于适当的报酬。报酬是否适当应与所涉货物或服务在提供国或购买国现行市场情况相比较后确定（包括价格、质量、可获性、适销性、运输和其他购销条件）。

Section III Determination of Injury

第三节 损害的确定

Article 53

第五十三条

A determination of GCC material injury shall be based on an objective examination of all of the positive evidence of the following:

对海合会实质损害的认定，应当以对下列所有肯定性证据的客观审查为基础：

1. The volume of the subsidized imports and its effect on prices in the GCC market for like products which would be indicated by assessing the following factors:

补贴进口产品的数量和补贴进口产品其对海合会市场同类产品价格的影响，将通过衡量下列因素来说明：

1. With regard to the volume of the subsidized imports, consider- ation shall be given to whether there has been a significant increase in subsidized imports, either in absolute terms or rela- tive to production or consumption in the GCC Member States.

关于补贴进口产品的数量，应考虑补贴进口产品的绝对数量或相对于海合会成员国中生产或消费的数量是否大幅增加。

1. With regard to the effect of the subsidized imports on prices in the GCC market for like products, consideration shall be given to whether:

关于补贴进口产品对海合会市场同类产品价格的影响，应考虑以下因素：

- There has been a significant price undercutting by subsi- dized imports as compared with the price of a domestic like products.

与国内同类产品的价格相比，补贴进口产品是否大幅削低价格。

- The effect of such imports is to depress prices to a sig- nificant degree; or

此类进口产品的影响是否是大幅压低价格；或

- Preventing the like products prices from increase, which would otherwise have occurred, if such imports does not exists.

是否是在很大程度上抑制了本应发生的同类产品的价格增加。

No one or combination of the factors identified in paragraph 1 of this Article can necessarily give decisive guidance.

本条第1款所确定的一个因素或多个因素共同作用均未必能给予决定性的指导。

1. The impact of the subsidized imports on the GCC industry concerned, through evaluation of all relevant economic fac- tors and indices that have a bearing on the state of the indus- try, including:

通过对影响产业状况的所有有关经济因素和指标的评估来审查补贴产品对海合会产业的影响，包括：

1. Actual and potential decline in sales, profits, outputs, mar- ket share, productivity, return on investments, or utiliza- tion of capacity;

销售、利润、产量、市场份额、生产力、投资收益或设备利用率的实际和潜在下降；

Factors affecting GCC prices; actual and potential nega- tive effects on cash flow, inventories, employment, investment, wages, growth, ability to raise capital; and

影响海合会国内产品价格的因素；对现金流、库存、就业、投资、工资、增值、筹措资金或投资能力的实际和潜在的消极影响；以及

1. In case of agriculture, whether there has been an increased burden on government support programs.

对于农产品案件，则为是否给政府支持计划增加了负担。

This list is not exhaustive, nor can one or more of these fac- tors necessarily give decisive guidance.

清单中的因素是不完全列举，这些因素中的一个或多个均未必能给予决定性的指导。

1. The effect of the subsidized imports shall be assessed in relation to the domestic production of the GCC industry of the like product when available data permit a separate identi- fication of that production on the basis of such criteria as the production process, producers’ sales and their profits. If sep- arate identification of production is not possible, assessment of subsidized imports’ impacts shall be made by searching in the nearest group or range of products, that includes the like product, where necessary data can be found.

如果可获得数据能够根据工序、生产者的销售和利润等标准为基础，可分别确认同类产品在海合会各成员国国内的生产数据，则补贴进口产品的影响应与该生产数据相比较进行评估。如不能分别确认该生产数据，则补贴进口产品的影响应通过审查包含同类产品的最小产品组成或产品类别的生产而进行评估，且能够获得上述产品的必要数据信息。

Article 54

1. A determination of a threat of material injury on the con- cerned GCC industry shall be based on facts and not merely on allegations, conjecture or remote possibilities and an assessment that such injury is clearly foreseen and immi- nent. Taking into consideration the following factors:

对相关海合会产业造成实质损害威胁的确定应依据案件事实，而不是仅依据指控、推测或极小的可能性。补贴将造成损害威胁的情形变化必须是能够明显预见且迫近的。在做出存在实质损害威胁的决定时，应特别考虑下列因素：

1. Nature of the subsidy in question and trade effects likely to arise therefrom;

所涉补贴的性质和因此可能产生的贸易影响；

1. A significant rate of increase of subsidized imports into the GCC market indicating the likelihood of substantially increased importation;

补贴进口产品进入海合会市场的大幅增长率，表明进口实质增加的可能性；

1. Sufficient freely disposable capacity of the exporter or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased subsidized exports to the GCC market, taking into account the avail- ability of other export markets to absorb any additional exports;

出口商可任意增加的、或即将实质增加的生产能力，表明补贴出口产品进入海合会市场实质增加的可能性，同时考虑通过其他国家出口市场增加额外出口的可操作性和可能性；

1. Whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for more imports; and

进口产品是否以对国内价格产生大幅度抑制或压低影响，是否会增加对更多进口产品的需求；以及

1. Inventories of products under investigation.

被调查产品的库存情况。

1. Other relevant factors supported by sufficient evidence may be taken into consideration, however no one of these factors listed above by itself can necessarily give decisive guidance, but the totality of the factors considered must lead to the con- clusion that further subsidized exports are imminent and that, unless protective action is taken, material injury will occur.

应考虑有充分证据证明的其他相关因素，但这些因素中的任何一个都未必能够给予决定性的指导，需要在被考虑因素的共同作用下得出如下结论，即更多的补贴出口产品是迫近的，且除非采取保护，否则将会造成实质损害。

Article 55

第五十五条

1. It must be demonstrated, from all the relevant evidence pre- sented in relation to injury, that the subsidized imports are causing injury to the GCC industry concerned.

必须通过所有与损害有关的证据证明，补贴进口产品正在对有关海合会产业造成损害。

1. Known factors other than the subsidized imports, which at the same time are injuring the concerned GCC industry, shall also be examined and the injuries caused by these other factors must not be attributed to the subsidized imports. Fac- tors which may be relevant in this respect include, inter alia:

除补贴进口产品外的、还应同时审查正在损害海合会产业的任何其他已知因素，且这些因素造成的损害不得归因于补贴进口产品。在这方面可能有关的因素包括：

1. The volume and prices of non-subsidized imports;

未接受补贴产品的进口数量和价格；

1. Contraction in demand or changes in the patterns of con- sumption;

需求的减少或消费模式的变化

1. Commercial restrictions and competition between GCC

and foreign producers;

其他国家和海合会生产者的商业限制及它们之间的竞争

1. Developments in technologies; and

技术发展以及

e. The export performance and productivity of the GCC

industry.

海合会产业的出口实绩和生产率

Article 56

第五十六条

In determination of injury caused by subsidized imports from more than one country, the effect of such imports shall be cumulatively assessed only if it is determined that:

对从两个及以上国家进口的同一产品同时进行反补贴调查时，则必须确定以下内容后，方可累积评估此类进口产品的影响：

1. The amount of subsidization established in relation to the imports from each country is more than de minimis;

对来自每一国家的进口产品的补贴金额已确定超过最低限度；

1. The volume of subsidized imports from each country is not negligible; and

来自每一国家的进口数量不可忽略；以及

1. A cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between the imported products and the conditions of competition between the imports and the like GCC product.

根据进口产品的竞争条件和进口产品与海合会同类产品之间的竞争条件，对进口影响所做的累积评估是合理适当的。

Article 57

第五十七条

A recommendation of immediate termination of the investi- gation shall be made without imposing any measures in the fol- lowing conditions:

下列情形时应当建议立即终止调查，而不采取任何措施：

1. Withdrawal of the complaint unless such termination is not in the interest of GCC Member States.

撤回申请，除非终止不符合海合会各成员国的利益。

1. There is no sufficient evidence for the existence of subsidy, injury, or causal link between them to justify the continua- tion of an investigation.

没有足够证据证明存在倾销、损害或两者之间存在因果关系，因此没有理由继续进行调查。

1. When the amount of subsidy is de minimis, i.e. less than one percent (1%) ad valorem and in case of a subsidy from a developing country, the overall level of subsidies granted upon the product in question does not exceed two percent (2%) of its value calculated on a per unit basis;

如补贴金额属微量，即补贴不足从价金额的1％，或补贴来自发展中国家时，对进口产品给予的补贴总额不超过按每单位计算的进口产品的正常价值的2%；

1. There shall be immediate termination of the investigation, where the volume of subsidized imports, actual or potential is negligible.

补贴金额属微量或补贴进口产品的实际或潜在数量或损害可忽略不计，则应立即终止调查。

In cases of subsidized imports from a developing countries, imports shall be considered to be negligible if the volume of the sub- sidized imports represents less than four percent (4%) of the total imports of the product under investigation in the GCC countries, unless imports from developing countries whose individual shares of total imports represent less than four percent (4%) collectively account for more than nine percent (9%) of the total imports of the product under investigation in the importing GCC Member States.

如果补贴来自发展中国家，进口补贴数量占海合会被调查产品进口总量的4%以下，则可视为忽略不计，除非从发展中国家的进口总额在进口总额中所占份额不足4%，占被调查产品进口总额的9%以上。

In cases of subsidized imports from developed countries, imports shall be considered to be negligible if the volume of the subsidized imports represents less than one percent (1%) of the total imports of the product under investigation in the GCC countries, unless imports from developed countries whose indi- vidual shares of total imports represent less than one percent (1%) collectively account for more than three percent (3%) of the total imports of the product under investigation in the import- ing GCC Member States.

如果补贴来自发达国家，进口补贴数量少于海合会国家被调查产品进口总额的1%，则视为可以忽略不计，除非从发达国家的进口总额在进口总额中所占份额不足1%，占被调查产品进口总额的3%以上。

Section IV Countervailing Measures

第四节 反补贴措施

Article 58

第五十八条

1. The Permanent Committee may impose provisional meas- ures if:

在下列情况下，常设委员会可实施临时措施：

1. An investigation has been initiated and a public notice has been published in the Official Gazette;

调查程序已经启动，并在官方公报上刊登公告；

1. Interested parties have been given adequate opportunities to submit information and make comments; and

已充分给予利害关系方提交资料和表述评议的机会；

1. A preliminary affirmative determination has been made that a subsidy exists and that there is injury to a GCC industry caused by subsidized imports; and that provi- sional measures are necessary to prevent injury being caused during the investigation. However, a preliminary negative determination of existence of subsidy does not necessarily lead to termination of an investigation, but no provisional measures shall be imposed in such a case.

已确认存在补贴和存在补贴进口产品对海合会产业造成损害并作出肯定的初步裁定；且判定此类措施在调查期间可以防止造成损害。然而，否定的初步裁定不一定会导致调查终止，但在这种情况下不得采取临时措施。

1. Provisional measures may take the form of a provisional cus- toms duty, or preferably, a security-by cash deposit or bonds- not greater than the subsidy amount provisionally estimated. Provided that provisional measures shall not be applied sooner than sixty (60) days from the initiation of the investigation.

临时措施可采取征收临时反补贴税的形式，或更可以采取现金保证金或保函等担保形式，其金额不高于临时估算的倾销幅度。实施临时措施不得早于调查开始之日起60天。

1. The application of provisional measures shall be limited to as short a period as possible, not exceeding four (4) months.

实施临时措施应尽可能限制在较短时间内，不得超过4个月。

Article 59

第五十九条

1. Definitive countervailing duties shall be imposed by the Ministerial Committee; acting on a proposal submitted by the Permanent Committee and shall not be greater than the amount of the countervailable subsidy established.

最终反补贴税应由部长级委员会征收；根据常设委员会的提案行事，且不得超过确定的反补贴金额。

1. Definitive countervailing duties are imposed on imports from all sources found to be subsidized and causing injury to the GCC industry, except in respect of imports from those sources from which price undertakings have been accepted.

对己被认定为补贴和造成海合会产业损害的所有来源产品征收最终反倾销税，但接受价格承诺的来源进口的产品除外。

1. Where provisional countervailing measures are in force, a proposal for definitive action shall be submitted to the Mini- sterial Committee not later than thirty (30) days before the expiry of the provisional measures.

在临时反补贴措施生效后，应在临时措施有效期届满前30天内向部长委员会提交最终措施的建议。

Article 60

第六十条

1. Countervailing measures shall remain in force only as long as, and to the extent that, it is necessary to counteract the subsidy which is causing injury.

反补贴措施应仅在抵消造成损害的补贴所必需的时间和限度内实施。

1. Definitive countervailing measures shall expire not later than five (5) years from its imposition or five (5) years from the date of the conclusion of the most recent review that was ini- tiated and addressed both the subsidy and injury, unless it is determined in such a review that the expiry would be likely to lead to a continuation or recurrence of subsidy and injury.

最终反补贴措施应在实施之日起，或在涉及补贴和损害的最近一次复审之日起5年内终止，除非复审裁定反补贴税的终止有可能导致补贴和损害的继续或再度发生。

Section V

Price undertakings

第五节 价格承诺

Article 61

第六十一条

1. Upon the approval of the Permanent Committee, an investi- gation may be suspended or terminated without the imposi- tion of countervailing measures after the Technical Secretar- iat receives satisfactory voluntary undertakings from export-ers, leading to the elimination of the injurious effect of the subsidy. Such undertakings shall take the following forms:

技术秘书处收到下列符合要求的自愿承诺后，经常设委员会批准，调查程序可以中止或终止，而不采取反补贴措施，从而消除补贴的损害性影响。此类承诺应当采用以下形式：

1. The government of the exporting country agrees to elimi- nate or limit the subsidy or take other measures concern- ing its effects;

出口国政府同意取消或限制补贴，或采取其他与此影响有关的措施；

1. The exporter undertakes to revise its prices so that the injurious effect of the subsidy is eliminated.

出口商同意修改价格，以消除补贴的损害性影响。

1. Price undertakings shall not be sought or accepted unless a preliminary affirmative determination of subsidization and injury that has been made.

除非己对补贴和补贴所造成的损害做出肯定的初步裁定，否则不得寻求或接受价格承诺。

1. Undertakings offered need not be accepted if their accep- tance is considered impractical, for example, if the number of actual or potential exporters is too great, or for other rea- sons, including reasons of general policy. Should the case arise and where practicable, the exporter shall be provided with the reasons that have led to consider the undertaking is inappropriate and shall be given an opportunity to make comments thereon.

如（主管机关）因实际或潜在的出口商数量过大，或由于其他原因（包括一般政策原因），认为接受价格承诺不可行，则不必接受所提承诺。如发生此种情况且在可行的情况下，出口商应当被告知不宜接受承诺的理由，并应在可能的限度内给予出口商就此发表意见的机会。

1. Parties that offer an undertaking shall be required to provide a non-confidential version of such undertakings, so that it may be made available to interested parties upon request.

做出承诺的各方应提供价格承诺的非保密版本，以便可根据请求提供给利害关系方。

1. Undertakings may be suggested by the Technical Secretariat to exporters but no exporter shall be forced to enter into such undertakings. The fact that exporters do not offer such undertak- ings or do not accept an invitation to do so, shall in no way prej- udice the consideration of the case. However, the Technical Sec- retariat shall be free to determine that a threat of material injury is more likely to be realized if the subsidized imports continue.

价格承诺可由技术秘书处向出口商提出建议，但不得强迫出口商做出承诺。出口商不提出价格承诺或不接受承诺邀请的事实，决不能有损于对案件的审查。但是，如补贴进口产品的情况继续发生，则技术秘书处有权做出实质损害威胁有可能发生的裁定。

Article 62

第六十二条

1. Price increases under such undertakings shall not be higher than necessary to eliminate the amount of the subsidy. Price undertakings shall remain in force as long as they are neces- sary to eliminate the injurious effects of the subsidy.

承诺的提价不得超过消除补贴金额所必需的限度。价格承诺应仅在抵消造成损害的倾销所必需的限度内实施。

1. Where price undertakings are accepted, the investigation of subsidization and injury shall nevertheless be completed if an exporter so desires or the Technical Secretariat so decides.

出口商同意或技术秘书处做出决定，在价格承诺的条款被接受时，则表明补贴和损害调查程序完结。

In such a case:

在此种情形下：

1. If a negative determination of subsidization or injury is made by the Permanent Committee, the price undertaking shall automatically lapse, except in cases where such a determination is due in large part to the existence of such undertaking. In such cases, it may be required that an undertaking be maintained for a reasonable period consis- tent with the provisions of these Rules of Implementation.

如常设委员会做出关于补贴或损害的否定裁定，价格承诺则自动失效，除非此种裁定主要是由于承诺达成而做出的。在此类情况下，可要求在与本实施细则规定相一致的合理期限内维持承诺。

1. In the event that an affirmative determination of subsidy and injury is made by the Permanent Committee, the undertaking shall continue consistent with its terms and the provisions of these Rules of Implementation.

如常设委员会做出关于补贴和损害的肯定裁定，则承诺应按其条件和本实施细则的规定继续有效。

Article 63

第六十三条

1. Exporter or governments of exporting countries from whom undertakings have been accepted shall periodically provide to the Technical Secretariat information relevant to the ful- fillment of undertaking and shall permit verification of perti- nent data. Failure to comply with such requirements shall be deemed to be a violation of the undertakings.

承诺己被接受的出口国政府或出口商应定期向技术秘书处提供有关履行该承诺的信息，并允许核实有关数据。不遵守此类要求的，应视为违反承诺。

1. If it is noticed that the price undertaking is violated, a report may be submitted to the Permanent Committee to impose provisional duties in accordance with Article 58 of these Rules of Implementation on the basis of the best information available. In such a case, definitive countervailing duties may be retroactively levied on goods entered for consump- tion, from the date of violation, but no more than ninety (90) days before the application of provisional measures.

如发现违反价格承诺，应根据可获得的最佳信息向常设委员会报告，将按照本实施细则第58条采取临时措施。在此类情况下，从违反之日起，对实施此临时措施前90天内进口的涉案产品征收最终反补贴税。

3. If it is noticed that the price undertaking is violated by any exporter, the Permanent Committee may automatically apply the provisional and definitive duty which has been already imposed on other exporters provided that the exporter has been given an opportunity to comment and unless he has withdrawn the undertakings.

如果发现任何出口商违反了价格承诺，常设委员会可以在给予出口商就此发表意见的条件下自动适用已经强加给其他出口商的临时和最终税，除非出口商已撤回承诺。

Section VI Retroactivity

第六节 溯及力

Article 64

第六十四条

1. Provisional measures and definitive countervailing duties shall only be applied to products that enter for consumption from the date of imposition, subject to the exceptions in par- agraph 2 of this Article and Articles 66 and 67 of these Rules of Implementation.

临时措施和反补贴税只适用于自征收之日起进口供消费的产品，但本条第2款和本实施细则第66和67条规定的例外情况除外。

1. The Ministerial Committee may, acting on a proposal sub- mitted by the Permanent Committee, impose definitive countervailing duties retroactively for the period for which provisional measures have been applied, where:

在下列情况下，部长委员会可根据常设委员会的提案，对已适用临时措施的期间追溯征收最终反补贴税：

1. A final determination of material injury has been made.

已经做出存在实质损害的最终裁定。

1. A Final determination of threat of material injury has been made, where it is considered that provisional measures, have led to a determination of material injury.

已经做出存在实质损害威胁的最终裁定，或者采取临时措施会导致做出存在实质损害的裁定。

Article 65

1. Where the definitive countervailing duty is higher than the provisional duty paid or payable, or the amount estimated for the purpose of security, the difference shall not be collected. If the definitive duty is lower than the provisional duty paid or payable, or the amount estimated for the purpose of security, difference shall be reimbursed or the duty recalculated.

如最终反补贴税高于己付或应付的临时税或为担保目的而估计的金额，则差额部分不得收取。如最终税低于已付或应付临时税或为担保目的而估计的金额，则差额部分应重新计算税额。

1. Where a final determination is negative, any cash deposit made during the period of the application of provisional measures shall be refunded and any bonds released in an expeditious manner.

如最终裁定为否定的，则在实施临时措施期间所交纳的现金保证金应迅速予以退还，任何保函应迅速予以解除。

Article 66

第六十六条

Except as provided in paragraph 2b of Article 64, where a final determination of threat of material injury or material retar- dation has been made, but no injury has yet occurred, a definitive countervailing duty may be imposed only from the date of the final determination of threat of material injury or material retar- dation. Any cash deposit made during the period of the applica- tion of provisional measures shall be refunded and any bonds shall be released in an expeditious manner.

除第42条第2.b款的规定外，如做出实质损害威胁或实质阻碍的裁定（但未发生损害)，则最终反倾销税只能自做出实质损害威胁或实质阻碍建的裁定之日起征收。在实施临时措施期间所交纳的任何现金保证金应迅速予以退还，任何保函应迅速予以解除。

Article 67

第六十七条

A definitive countervailing duty may be levied on products which were entered GCC Member States for consumption not more than ninety (90) days prior to the date of application of provisional measures but not prior to the date of the initiation of the investigation, provided that:

在下列情况下，可对实施临时措施前90天内进入海合会成员国供消费的产品征收最终反补贴税，但征收起算之日不得早于调查开始之日：

1. Injury which is difficult to repair is caused by massive imports in a relatively short period of a product benefiting from subsidies paid or bestowed according to the provisions of these Rules of Implementation; and

根据本实施细则的规定，难以补救的损害是指在相对短的时间内大量进口给予补贴的产品。

1. It is deemed necessary, in order to preclude the recurrence of such injury, to assess countervailing duties retroactively on those imports.

为了防止这种损害再次发生，认为有必要对进口产品追溯征收反补贴税。

Section VII

Review of Countervailing Measures

第七节 反补贴措施的复审

Article 68

第六十八条

1. At any time and where warranted, the Permanent Committee may, on its own initiative, at the request of a Member State, or on a proposal of the Technical Secretariat review the need for continuing the imposition of the definitive countervailing duties. Any interested party may submit a written request to review the need for continuing the imposition of the defini-tive countervailing duties, provided that a reasonable period of time of at least one year has elapsed since the imposition of the definitive countervailing duties, and that the request contains positive evidence substantiating the need for such a review.

在任何有正当理由的情况下，常设委员会可以根据成员国的请求或根据技术秘书处的提议，或自行复审继续征收最终反补贴的必要性。任何利害关系方均可提交书面请求复审是否需要继续征收反补贴税，条件是自实施最终反补贴税之日起至少经过一年的合理时间，并应包含证实需要进行复审的合理正当的证据材料。

1. The Technical Secretariat shall publish a notice of the initia- tion of the review in the Official Gazette.

技术秘书处应在《官方公报》上公布启动复审的公告

1. A proposal of actions about the results of the review shall be submitted by the Permanent Committee to the Ministerial Committee not later than thirty (30) days prior the expiration of the review deadline as follows:

在复审期限届满前30天内，常设委员会应向部长级委员会提出动议。该提案应如下：

1. A proposal shall be raised to the Ministerial Committee to repeal the countervailing measures if the review deter- mined that the imposition of the countervailing duties is no longer warranted.

如果复审决定不再需要征收反补贴税，应立即向部长级委员会提出废除反补贴措施的建议。

1. To maintain or amend the countervailing measures if the review determined that subsidy and/or injury would be likely to continue or recur if the measures were removed.

如果复审确定补贴和/或损害有可能继续或再次发生，则应维持或修改反补贴措施。

1. This review shall be carried out expeditiously and shall nor- mally be concluded within 12 months of the date of initia- tion of the review.

复审均须迅速进行，通常应在开始复审之日起12个月内完成。

Article 69

第六十九条

1. In cases where products subjects to definitive countervailing duties were exported to GCC Member State, a review shall also be carried out expeditiously for the purpose of deter- mining individual dumping margins for new exporters or producers in the exporting country in question, which did not export the product to the GCC during the period of investigation, provided that these exporters or producers can show that they are not related to any of the exporters or pro- ducers subject to the countervailing duties.

如出口到各成员国的产品被征收最终反补贴税，应迅速进行复审，以便确定所涉出口国在调查期间未向海合会出口该产品的任何出口商或生产者的单独倾销幅度，只要这些出口商或生产者能够证明他们与出口国中该产品被征收反补贴税的任何出口商或生产者无关联。

1. No countervailing duties shall be levied on imports from such exporters or producers while the review is being carried out. However, the Permanent Committee may, upon a propo- sal of the Technical Secretariat, withhold appraisement cus- tom or request guarantees to ensure that, should such a review result in a determination of the amount of subsidy relating to such producers or exporters, countervailing duties can be levied retroactively to the date of the initiation of the review.

在进行审查期间，不得对涉案出口商或生产者的进口产品征收反补贴税。但是，常设委员会可以根据技术秘书处的提议，预扣估算和/或要求做出担保，以保证在审查确定涉案出口商或生产者存在倾销时，能够自审查开始之日起追溯征收反倾销税。

1. Such a review shall be carried out on an accelerated basis and shall normally be completed within nine (9) months from its initiation and in any event no later than twelve (12) months of the date of initiation of the review.

任何复审应迅速发起并进行，通常应在复审开始之日起9个月内完成，且不得迟于复审开始之日起12个月内。

Article 70

第七十条

1. The Permanent Committee shall, on its own initiative, on a proposal of the Technical Secretariat, or upon a duly sub- stantiated request made by or on behalf of GCC domestic industry, no later than three (3) months prior to the expiry of the duties, initiate a review to determine that the expiration of the duties would be likely to result in a continuation or recurrence of subsidy and injury.

在反补贴税终止前三个月内，常设委员会应根据技术秘书处的提议，根据海合会国内产业或国内产业代表提出的有充分证据的请求，或自行进行复审，以确定反补贴税的终止是否可能导致倾销和损害的继续或再度发生。

1. The countervailing duties remain in force pending the out- come of such a review.

在复审裁定做出之前，可继续征反倾销税。

1. A proposal of actions shall be submitted by the Permanent Committee to the Ministerial Committee not later than thirty (30) days prior the expiration of the review deadline as fol- lows:

常设委员会应在复审期限届满前30天向部长级委员会提交动议如下：

1. A proposal shall be raised to the Ministerial to repeal the countervailing measures, if the review determined that the imposition of countervailing duties is no longer warranted

复审确定不再需要征收反补贴税的，应向部长级委员会提出废除反补贴措施的建议。

1. To maintain the countervailing measures, if the review determined that the subsidy and injury would be likely to continue or recur if the measures were removed.

复审确定如果废除反补贴措施可能导致补贴和损害继续或再度发生的，则应继续实施反补贴措施。

1. This review shall be carried out expeditiously and shall nor- mally be concluded within twelve (12) months of the date of initiation of the review.

复审应迅速进行，通常应在复审开始之日起12个月内完成。

1. In carrying out investigations, interested parties shall be pro- vided the opportunity to amplify, rebut or comment on the matters set out in the expiry review, and conclusions shall be reached with due account taken of all relevant evidence pre- sented in relation to the question of whether the expiry of measures would be likely, or unlikely to lead to the continu- ation or recurrence of subsidy and injury.

在进行调查时，应向利害关系方提供对到期审查中所列事项进行解释、反驳或发表评论的机会，并应将所有相关和适当的关于反补贴税的终止是否可能导致补贴的继续或再度发生的文件证据考虑在内时，方可做出裁定。

1. A notice of the initiation of the expiry review of countervail- ing measures shall be published in the Official Gazette.

《反补贴措施期满审查通知书》应在《官方公报》中公布。

1. Provisions of Articles 68, 69 and 70 shall be applied to price undertakings.

第六十八条、第六十九条和第七十条的规定适用于价格承诺。

Chapter V:

Safeguard Measures Against the Increase of Imports

第五章 防止进口增加的保障措施

Section I Determination of Injury

第一节 损害的确定

Article 71

第七十一条

1. A safeguard measure may be applied to a product being imported irrespective of its source, if it is established that such product is being imported in such increased quantities, absolute or relative to Member States production, and under such conditions as to cause or threaten to cause a serious injury to the GCC industry that produced like or directly competitive products.

只有确定正在进口至各海合会成员国的一产品数量与国内生产相比绝对或相对增加，且对生产同类或直接竞争产品的各成员国国内产业造成严重损害或严重损害威胁时，方可对该产品实施保障措施。保障措施应针对一正在进口的产品实施，而不考虑其来源。

1. A determination of whether the increase of imports has caused or are threatening to cause serious injury to the GCC industry shall be based on objective evidence and facts and an existence of a causal link between increased imports and serious injury or threat thereof, and by the evaluation of all relevant, objective and quantifiable factors having a bearing on the situation of the GCC industry, taking into considera- tion the following factors:

在确定增加的进口是否对海合会产业已经或正在威胁造成严重损害的调查中，应当根据客观证据证明有关产品增加的进口与严重损害或严重损害威胁之间存在因果关系，并评估影响海合会产业状况的所有有关的客观和可量化的因素：

1. The ratio and volume of increase in imports of the product under investigation, in absolute or relative terms to GCC production.

相对于海合会生产而言，被调查产品按绝对值和相对值计算的进口增加的比率和数量。

1. The impact of such increased imports on the GCC industry, including: sales level, production, productivity, capacity util- ization, inventory, profits, losses, labors and market share.

进口增长对海合会产业的影响包括：销售水平、生产、生产率、设备利用率、库存、利润、亏损、劳动力和市场份额。

1. The existence of the causal link between the increased imports of the product under investigation and serious injury or threat thereof shall be established. When factors other than increased imports are causing injury to GCC industry at the same time, such injury shall not be attributed to increased imports.

应确定所调查产品进口增加与严重损害或威胁之间是否存在因果关系。如除了增加的进口之外的因素正在同时对海合会产业造成损害，则此类损害不得归因于增加的进口。

Article 72

第七十二条

1. A determination of a threat of serious injury on the GCC industry because of the increased imports shall be based on facts and not merely on allegation, conjecture or remote pos- sibility and an examination of whether such injury is clearly foreseen and imminent.

因进口增加而对海合会产业造成严重损害的威胁的确定应根据事实，而非仅凭指控、推测或极小的可能性，并审查这种损害是否已清楚地预见到和即将发生。

1. When determining a threat of serious injury, the following factors shall be taken into consideration:

在确定严重损害威胁时，应考虑下列因素：

1. The rate of increase of imports into the GCC market indi- cating the likelihood of substantially increased imports;

进入海合会市场的进口增长率表明进口大幅度增加的可能性；

1. Sufficient freely disposable capacity in the exporting coun- tries or an imminent, substantial increase in such capacity indicating the likelihood of substantially increased exports to the GCC market;

出口商可任意增加的、或即将实质增加的生产能力，表明倾销出口产品进入海合会市场实质增加的可能性；

1. The availability of other export markets, excluding the

GCC market, that absorb any additional exports.

同时考虑通过其他国家出口市场，但不包括海合会市场，增加额外出口的可操作性和可能性；

1. Any other factors deemed relevant.

任何其他被认为相关的因素。

Section II

Application of Safeguard Measures

第二节 保障措施的实施

Article 73

第七十三条

When there are critical circumstances, the Permanent Com- mittee, upon a recommendation from the Technical Secretariat, may adopt provisional safeguard duties, if it is determined that the product under investigation is being imported in such increased quantities, absolute or relative to production, and under such conditions as to cause or threaten to cause serious injury to the GCC industry and that the delay in taking action would cause damage that would be difficult to repair.

在迟延会造成难以弥补的损害的紧急情况下，如果确定调查产品与成员国国内生产相比绝对或相对增加，对海合会产业造成严重损害或严重损害威胁，常设委员会可根据技术秘书处的建议，采取临时保障措施。

Article 74

第七十四条

A provisional safeguard duty shall take the form of tariff increases and take into account the following:

临时保障措施应采取提高关税的形式，并考虑到下列因素：

1. Provisional safeguard duties shall be applied for no more than two hundred (200) days, during which the pertinent requirement of the safeguard investigation according to these Rules of Implementation shall be fulfilled

临时保障措施的实施期限不得超过200天，在此期间应满足本实施细则规定的保障调查的有关要求。

1. Any amount collected as a provisional safeguard duty shall be promptly refunded, if the subsequent investigation does not result in a determination that increased imports have caused or threaten to cause serious injury to the GCC industry.

如果随后进行的调查未能确定增加的进口对海合会产业已经造成或威胁造成严重损害，则征收临时保障税应予迅速退还。

Article 75

第七十五条

1. The Permanent Committee, upon the Technical Secretariat conclusions that the absolute or relative increase of the imports of the product under investigation caused or threaten to cause serious injury to the GCC industry, may recommend to the Ministerial Committee to apply a definitive safeguard measure in the form of quantitative restriction and/or increase in customs duties or any other measures, taking into consideration that the definitive safeguard measure shall be applied to the extent necessary to prevent or remedy the serious injury caused or threaten to be caused to the GCC industry.

根据技术秘书处得出的被调查进口产品的绝对或相对增加会对海合会产业造成或威胁造成严重损害的结论，常设委员会可向部长委员会建议在防止或补救对海合会产业造成或威胁造成的严重损害的必要限度内以数量限制和/或增加关税或任何其他措施的形式实施一项保障措施。

1. If a quantitative restriction is used, the determined quantities shall not be less than the average of imports in the last three (3) representative years for which statistics are available, unless clear justification is given that a different level is nec- essary to prevent or remedy serious injury in GCC industry.

如果采用数量限制，所确定的数量不得低于可获得统计数据的、最近3个代表年份的平均进口水平，除非提出明确的正当理由表明为防止或补救对海合会产业的严重损害而有必要采用不同的水平。

1. In cases in which a quota is allocated among countries hav- ing a substantial interest in exporting the product under investigation, an agreement may be reached with these coun- tries to share these quotas.

在对出口被调查产品有实质利益的国家之间进行配额分配的情况下，这些国家可以通过达成协议来进行分配。

1. In cases in which the method mentioned in the preceding paragraph is not reasonably practicable, the quotas alloca- tion shall be based upon the proportions, imported from such countries during a previous representative period, of the total quantity or value of imports of the product under investiga- tion and due account shall be taken of any special factors which may have affected or may be affecting the trade in the product under investigation.

在前款规定的方法并非合理可行时，应当基于以往一代表期内的供应量占被调查产品进口总量或进口总值的比例进行配额分配。同时适当考虑可能已经或正在影响该产品贸易的任何特殊因素。

1. In cases in which serious injury has been found, and not a threat of serious injury, the allocation of the quotas may be made on different bases than those envisaged under para- graphs 3 and 4 above, provided that consultations are con- ducted under the auspices of the WTO Committee on Safe- guards and that clear demonstration is provided to the Com- mittee that:

如果发现有严重损害，而不存在严重损害的威胁，配额的分配可以与上文第3和第4段所规定的基础不同，条件是在世贸组织保障措施委员会的主持下进行磋商，并向委员会明确证明：

1. Imports from certain countries have increased in a dispro- portionate percentage to the total increase in imports of the investigated products during the representative period;

在代表期内，自某些成员进口增长的百分比与有关产品进口的总增长不成比例；

1. The reasons for the departure from the methodology of quota allocation envisaged under paragraph 3 and 4 above are justified; and

有正当理由背离第3和第4段规定的份额分配方式；

1. The conditions of such departure are equitable to all sup- pliers of the product under investigation. Such measures shall not be extended beyond the initial period in accor- dance with Article 77.

此种背离的条件对被调查产品的所有供应商是公正的。此种措施的期限不得延长超过第77条规定的最初期限。

Article 76

第七十六条

Safeguard measures shall not be applied against any product originating in a developing country Member of the WTO as long as its share of imports of the product under investigation in the GCC market does not exceed three percent (3%), and provided that developing countries with less than three percent (3%) import share collectively account for no more than nine percent (9%) of the total imports of the product under investigation.

对于来自WTO的发展中国家成员的产品，只要其在海合会市场的进口份额不超过3%，即不得对该产品实施保障措施，但是进口份额不超过3％的发展中国家成员份额总计不得超过被调查产品总进口的9％。

Section III

Duration of Definitive Safeguard Measures

第三节 最终保障措施的期限

Article 77

第七十七条

1. The definitive safeguard measures shall be applied for a period of no more than four (4) years, and they may be extended to ten (10) years. The total period of measures application should include the period of application of any provisional measures, the period of initial application, and any extension applied in accordance with these Rules of Implementation.

最终保障措施的实施期限不得超过4年，可延长至10年。措施实施的总期限应包括任何临时措施的实施期、最初实施期、以及根据本实施细则适用的任何延长。

1. No safeguard measure shall be applied again to the import of a product which has been subject to such a measure unless a period of time equal to half of the duration of such earlier measure has elapsed, provided that the period of non- application is at least two (2) years.

在与先前实施保障措施的期限一半相等的期限内，不得对其再次实施保障措施，但不实施的时间至少为两年。

1. Notwithstanding the provision of paragraph 2 above, a safeguard measure with a duration of one hundred and eighty (180) days or less may be applied again to the imports of a product which was the subject of an earlier safeguard measure if:

尽管有第2款的规定，但是期限等于或少于180天的保障措施可对曾被采取保障措施的进口产品再次实施，如果：

1. At least one year has elapsed since the date of the imposi- tion of the earlier safeguard measure on the imports of that product; and

自对该产品的进口采用保障措施之日起己至少过去一年；且

1. Such safeguard measure has not been applied on the same product more than twice in the five (5) years period imme- diately preceding the date of introduction of the new safe- guard measure.

自采用新保障措施之日起5年期限内，该措施未对同一产品实施两次以上。

Article 78

第七十八条

1. Extending the application of the definitive safeguard meas- ures shall depend on the result of a new investigation con- ducted in accordance of the same provisions set forth in Chapters 2 and 5 of these Rules of Implementation that dem- onstrates that the continuation of the safeguard measures is necessary to prevent or remedy serious injury, and that there is evidence that the GCC industry is adjusting.

延长最终保障措施的适用期限，取决于按照本实施细则第二章和第五章的规定提出的新的调查结果，即根据实施细则第二章和第五章确定，继续实施保障措施对于防止或补救严重损害确有必要，并有证据表明海合会产业正在进行调整。

1. A definitive safeguard measure for which the period of application exceeds one year shall be progressively liberal- ized at regular intervals during the period of application. If the duration of the measure exceeds three (3) years, the situ- ation shall be reviewed not later than the mid-term of the application of the measure, and if appropriate, it should be withdrawn or its pace of liberalization increased.

最终保障措施的预计实施期限超过1年的情况下，实施该措施的成员应在实施期内按固定时间间隔逐渐放宽该措施。如措施的期限超过3年，则应在不迟于该措施实施期的中期之前对情况进行审查，并在适当时撤销该措施或加快放宽速度。

Article 79

第七十九条

Where the trend in imports of a product threatens to cause injury to GCC producers of the like or directly competitive prod- ucts, imports of that product may be subject as appropriate to a surveillance procedure carried out in accordance with procedures fixed by the Permanent Committee.

如果某一产品的进口趋势可能对同类产品或直接竞争产品的海合会生产商造成损害，则根据常设委员会规定的程序，该产品的进口可以适当地接受监测。

Chapter VI General Provisions

第六章 一般条款

Article 80

第八十条

The Permanent Committee may on a recommendation of the Technical Secretariat issue a notice of initiation of a new investi- gation or review of the measures being imposed if it found cir- cumvention taking place which undermined the effectiveness of these measures.

如果发现损害这些措施有效性的规避措施正在发生，常设委员会可根据技术秘书处的建议，发布通知启动新的调查或对正在实施的措施进行复审。

Article 81

第八十一条

Measures imposed in accordance with this Common Law and its Rules of Implementation shall be applied on imported products into any Member State that have issued customs declaration, and any investigation procedures stated in the Common Law and its Rules of Implementation shall not prevent customs clearance for imports of a product simply because it is subject to investigation.

依照普通法及其实施细则规定实施的措施适用于已出具海关申报表的任何成员国的进口产品，而普通法及其实施细则中规定的任何调查程序不应仅仅因为受调查而阻止进口产品的清关。

Article 82

第八十二条

In cases where same product is involved in anti-dumping and anti-subsidy investigations simultaneously, that product shall not be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or subsidization.

同一产品同时参与反倾销和反补贴调查的，对该产品不得同时征收反倾销和反补贴税，以补偿相同的倾销或补贴情况。

Article 83

第八十三条

1. Collected definitive duties shall be treated in accordance with this Common Law and its Rules of Implementation by the Member States in the same way as customs duties.

成员国应按照本普通法及其实施细则，以与关税相同的方式对待征收最终关税。

1. Provisional duties shall be treated as deposit in the Member States until the end of investigation and final determinations has been reached, provisional duties will be refunded in accordance with the provisions of Articles 43, 65 and 74 of these Rules of Implementation.

调查结束并做出最后裁决前，临时关税应视为交给成员国的保证金。临时关税将按照本实施细则第43条、第65条和第74条的规定退还。

1. The relevant authorities of the Member States shall periodi- cally provide the Technical Secretariat with a statistical statement of the value of the collected duties.

成员国有关当局应定期向技术秘书处提供关税征收金额的统计报表。

Article 84

第八十四条

The Technical Secretariat shall provide notifications required under the WTO agreements relating to anti-dumping, subsidy and countervailing measures, and safeguard measures in accordance with the relevant provisions of such agreements through the presidency of the Member States.

技术秘书处应通过成员国总统提供WTO《反倾销协定》、《补贴和反补贴措施协定》和《保障措施协定》所要求的所有通知，并根据这些协定的有关规定进行提供。

Article 85

第八十五条

The provisions of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, the WTO Agreement on Subsidies and Countervailing Measures and WTO Agreement on Safeguards shall be applied on matters which are not stated in these Rules of Implementation.

本实施细则未作规定的事项，应适用WTO《关于实施1994年关税与贸易总协定第6条的协定》、《补贴与反补贴措施协定》和《保障措施协定》

Article 86

第八十六条

The Technical Secretariat issues an Official Gazette where it publishes all publications required under this Common Law and its Rules of Implementation.

本普通法及其实施细则规定的所有出版物由技术秘书处在《官方公报》上发布。

Article 87

第八十七条

These amendments of the Rules of Implementation shall enter into force from the date of its approval by the Ministerial Committee

实施细则的修正案自部长委员会批准之日起生效。

GCC Printing Press

海合会发