



RESEARCH ARTICLE

Procedures for Protecting International Trade According to International Trade Organization Agreements (WTO) and Saudi Laws and Their Applications

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ABSTRACT

This study examines the procedures for protecting international trade under the World Trade Organization (WTO) agreements and Saudi regulations, focusing on their role in strengthening the national economy and addressing globalization challenges. The research analyzes technical barriers to trade, anti-dumping and countervailing measures, import licensing procedures, and the degree of alignment between Saudi regulations and global standards. Adopting a descriptive-analytical methodology, the study evaluates the legal texts of international agreements compared to national laws and reviews practical cases of their application in Saudi Arabia. The discussion is structured into three sections, each comprising two subtopics, with a third subtopic included in the final section. The findings reveal that Saudi Arabia has made significant strides in harmonizing its regulatory framework with international commitments, fostering a competitive and investor-friendly trade environment. Initiatives such as the "Fasah" system have effectively reduced technical barriers and facilitated smoother trade flows. The study concludes with recommendations to enhance legislative and regulatory performance further and promote international cooperation to support sustainable development.

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1. INTRODUCTION

The World Trade Organization (WTO) agreements have brought about a significant breakthrough in the liberalization of international trade, in addition to expanding its scope to include trade in services, intellectual property rights, and merchandise trade. This liberalization has created competition among countries for global markets, posing a threat to the economies of developing and least developed countries (and even among developed countries themselves - an example is the economic tensions between China and the United States and the fluctuating trade balance between the two countries) in facing the economies of developed countries. This threat is represented in the fact that many countries will become solely consumer countries instead of being both producers and consumers, and they work to support their local production to compete with global production. Recognizing this imminent threat, it was necessary to establish international agreements that ensure a minimum level of protection for foreign trade and the care of local producers, especially in developing and least-developed countries, so they can strengthen and compete with producers from other countries. At the national level, there are national laws that have been put in place to be consistent with the WTO agreements, fulfilling the conditions for accession and seeking to protect local producers from the overreach of global production. Through this research, we seek to

understand the effectiveness of international agreements and national laws in Saudi Arabia in protecting national production from unfair competition.

1.2 Research Objectives:

The research aims to achieve several objectives:

1. To identify the technical barriers to international trade at the level of WTO agreements and Saudi regulations.
2. To review the relevant legal texts and assess their adequacy in protecting international trade.
3. To track practical cases presented to competent authorities regarding support or dumping and the resulting decisions and their effectiveness.

1.3 Research Problem:

1. Have international trade protection agreements succeeded in regulating trade between countries?
2. How consistent are Saudi Arabia's regulations in protecting international trade with international agreements?
3. Does Saudi Arabia adhere to the standards included in WTO agreements in protecting international trade?
4. Is Saudi Arabia qualified to meet the procedural requirements for protecting international trade?

1.4 Methodology: We will follow the descriptive-analytical method in this research by reviewing the relevant WTO agreements' texts on international trade protection and analyzing them in comparison with the national laws in Saudi Arabia, examining the disputes arising between countries in this field, and assessing the effectiveness of international agreements and national laws in regulating and protecting international trade.

1.4 Research plan: The research is divided into an introduction and four chapters, each containing two sections, with a conclusion that includes the findings and recommendations we reached, and a list of references and sources used in the research.

- Chapter One: Technical Barriers to Foreign Trade (TBT)
 - Section One: Technical Barriers to Trade according to the WTO Agreement
 - Section Two: Technical Barriers to Trade according to Saudi Regulations
- Chapter Two: Agreement on Import Licensing Procedures
 - Section One: Import Licensing Procedures according to WTO Agreements
 - Section Two: Import Licensing Procedures according to Saudi Regulations
- Chapter Three: Anti-Dumping and Countervailing Duties (AD)
 - Section One: Anti-Dumping and Countervailing according to WTO Agreement
 - Section Two: Anti-Dumping and Countervailing according to Saudi Regulations
 - Section Three: Practical Applications of International Trade Protection Procedures.

2. Technical barriers to international trade (TBT)

2.1 Technical barriers to trade according to the WTO agreement

2.1.1 Concept of technical barriers:

Technical barriers refer to the technical barriers and standards that affect domestic products in international trade. They should be distinguished from standards that affect production processes (methods and techniques used in the production of goods). An agreement was concluded within the WTO agreements in 1994, known as the Agreement on Technical Barriers to Trade, which regulates barriers affecting the product or technical barriers that directly impact production processes related

to the product. The agreement addresses issues related to packaging, trademarks, product labeling¹, conformity with standards and technical specifications, and inspection procedures and the issuance of certificates of conformity. It aims to ensure that standardization activities, such as technical regulations (mandatory specifications), optional specifications, and conformity assessment procedures, do not constitute obstacles to the flow of international trade. The agreement also seeks to reduce technical barriers that may negatively affect international trade while not infringing on the right of countries to establish technical standards aimed at achieving essential objectives, such as protecting the environment and the health and safety of consumers. The agreement specifically aims to facilitate international trade by reducing or eliminating unnecessary technical obstacles and ensuring transparency by requiring member countries to notify the WTO when preparing or amending technical regulations. The essential elements of the agreement include technical standards, conformity assessment procedures, and equal treatment.

The application of this agreement considers the GATT principles, which are the Most Favored Nation (MFN) principle, the National Treatment principle, and the principle of protection through tariffs. These principles are the foundation of the agreement for transparently liberalizing international trade and are closely related to the technical barriers regulated by the Agreement on Technical Barriers. We will briefly discuss each principle and its connection to the agreement:

2.1.2 Most favored nation (MFN) principle.

This principle aims to prevent discrimination in trade transactions between countries party to the GATT agreements. If a party country grants preferential treatment to a product from a specific country, it must extend this treatment to any similar product imported from any other country party to the GATT agreements, and this treatment must apply immediately and unconditionally.

The principle aims to remove any barriers for different products, open markets to them, and avoid creating any form of protection for products of a particular country against similar products from other countries, thereby directly contributing to achieving the objectives of GATT. However, this principle has several exceptions, including:

2.1.2.1 Regional trade arrangements:

Member states can reduce tariffs on a preferential basis when entering into regional arrangements. These regional arrangements can take the form of unions or free trade areas, where trade in these unions or areas is based on privileges and preferences granted by the member states to the members of the union or free trade area only, excluding others. This situation represents an exception to the Most-Favored-Nation principle, provided that the privileges granted by the regional arrangement are no less than those granted by GATT agreements and do not constitute a barrier to trade. The aim of this exception is to stimulate trade activities in regions that cannot compete individually in global markets. Examples of regional arrangements include the economic agreement among the GCC countries signed in November 1981, developed and renewed in 2001. Under this agreement, trade among GCC countries is conducted within a unified customs union implemented from January 2003, with a unified external tariff (5%) for most goods, unified customs procedures and regulations, and the free movement of goods between member states without customs or non-customs restrictions. Goods produced in any GCC country are treated as national products².

2.1.2.2 Inter-developing country trade:

The second exception to the Most-Favored-Nation principle is known as inter-developing country trade. This exception allows developing countries to enter into mutual preferential trade agreements,

¹ . Article 1,(GATT1947) The Result of Uruguay Round of Multilateral Trade Negotiations: Legal Text

² <https://www.saudiexports.gov.sa/ar/Exporter-Development/Pages/agreements-details.aspx?CategoryID=>

free trade areas, and customs unions. Members within these unions and free trade areas grant preferences and advantages to the trade of developing countries, without being obliged to extend these preferences to non-developing countries. The difference between this exception and the previous one is that the first was allowed for both developing and developed countries, while this exception applies only to developing countries³. This helps these countries to stimulate their industries and take the initiative to benefit from their similar experiences.

2.1.2.3 Protective measures in developing countries:

The right of developing countries to protect their local industries against those of developed countries represents the third exception to the Most-Favored-Nation principle. Trade from developing countries is granted preferential treatment against the industries of developed countries. This treatment consists of facilitating conditions to ensure the access of developing countries' exports to industrial countries' markets and protecting them from the risks of unfair⁴ competition.

2.1.3 National treatment (NT) principle: This principle stipulates that imported goods should be treated the same as similar domestic goods in terms of pricing, distribution, circulation, and taxation after applying the specified customs duties. Applying this principle achieves the goal of trade liberalization through free competition between similar goods in the markets⁵.

From the perspective of developing countries' capabilities and the competitiveness of their products, we find that in the short term, it may harm the goods of developing countries due to the technological gap between developing and developed countries, creating a larger market for imported products at the expense of the local products market. Despite the lower production costs and abundant labor in developing countries, in the long term, this principle benefits the national industry of developing countries by forcing them to develop their capabilities and introduce the necessary technology to improve their production quality, helping them open both local and global markets. Nevertheless, this principle remains advantageous for developed countries' products due to the difficulty of achieving the required technological advancement for developing countries' industries in a short period due to weak infrastructure⁶.

2.1.4 Protection through customs tariffs (NTB transparency principle)⁷: This principle means that the protection of national goods by the state should be achieved solely through customs tariffs, without other forms of protection, which could include determining export and import quantities, export support, and other measures. Non-tariff protection measures include various forms such as import volume, import restrictions, import licensing, customs procedures, administrative fees, and export measures such as export taxes, export support, export volume, and export controls⁸.

³ . See Business Guide to the World Trade Organization Agreements, Geneva: International Trade Centre UNCTAD/WTO and the Commonwealth Secretariat, 1995, p. 47. Al-Sayed, Atef. "GATT and the Third World, Evaluative Study of GATT and Confrontation Strategy," Alexandria: Ramadan Press and Sons, 1999, p. 15.

⁴ . European Union countries allow imports from African, Caribbean, and least developed countries in Asia and the Pacific to enter their territories duty-free according to the Lomé Convention. Similarly, the United States allows imports from Caribbean Basin countries to enter its territories duty-free.

⁵ . See Article 3. GATT, 1947. Al-Afoury, Abdel Wahed, "Globalization and GATT (Challenges and Opportunities)," Cairo: Madbouly Library, 2000, p. 17.

⁶ . -Article 3.GATT, 1947

⁷ . Non-Tariff Barriers

⁸ . A first category of NTMs are those imposed on imports. This category includes import quotas, import prohibitions, import licensing, and customs procedures and administration fees. A second category of NTMs are those imposed on exports. These include export taxes, export subsidies, export quotas, export prohibitions, and voluntary export restraints. These first two categories encompass NTMs that are applied at the border, either to imports or to exports. A third category of NTMs are those imposed internally in the domestic economy. Such behind-the-border measures include domestic legislation covering

Customs tariffs should be determined through the GATT mechanism. When joining, countries usually submit a schedule that includes goods and corresponding customs tariffs, which is negotiated until the parties reach an agreement that is included in schedules and becomes binding on all parties. This procedure makes it easy to track the effects of customs tariffs, which is the goal of the protection principle through customs tariffs, unlike non-tariff restrictions that do not allow any transparency to track their effects⁹.

There is an exception to this principle regarding preventing different countries from using import quantity restrictions as a form of protection. The agreement, in Article (12), provides an exception for developing countries from this restriction, allowing them to use quantity restrictions in specific cases.

The application of this agreement (technical barriers) should not create unnecessary barriers to trade. To achieve this, technical barriers should comply with international standards. However, member countries are not obligated to comply with international standards if they are inappropriate due to geographical, climatic, or technical¹⁰ considerations. Member countries should contribute to the development of international rules and standards for each product¹¹. If a member country establishes technical regulations not in line with international restrictions, it must notify the relevant authorities in the WTO, consider the comments of exporters and other relevant parties, and not apply these regulations until they have been adequately announced¹².

2.5 Technical barriers to trade according to Saudi laws

Technical rules and standards are typically established and approved by local government and non-governmental bodies. In Saudi Arabia, this task is carried out by the Saudi Standards, Metrology, and Quality Organization (SASO), established in 1972¹³. SASO is an independent public body with financial and administrative independence, linked to the Minister of Commerce and Investment, headquartered in Riyadh, with branches and offices across the Kingdom as needed. SASO comprises various sectors, including the Standards and Metrology Sector, the Conformity and Operations Sector, the Support Services Sector, the Vehicle Safety Center, and the Heavy Equipment Regulation Center. SASO operates based on several systems and regulations, including:

1. Private Laboratories Law (2002)
2. SASO's Organizational Law (2010)
3. Measurement and Calibration Law (2013)
4. Product Safety Law (2024)
5. Specifications and Quality Regulation approved by the Council of Ministers in 2024)

Additionally, several executive regulations have been established to govern and regulate SASO's administrative and technical operations within its areas of expertise.

SASO is responsible for organizing and developing standards and quality regulations, aiming to achieve integration between national and international standards. Its primary objectives include:

health/technical/product/labor/environmental standards, internal taxes or charges, and domestic subsidies.- see(World Trade Organization

Economic Research and Statistics Division, Non-tariff Measures and the WTO, Robert W. Staiger, Stanford, Wisconsin and Nber, January 2012

⁹ . -Article 8,(GATT 1947)

¹⁰ . See Article 2.4 of the Agreement on Technical Barriers to Trade (TBT) 1994

¹¹ . See Article 5.1 of the Agreement on Technical Barriers to Trade (TBT) 1994.

¹² . See Article 9 of the Agreement on Technical Barriers to Trade (TBT) 1994.

¹³ . The Saudi Standards, Metrology, and Quality Organization (SASO) operates under the Law of the Saudi Standards, Metrology, and Quality Organization, 2010.

1. Developing Saudi standards, quality laws, and conformity guides that align with international standards and fulfill the requirements of the WTO agreements in this field, while complying with Islamic law and serving the Kingdom's interests¹⁴. To achieve this, SASO has implemented a dedicated law for standards and quality, along with an executive regulation for this law, aiming to establish Saudi standards across various sectors. Technical regulations, approved by the Board of Directors, define the characteristics of products, associated processes, and production methods, including administrative provisions. These may specifically address terminology, definitions, packaging, and marking requirements for products, services, processes, or production methods. Regulations cover sectors such as textiles, chemistry, mechanics, construction, and electricity. SASO has issued 57 technical regulations to organize standards and quality in these sectors, including examples like the Technical Regulation for Gas Appliances and Accessories, Technical Regulation for Electric Vehicles, Technical Regulation for Trailers and Semi-Trailers, Technical Regulation for Automotive Spare Parts, and Technical Regulation for Textile Products¹⁵.
2. Ensuring health, environmental, and public safety protection through SASO's approved standards and technical regulations. Recently, the Product Safety Law was issued on (2024), complementing SASO's efforts under the Product Safety Initiative, part of Saudi (Vision 2030). This legal system aims to establish a general framework for the responsibilities of each entity or individual in the supply chains concerning products available in the markets. The Law objectives align with the concept of technical barriers mentioned in the first section of the first chapter, emphasizing reducing technical barriers to international trade while preserving countries' rights to establish technical standards for essential objectives such as environmental protection and consumer health and safety.
3. The Law aims to enhance consumer safety by preventing risks associated with products offered in Saudi Arabian markets, clarifying risk management methods, and covering all products except those under the jurisdiction of the Saudi Food and Drug Authority. The Law includes effective consumer safety tools, identifying responsible parties for any unsafe products in the markets, enhancing the regulatory role of relevant authorities, preventing product-related risks, and raising public awareness about managing product-related risks¹⁶.
4. Ensuring the Quality of National Products by Adopting Appropriate Saudi Standards, enabling national products to compete in local and international markets, and protecting Saudi markets from counterfeit and fake goods¹⁷.
5. In pursuit of this goal, SASO has established technical regulations for Saudi products, including standards that ensure the quality of national products, making them competitive in both local and global markets. These regulations align with international agreements, particularly the TBT Agreement. An example is the Technical Regulation for Telecommunications and Information Technology Devices, published in the Official Gazette on 16/08/2024. This regulation comprises 12 articles covering terminology, definitions, scope of application, and objectives. Article 4 addresses supplier obligations, Article 5 deals with explanatory information, and Article 6 outlines conformity assessment procedures. Articles 7 and 8 specify the responsibilities of regulatory authorities and market surveillance authorities in enforcing laws and regulations, addressing violations, and applying penalties such as product withdrawal from markets and warehouses. Article 9 is dedicated to violations and penalties. The regulation includes several annexes covering related topics,

¹⁴ . This is evident from the preamble in the technical regulations issued by the authority to control specifications, as it is unified and confirms the authority's commitment to international agreements. Due to its importance, we present it in full: "In line with the accession of the Kingdom of Saudi Arabia to the World Trade Organization (WTO), and according to the decision of the esteemed Council of Ministers No. (244) dated, 2005, which includes the approval of the Kingdom's accession to the WTO and its commitment to harmonize relevant regulations and procedures in line with the principles of WTO agreements, particularly the Agreement on Technical Barriers to Trade (TBT), which stipulates not setting unnecessary technical requirements."

¹⁵ See the Saudi Standards, Metrology, and Quality Organization website (Systems and Regulations): <https://www.saso.gov.sa/ar/Pages/default.aspx#>.

¹⁶ . Product Safety Law 2024

¹⁷ . Article 3 of the Saudi Standards, Metrology, and Quality Organization Law 2010.

including a list of relevant standards and products requiring national recognition certificates (IECEE)¹⁸.

These provisions serve as a model for other regulations, demonstrating SASO's efforts in establishing technical rules and standards for Saudi products, ensuring their quality and competitiveness without violating international agreements to which Saudi Arabia is a party. Supporting this practical approach, SASO's administrative structure includes a department for international cooperation with a sub-department for policies and technical barriers, focusing on reducing technical barriers to facilitate trade among WTO member countries. This is achieved through collaboration with relevant government bodies and providing the private sector with necessary information to understand the import and export requirements of other countries, enhancing the penetration of Saudi products into global markets.

SASO undertakes regulatory, executive, and supervisory tasks related to standards, including developing and approving Saudi standards for goods, products, services, measuring devices, calibration procedures, conformity assessment procedures, and issuing conformity certificates. SASO also accredits laboratories and certification bodies, determines sampling methods, testing and inspection procedures, quality systems, technical implementation criteria, classifications, engineering drawings, terminology, definitions, symbols, and other standards-related aspects issued by the council.

SASO's tasks include:

- Publishing approved standards and making them effective after announcement in the Official Gazette.
- Issuing conformity assessment procedures for goods, products, and services according to approved standards.
- Implementing procedures for granting quality marks for local and imported products.
- Granting quality marks for products, especially those under the Saudi Food and Drug Authority's jurisdiction, with its approval.
- Coordinating standardization, quality, conformity assessment, measurement, and calibration activities in the Kingdom and with counterpart bodies in other countries.
- Applying the national measurement and calibration system in the Kingdom.
- Ensuring the application of Saudi standards and conformity assessment procedures in coordination with relevant authorities.
- Granting conformity certificates for local products intended for export and accrediting laboratories and certification bodies for quality systems.
- Acting as a notification and inquiry body for the WTO's Technical Barriers to Trade Agreement.
- Participating in regional and international standardization, measurement, and quality organizations, representing Saudi Arabia, and adopting international standards.

In any case, the Agreement on Technical Barriers does not allow the sale of any product subject to mandatory standards unless the product obtains a positive guarantee certificate from a recognized institute or laboratory in the importing country. The agreement defines the rules governing the issuance of a positive guarantee certificate¹⁹. In this regard, SASO has established laboratories in various sectors to contribute to the preparation of Saudi standards and serve as an arbitration body in technical fields. SASO laboratories have been accredited according to international standards (ISO/IEC 17025:2017) in certain tests, granting them international recognition for their test results. SASO issues various certificates, marks, and labels indicating compliance with applicable standards and technical regulations, such as the Saudi Quality Mark, efficiency labels, conformity certificates,

¹⁸ . See the Technical Regulations for Telecommunications and Information Technology Devices 2024.

¹⁹ . Member states must mutually recognize the certificates issued by recognized institutes or laboratories in other countries. See Article 5 of the Agreement on Technical Barriers to Trade (TBT) 1994.

and IECEE certificates, which grant corresponding national conformity certificates according to the IECEE²⁰ certification program.

From the above, we conclude that SASO has established well-organized administrative systems and regulations and developed technical regulations in various production sectors in the Kingdom, fully consistent with international standards and aligned with international agreements to which Saudi Arabia is a party, such as the WTO agreements, particularly the TBT Agreement. SASO's role is not limited to theoretical aspects but extends to practical implementation. It has adopted awareness and media efforts targeted at suppliers, producers, consumers, and exporters by publishing standards, technical regulations, and quality conditions. SASO has also established a simple electronic mechanism that enables everyone to know the service, its requirements, procedures, and how to apply for and obtain it electronically within a record time. Additionally, SASO has implemented an effective mechanism for monitoring, detecting violations, and prosecuting offenders, imposing necessary penalties. It has also worked to remove technical barriers to international trade between Saudi Arabia and other countries, in accordance with the TBT Agreement requirements.

3. AGREEMENT ON IMPORT LICENSING PROCEDURES

3.1 Import licensing procedures according to WTO agreements

The procedures and controls set by different countries to regulate imports directly affect international trade and national products. Therefore, countries pay special attention to this matter, resulting in the Agreement on Import Licensing Procedures within the WTO Agreements (1994). The primary purpose of this agreement is to understand the procedures and controls set by different countries for imports. These must be clear, known, and highly transparent to prevent their use as barriers to international trade or to protect local producers in a manner inconsistent with the principles and objectives of the GATT. The agreement defines import licensing as the administrative procedures used to implement import licensing systems requiring the submission of an application or other documents (not required for customs purposes) to the relevant administrative body as a precondition for importing into the customs territory of the importing member²¹. Article 1 of the agreement is dedicated to general provisions, emphasizing that import licenses should not be used as barriers to international trade. Import regulations must comply with the provisions of the 1994 GATT Agreement and its protocols. The agreement encourages members to ensure that procedures are simple, requirements are clear, and publicly announced well in advance. Import-related procedures must be published and announced 21 days before the import application date. This advance notice allows importing entities to know the required conditions for import and meet them before submitting the application, preventing arbitrary rejections by authorities without valid reasons²². The agreement also specifies the time periods for processing.

Import licenses are divided into two categories according to the agreement:

3.1.1 Automatic licenses:

An automatic import license is defined as one where approval is granted in all cases. Automatic licensing procedures should not be managed in a way that restricts imports subject to automatic licensing²³. Authorities issue licenses automatically without exercising discretion. The agreement clarifies that automatic licensing procedures are considered barriers to trade unless: a) Any person or entity legally eligible to import can apply and obtain approval. b) License applications can be submitted on any working day before customs clearance of goods.

²⁰ . Refer to <https://www.saso.gov.sa/ar/sectors/certificates/Pages/about.aspx>.

²¹ . See Article 1.1 of the Agreement on Import Licensing Procedures 1994.

²² . See Article 1.4(a) of the Agreement on Import Licensing Procedures 1994

²³ . See Article 2.1 and Article 2.2(a) of the Agreement on Import Licensing Procedures 1994.

These conditions provide additional controls to encourage member countries to open doors for importers to obtain automatic licenses without barriers. Approval for automatic import license applications must be granted immediately upon submission if all announced administrative conditions and requirements are met. In all cases, approval should not exceed ten working days²⁴.

3.1.2 Non-automatic licenses:

Non-automatic import licenses are defined as those not falling under the definition in paragraph 1 of Article 2 of the agreement (automatic license). Paragraphs 1-11 of Article 1 apply to non-automatic licenses, which must not have trade-restrictive or trade-distorting effects on imports beyond those caused by the imposition of restrictions. In cases where licensing requirements are for purposes other than applying quantitative restrictions, members must publish sufficient information to allow other members and traders to understand the basis for granting and/or allocating licenses. Members must, upon request from any member with an interest in the trade of the concerned product, provide all relevant information about the product mentioned in Article 5(a) of the agreement, encompassing information about licenses granted within a specified period, restriction management, and more.

Any natural or legal person meeting the legal and administrative conditions for non-automatic licensing can apply to the competent authorities to obtain the license and have their application reviewed. If the application is rejected, the applicant has the right to know the reason for the rejection and the right to appeal or review according to local legislation or procedures. The processing period for applications must not exceed 30 days if reviewed immediately upon submission (according to the order of application submission) or 60 days if reviewed all at once. The processing period in the latter case begins the day after the announced application submission deadline²⁵.

3.1.3 Mechanism for implementation and dispute settlement:

A committee is established under this agreement consisting of representatives from member countries, specifically for import licenses. The committee meets as necessary to provide an opportunity for members to consult on the application of the agreement and enhance its objectives²⁶. This committee serves as an administrative body through which members can monitor the implementation of the agreement, receive member views on its practical application, and address any difficulties encountered. Members must notify the committee of the import procedures they have prepared or amendments made to previous import procedures within sixty days of publication. Notifications for establishing import procedures must include certain data specified in paragraph 2 of Article 5 of the 1994 agreement. Notifications for changes in import procedures must reference the modifications made to any paragraphs related to issuing new import procedures as previously mentioned in paragraph 2 of Article 5 of the 1994 agreement²⁷. This notification is crucial for the agreement's parties; any member who believes another member has not notified import licensing procedures or changes can draw attention to the matter. If the notification is not made promptly, the concerned member can notify the import licensing procedures or changes, including all relevant and available information. Consultations and dispute settlements related to implementing the agreement are conducted under Articles 22 and 23 of the Understanding on Rules and Procedures Governing the Settlement of Disputes in the 1994²⁸ GATT Agreement.

The committee reviews the implementation and operation of the agreement periodically, at least once every two years, concerning its objectives, rights, and obligations²⁹. No reservations to the agreement's provisions are allowed without the consent of the other members. This measure is necessary to maintain member consensus on the agreement's provisions, which underpin import

²⁴ . See Article 2.2(a)(3) of the Agreement on Import Licensing Procedures 1994.

²⁵ . See Article 3/5/e/f of the Agreement on Import Licensing Procedures 1994.

²⁶ . See Article 4 of the Agreement on Import Licensing Procedures 1994.

²⁷ . See Article 5 of the Agreement on Import Licensing Procedures 1994.

²⁸ . See Article 6 of the Agreement on Import Licensing Procedures 1994.

²⁹ . See Article 7 of the Agreement on Import Licensing Procedures 1994.

licenses. To achieve full alignment between the agreement's provisions and the national systems of members, the agreement requires members to amend their laws and administrative procedures to comply with the agreement's provisions by the date the WTO Agreement enters into force. Members must notify the committee of any amendments to their laws related to the agreement³⁰.

3.2 Import licensing procedures according to Saudi regulations

Importation is regulated by the Zakat, Tax and Customs Authority, established under the 2021 Law of the Zakat, Tax and Customs Authority. The authority offers several electronic services on its website, including registering a new importer or exporter. This service allows traders to register on the (Fasah) platform to start import and export activities. The authority provides a user guide for registering a new importer or exporter, outlining the steps to be followed:

- Access the service, log in to the (Fasah) platform, fill in the required fields, and activate the account³¹.
- Application requirements include a commercial registration number or ID number, no service fees, and a processing time of five minutes.

It is noteworthy that the Saudi system does not categorize import licenses into automatic and non-automatic licenses as mentioned in the import agreement. This does not violate the agreement; instead, the Saudi system has established a mechanism that contributes significantly to removing technical barriers to international trade. The procedures for obtaining import licenses are electronic and completed within a short period, provided the applicant meets the announced requirements. The time periods mentioned in the import agreement (ten days for automatic licenses and sixty days for non-automatic licenses) represent maximum periods for obtaining licenses, allowing countries to set shorter periods to facilitate international trade.

From the above, it is evident that the procedures required to register as an importer through the (Fasah) platform are transparently announced and easy to follow, allowing users to complete the registration process quickly. The designated application submission authority is clearly identified, with no barriers to registration, positively impacting international trade to and from Saudi Arabia. The Zakat, Tax and Customs Authority has provided a guide for commercial import procedures to regulate the clearance of commercial consignments and collect fees. The guide's importance lies in facilitating the import process and removing barriers to foreign trade. While obtaining registration on the (Fasah) platform may be easy and straightforward for traders, customs clearance procedures may be complex and unclear, creating obstacles to the flow of international trade. However, by announcing the necessary regulations and procedures for clearing goods in advance on the authority's website, import procedures in Saudi Arabia become transparent and straightforward.

The Zakat, Tax and Customs Authority has prepared a plan³² for clearing goods that meet customs and legal regulations within 24 hours of their arrival at the customs area. The plan outlines the flow of customs procedures through the different stages that imported goods go through, from the submission of the customs clearance application to the completion of the release process. This system aims to ensure compliance with customs regulations, enhance operational efficiency, reduce risks, and achieve transparency.

The procedures follow this course:

The customs declaration is electronically organized by the importer or through an authorized customs broker, ensuring accurate data entry according to approved laws.

³⁰ . See Article 8 of the Agreement on Import Licensing Procedures 1994.

³¹ . Fasah (فصح) is a unified electronic portal for the import and export system, supervised by the Zakat, Tax and Customs Authority in Saudi Arabia.

³² . <https://2u.pw/U3mKCw>

All supporting documents, such as commercial invoices and certificates of origin, are submitted to the customs office for verification of goods.

Goods are inspected based on risk analysis criteria, which may include detailed examination or simplified procedures according to customs system assessments.

Based on inspection results, a decision is made to clear the goods or take additional actions in case of violations or comments.

The importer is required to pay the determined customs duties as part of the clearance procedures.

The process concludes with the issuance of an exit permit, allowing the final release of goods and their transportation to the final destination.

4. ANTI-DUMPING AND COUNTERVAILING DUTIES (AD)

4.1 Anti-dumping and countervailing duties according to the WTO³³ agreement

Dumping is considered one of the most dangerous mechanisms of economic warfare between countries in this era, directly targeting local industry and production, and it has immediate and significant negative impacts on the national economy. The 1947 GATT Agreement included provisions and procedures to combat dumping under Article VI, which outlined the three main conditions for dumping and its countermeasures. However, these were presented in a general and unclear manner, especially regarding anti-dumping mechanisms, and their formulation lacked sufficient precision to aid implementation. Practical application of Article VI revealed complexities that made its implementation highly difficult, if not impossible. Consequently, the article underwent revisions during various negotiation rounds, beginning with the Geneva Round (1964-1967) and continuing through the Tokyo Round (1973-1979), culminating in a comprehensive agreement during the Uruguay Round (1986-1993). This led to the establishment of the WTO (1994) under the Marrakesh Protocol and several agreements, including the Anti-Dumping Agreement, which provided detailed legal and economic provisions on dumping and the rights and obligations of involved parties. The same article was incorporated into the 1994 General Agreement on Tariffs and Trade (GATT) due to its critical importance in regulating and protecting international trade.

- The primary aim of the agreement is to respond to unfair trade practices by using countervailing and anti-dumping duties. As previously mentioned, Article VI was part of the 1947 GATT Agreement, but a specific agreement in the 1994 GATT clarified and explained its implementation procedures due to its importance, especially for developing and least developed countries, whose markets are constant targets for products from developed countries facing overproduction and weak marketing.
- The agreement defines dumping at the outset, then addresses the damage caused to local industry or producers due to dumping, the causal link between dumped imports and the harm to local industry, and the investigation procedures and criteria for imposing anti-dumping duties. The following are key provisions of the agreement

4.1 Concept of dumping

Economically, dumping is defined as "a policy practiced by a specific country or monopoly to differentiate between the price of a commodity in the domestic market and its prevailing price in the external market³⁴." According to the agreement, "A product is to be considered as being dumped, i.e., introduced into the commerce of another country at less than its normal value, if the export price of the product exported from one country to another is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country."

³³ .We will talk about anti-dumping in light of the Agreement on the Implementation of Article(VI)of the General Agreement on Tariffs and Trade 1994.

³⁴ .See: Dr. Khalid Mohammad Al-Jum'ah, "Anti-Dumping According to the Agreements of the World Trade Organization," Journal of Law, Kuwait University, 2000, p. 103.

35." "Throughout this Agreement the term 'like product' ('produit similaire') shall be interpreted to mean a product which is identical, i.e., alike in all respects to the product under consideration, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration³⁶."

- A product is considered dumped if its export price is lower than its selling price or the selling price of another similar product³⁷ for consumption in the exporting country³⁸. However, this definition is not absolute, and certain exceptional circumstances must be considered, such as when domestic sales in the exporting country are not conducted in the ordinary course of trade (selling price is below cost) or if the sales volume in the domestic market is low. These factors directly affect the price of the exported commodity. In such cases, the agreement allows the product's price to be determined based on comparing the export price to a third country's price for the same or similar product or the constructed value based on production costs, including general expenses, sales costs, administrative expenses, and profits³⁹. The U.S. law also provides a similar definition for dumping: "Dumping is defined in section 771(34) of the Act (19 U.S.C. §40 1677(34)) as 'the sale or likely sale of goods at less than fair value.' In more specific terms, dumping is defined as selling a product in the United States at a price which is lower than the price for which it is sold in the home market (the 'normal value')."
- Reviewing the provisions of the Anti-Dumping Agreement's Article (VI) implementation mechanism reveals that it addresses the previously mentioned difficulties, which posed obstacles to implementing Article VI. The agreement consists of three parts, with Article 1 of Part I dedicated to principles, outlining the scope of anti-dumping measures' application. These measures are only applied under the conditions specified in Article VI of the 1994 GATT and after investigations are initiated and conducted according to the agreement's provisions⁴¹. The significance of this article lies in defining the agreement's application scope, allowing us to identify the circumstances warranting anti-dumping measures and those that do not. Anti-dumping measures can only be applied after an investigation following Article VI's provisions and procedures. Part I of the agreement also discusses determining the concept of dumping and its existence under Article II's provisions and mechanisms for establishing whether a case constitutes dumping requiring an investigation. The procedural nature of determining the existence of dumping is a notable feature of this section, primarily relying on economic procedures, significantly easing the previously mentioned challenges to implementing Article VI.

4.1.2 Determining injury:

Article 3 of Part I of the agreement is dedicated to discussing injury. Three elements must be present to apply anti-dumping measures: dumping, injury, and the causal link between them.

The agreement defines injury as "material injury to a domestic industry, threat of material injury to a domestic industry, or material retardation of the establishment of such an industry⁴²." This definition implies that the injury must be material and affect an existing domestic industry, pose a

³⁵ .See paragraph 2 of Article 2 of the Agreement¹⁹⁹⁴:

³⁶ .See paragraph 6 of Article 2 of the Agreement:

³⁷ . The Agreement defines a "like product" as:

"A product which is identical in all respects to the product under consideration, or in the absence of such a product, another product which, although not identical in all respects, has characteristics closely resembling those of the product under consideration."

³⁸ . See Article 2.1 of the 1994 Anti-Dumping Agreement.

³⁹ . See Article 2.2 of the 1994 Anti-Dumping Agreement.

⁴⁰ . Antidumping and countervailing duties handbook (June,2015), fourteen edition, united states international commission, p1-3

⁴¹ . See Article 1 of the 1994 Anti-Dumping Agreement.

⁴² . See footnote of Article 3 of the 1994 Anti-Dumping Agreement.

threat of injury to an existing industry shortly, or hinder the establishment of an industry in the field of the dumped product. To determine injury under Article VI, there must be positive evidence obtained through an objective examination of:

1. The volume of dumped imports and their effect on prices in the domestic market for like products.
2. The consequent impact of these imports on domestic producers of such products.

The determination of a threat of material injury must be based on facts, not allegations or remote possibilities must rely on reality. Authorities must consider several factors when examining injury, such as significant increases in import volumes into the domestic market.

A causal relationship between the dumped imports and the injury to the domestic industry must be established. To prove this, all evidence presented to the competent authorities must be examined, and any known factors other than dumped imports causing injury to the domestic industry⁴³ must also be considered.

4.1.3 Definition of domestic industry

The domestic industry affected by dumping is defined in the agreement under Article 4 as "domestic producers as a whole of the like products or those whose collective output constitutes a major proportion of the total domestic production of those products." The agreement details different cases of the domestic industry due to its significance, as the domestic industry is the primary party in initiating investigations and is most affected by dumping and its effects in local markets.⁴⁴

4.1.4 Initiating and conducting investigations

An investigation into the existence, degree, and effect of dumping is initiated based on a request submitted by or on behalf of the domestic industry. In special circumstances, authorities may start an investigation without a request from the domestic industry, provided there is sufficient evidence of dumping, injury, and a causal link between them⁴⁵. The agreement includes a detailed list of the contents of the request submitted to the authorities, which must include evidence of dumping, injury, and a causal relationship, along with necessary information about the applicant and the domestic industry⁴⁶.

Authorities review the evidence presented in the request to determine its sufficiency for initiating an investigation. An investigation will only begin once authorities assess the degree of support and opposition from producers of the like product concerning the request submitted by or on behalf of the domestic industry. A request is considered to have been made by or on behalf of the domestic industry if it is supported by domestic producers whose collective output constitutes more than 50% of the total production of the like product produced by the portion of the domestic industry expressing support or opposition. An investigation will not be initiated if the producers explicitly supporting the request account for less than 25% of the total production of the like product⁴⁷ in the domestic industry. Authorities announce the start of an investigation if the submitted evidence is sufficient or reject the request if the evidence is insufficient. Investigations must be completed within one year from initiation and no more than 18 months in special cases⁴⁸. The agreement sets a maximum period for completing investigations to consider the interests of the disputing parties.

⁴³ . See paragraph 5 of Article 3 of the Anti-Dumping Agreement 1994.

⁴⁴ . See Article 4/.1.2.3.4 of the Anti-Dumping Agreement 1994.

⁴⁵ . See paragraphs 1 and 6 of Article 5 of the Anti-Dumping Agreement 1994.

⁴⁶ . See Article 5/.2 of the Anti-Dumping Agreement 1994.

⁴⁷ . See Articles 5/.3 and 5/.4 of the Anti-Dumping Agreement 1994.

⁴⁸ . See Article 5/.10 of the Anti-Dumping Agreement 1994.

4.1.5 Evidence

Upon the initiation of an investigation, interested parties are notified of the requirements for presenting evidence supporting their viewpoint. Foreign producers receive dumping-related questionnaires and must respond within 30 days, extendable. The time frame set by authorities is crucial because it regulates the investigation procedures within a specific period, preventing any party from unnecessarily prolonging procedures, which could harm other parties.

The provisions of the agreement establish a timeline for each procedure and include an exceptional period for special cases⁴⁹. Article 6 of the agreement details the procedures that investigating authorities must follow regarding interested parties⁵⁰, whether inside or outside the territory, enabling each party to present and explain their evidence to support their position and respond to the other party⁵¹.

4.1.6 Provisional measures

Provisional measures are those implemented by authorities during the investigation to anticipate and prevent damages that may occur and accumulate during the investigation period. However, these measures can only be applied according to the agreement if:

1. The investigation has begun in accordance with Article 2, with a public notification issued, and sufficient opportunities provided to interested parties to present information and comments.
2. A positive determination of dumping and resulting injury to a domestic industry has been made.
3. The competent authorities deem these measures necessary to prevent injury during the investigation.

The agreement specifies that the best form of provisional measures is in the form of temporary securities. Provisional measures should not be applied before 60 days from the start of the investigation and should be limited to the shortest possible duration, not exceeding four or six months⁵². The conditions for imposing provisional measures ensure that authorities can only impose these measures if the conditions mentioned in the agreement are met, safeguarding the rights of different parties. Procedures may be suspended or terminated without provisional measures or anti-dumping duties if voluntary undertakings from any source to adjust prices or cease exports to the concerned region at dumped prices⁵³ are received.

4.1.7 Imposing and collecting anti-dumping duties

A decision to impose or not impose anti-dumping duties is made when all required conditions are met. The agreement details the conditions, procedures, mechanisms for determining and assessing

⁴⁹. The general rule is that the time limit for exporters is calculated from the date the questionnaire is received, which is considered for this purpose to have been delivered one week before the date it was sent to the respondent, or referred to the appropriate diplomatic representative of the exporting country, or to an official representative of the exporting country in the case of a separate customs territory of a WTO member. (See footnote of Article 6.1.1 of the Agreement).

⁵⁰. The Agreement mentions three instances in which a member is considered an interested party, and these instances are provided as examples and not exhaustive. It is possible to include other local or foreign parties under the term "interested parties" (See Article 6.11 of the Agreement).

⁵¹. See Article 6 and its contents of the 1994 Anti-Dumping Agreement.

⁵². See Articles 7.1, 7.2, 7.3, and 7.4 of the Anti-Dumping Agreement 1994. In the same context, the Anti-Dumping and Countervailing Duties Manual (2024) notes a difference in the maximum period for applying provisional measures: the Agreement states 6 months, while the Manual mentions 9 months. In this case, the Agreement's provisions apply.

⁵³. See Article 8.1 of the 1994 Anti-Dumping Agreement 1994.

duties, and how to collect them⁵⁴. Anti-dumping duties remain in force only to the extent and duration necessary to counteract dumping causing injury⁵⁵. Authorities review the necessity of imposing duties on their own initiative based on justification or upon a request from an interested party providing positive information for review.

4.1.8 Judicial review

Each member whose national legislation includes anti-dumping measures must establish judicial courts, administrative courts, arbitration, or procedures aimed at swift review of administrative measures related to final determinations and review of determinations as mentioned in Article 13. These courts or procedures must be independent of the authorities responsible for the determination or review in question⁵⁶. This text ensures the agreement provides for an independent judicial body in each region with anti-dumping measures, operating independently to review undertakings and decisions issued by competent authorities. This type of judicial body offers an opportunity for parties that consider themselves harmed by decisions of competent authorities regarding provisional measures or final decisions to request a review by an independent judicial entity.

4.1.9 Committee on anti-dumping practices

A committee is established under the agreement to address anti-dumping practices, consisting of representatives from all members of the organization. The committee undertakes responsibilities assigned by the agreement or the members. Members are required to notify the committee of preliminary or final anti-dumping measures taken, which the committee then reports to all members for review. Members must also submit semi-annual reports to the committee on anti-dumping measures they have taken⁵⁷.

The committee represents a crucial stage in the anti-dumping procedures. While it may not appear to have the authority to review decisions made by members, the mere fact that periodic reports on measures taken by members are submitted and disseminated to all members acts as oversight of members' actions. This oversight encourages members to ensure that the measures and decisions they have taken are sound and have been made by applicable laws and with full transparency.

4.1.10 Consultations and dispute settlement

Consultations and dispute settlements under the agreement are conducted according to the rules of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes. If the parties wish to engage in consultations regarding anti-dumping measures, these consultations or dispute settlements are organized under the Dispute Settlement Understanding rules⁵⁸.

Referring consultations and dispute settlements to the Dispute Settlement Understanding ensures fair and transparent anti-dumping measures.

4.2 Anti-dumping and countervailing duties according to Saudi regulations

Saudi Arabia has prioritized organizing international trade in alignment with WTO agreements. As an active and influential member since November 2005, and the 149th member of the WTO, the Kingdom has continually worked to organize its foreign trade within its international commitments, including the WTO Agreement. To this end, Saudi Arabia established the General Authority for Foreign Trade under the General Authority for Foreign Trade Regulation issued on July 14, 2020. The

⁵⁴ See Article 9 of the Anti-Dumping Agreement 1994.

⁵⁵ . See Article 11.1 of the Anti-Dumping Agreement 1994.

⁵⁶ . See Article 13 of the Anti-Dumping Agreement 1994.

⁵⁷ . See Article 16 of the Anti-Dumping Agreement 1994.

⁵⁸ . See Article 17 of the Anti-Dumping Agreement 1994.

authority aims to enhance Saudi Arabia's international trade benefits, defend its interests in foreign trade fields, and contribute to its national economic development. The authority's various competencies all focus on organizing and regulating international trade⁵⁹.

To meet the membership requirements of the WTO, Saudi Arabia, in collaboration with the Gulf Cooperation Council (GCC) countries, issued the Unified Law (System) for Anti-Dumping, Countervailing, and Preventive Measures for the GCC⁶⁰. A review of the law's provisions reveals its alignment with the Anti-Dumping Agreement. Subsequently, Saudi Arabia issued its law named the Trade Remedies Law in International Trade in 2022, consistent with the Anti-Dumping Agreement, with an executive regulation issued in 2023.

Our previous discussion demonstrated the alignment between WTO agreements and relevant Saudi regulations. A review and comparison of the texts reveal that, following its accession to the WTO, Saudi Arabia has diligently revised its domestic regulations to ensure compliance with WTO agreements, removing all legal, procedural, and technical barriers affecting the free flow of international trade to and from Saudi Arabia.

We know that having legal texts alone is insufficient, whether at the international agreement level or national laws. A practical mechanism is required to implement these texts, monitor their application, and intervene when necessary. In this regard, Saudi Arabia established the General Authority for Foreign Trade under a specific regulation and issued a Trade Remedies law in International Trade on November 23, 2022, with its executive regulation issued on March 1, 2023. The authority, represented by the Trade Remedies Agency, undertakes trade remedy tasks, including conducting investigations, reviews, and imposing measures in compliance with Saudi Arabia's international commitments in this field⁶¹. Additionally, the authority developed an electronic trade remedies law as an electronic platform for managing complaints, investigations, and reviews of trade remedies by applicable regulations. Consequently, the electronic system has become the primary communication medium between the authority and the local industry, concerned parties, and public interest persons in investigations and reviews. The platform allows direct communication between representatives of the parties and enables them to submit necessary information within the specified time after creating an account on the electronic law.

The electronic law platform represents a significant advancement in electronic trade protection procedures, allowing the local industry, concerned parties, and public interest persons to perform several actions electronically:

1. The local industry wishing to file an electronic complaint must create an account on the electronic law.
2. The local industry, foreign exporters and producers, importers, users, or governments of exporting countries can request an account on the electronic system to participate as a concerned party in any investigation or review.
3. The local industry, importers, users, or governments of exporting countries can request an account on the electronic law to submit an electronic review.
4. Any government agency, institution, or association within the Kingdom can request an account on the electronic law to participate in investigations or reviews as a representative of the public interest⁶².

⁵⁹ . See Article 3 of the General Authority for Foreign Trade Regulations 2020.

⁶⁰ . The unified Law for anti-dumping, countervailing, and safeguard measures for the Gulf Cooperation Council (GCC) countries was issued by the Supreme Council in its 24th session held in Kuwait on December 21-22, 2003. The law was amended on November 6, 2010, and this amendment was adopted by the Supreme Council in December 2010.

⁶¹ . See Article 4 of the Trade Remedies Law in International Trade 2022.

⁶² . <https://gaft.gov.sa/ar/Pages/TradeRemediesTRES.aspx>

The electronic law platform includes an external user guide, enabling external users to utilize the electronic system easily and efficiently. It also contains complaint templates for the complaining local industry, with an attached guide specifying the requirements for each complaint. This is significant in assisting the local industry to submit complaints systematically, orderly, and accurately, meeting the requirements, and contributing to standardizing the complaint submission format and mechanism⁶³.

4.2.1 Definition of dumping according to Saudi regulations:

Dumping is defined according to the Unified Law on Anti-Dumping, Countervailing, and Preventive Measures for the GCC countries as "the export of a commodity to the GCC countries at an export price less than its normal value in the ordinary course of trade."⁶⁴ It is also defined as "the export of a product to Saudi Arabia at an export price less than the normal value of the like product in the ordinary course of trade when destined for domestic consumption in the exporting country."⁶⁵

It is noted that the definition of dumping is consistent across Saudi regulations, with no discrepancies between the Saudi definitions and the definition provided in the Agreement on the Implementation of Article VI. There is complete alignment between them. This consistency is supported and confirmed by the fact that the definition is included in an international agreement regulating anti-dumping, to which Saudi Arabia is a party. Therefore, parties must review their internal regulations to ensure they are consistent with relevant agreements, including the Agreement on the Implementation of Article VI.

4.2.2 Filing a Complaint

The Saudi system outlines several procedures allowing affected parties to file a complaint with the General Authority for Foreign Trade, requesting the initiation of an investigation. These procedures include:

The local industry or its representative files an electronic complaint after creating an account on the platform. The local industry is defined as "all producers in the Kingdom of similar products, or those whose production constitutes a significant portion of the total domestic production in the Kingdom of these products. In safeguard investigations, it refers to all producers in the Kingdom of similar or directly competitive products, or those whose production constitutes a significant portion of the total domestic production in the Kingdom of these products."⁶⁶ The complaint is submitted according to a model prepared by the authority for conducting anti-dumping, countervailing, or safeguard investigations⁶⁷. An investigation may commence without receiving a complaint from the local industry if sufficient evidence of dumping or specific support and evidence of injury and a causal link between them are available⁶⁸. This is the same procedure for initiating an investigation under the dumping agreement mentioned in the first section, confirming that Saudi regulations for protecting foreign trade are consistent in substance and procedure with the corresponding international agreements.

For a complaint to be accepted on merit, it must be submitted by the local industry or its representative. To accept the complaint and initiate an investigation, the authority determines whether the complaint is submitted by the local industry or its representative by examining the level of support or opposition from local producers who have explicitly expressed their position regarding the complaint to the authority. A complaint is considered submitted by the local industry or its

⁶³ . <https://gaft.gov.sa/ar/Pages/TradeRemediesTRES.aspx>

⁶⁴ . See Article 2 of the Unified Law on Anti-Dumping, Countervailing, and Safeguard Measures for the GCC Countries, 2006.

⁶⁵ . Article 1 of the Trade Remedies Law in International Trade 2022.

⁶⁶ . See Article 1 of the Trade Remedies Law in International Trade 2022.

⁶⁷ . See Article 12.1 of the Trade Remedies Law in International Trade 2022.

⁶⁸ . See Article 7 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

representative if supported by local producers whose collective output constitutes more than 50% of the total production of the like product produced⁶⁹ by local producers who have explicitly expressed their support or opposition to the complaint. An investigation will not commence if the supporting producers' collective output constitutes less than 25% of the total production of the like product in the Kingdom⁷⁰. The authority may waive the local industry's representation percentages specified in this paragraph for accepting the complaint and initiating an investigation in safeguard investigations. These conditions and percentages are the same as those in the dumping agreement, as reviewed in the first section of this chapter.

To accept a complaint on merit, it must include evidence of dumping or specific support, evidence of injury, and a causal relationship between them. An allegation of dumping alone is insufficient to initiate an investigation. There must be injury to the local industry and a causal relationship indicating that dumping is the direct cause of the injury. This causal relationship is the same as mentioned when reviewing the dumping agreement in the previous chapter.

Within 45 days, the authority must decide whether to initiate an investigation or reject the complaint. If sufficient evidence is available to initiate an investigation, the authority recommends this to the governor. Notably, the dumping agreement does not specify a period for deciding to initiate an investigation as Saudi law does, but it sets a maximum of 12 or 18 months to complete the investigation once initiated. The authority must notify the governments of the exporting countries concerned in the complaint upon accepting and registering an anti-dumping or countervailing complaint and before the governor decides to initiate the investigation⁷¹.

These regulations are crucial as they indicate the local industry's injury and demonstrate the producers' seriousness, given the complex and costly nature of investigation procedures and requirements. They also act as a safeguard against wasting the authorities' time with baseless claims. Prohibiting government authorities from initiating investigations independently except in special cases mentioned in the agreement and Saudi regulations supports the principles of trade liberalization and free competition. The affected party from any unfair trade practice outside these principles must file a complaint, including several data points reflecting the difficulties faced by the complainant and demonstrating their seriousness in protecting the local industry:

- The volume of local production of the complainant producers.
- Description of the allegedly dumped product.
- Names of the exporting countries, known foreign exporters or producers, and the importers of the product.
- Data on dumping.
- Prices at which the product is sold in the domestic market of the exporting country.
- Data on export prices.
- Volume of dumped imports.
- Data on the negative impacts on the local industry and local prices.

4.2.3 Anti-dumping and countervailing investigation procedures:

As previously mentioned, if the administration finds sufficient evidence indicating dumping, it must submit a recommendation to the governor. Saudi law has adopted a clear mechanism to determine whether a product is dumped, involving several regulatory and accounting procedures outlined in Chapter Fifteen of the Executive Regulations of the Trade Remedies law in International Trade 2022.

⁶⁹ . The International Trade Processing law defines the "like or similar product" as follows:

"A product that is identical in all respects to the product under investigation. In cases where there is no similar product to the product under investigation in all respects, it is the product whose specifications are closely similar to the product under investigation. In safeguard investigations, it is the product that is similar or directly competitive."

⁷⁰ . The same conditions were stated in the U.S. system. Refer to "Antidumping" (June 2015), p1-6.

⁷¹ . See Article 6 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

The chapter begins by defining a dumped product as: "A product is considered dumped if its export price to the Kingdom is less than the normal value of the like product in the ordinary course of trade when destined for consumption in the exporting country⁷². The exporting country is usually the country of origin, but it may also be an intermediary country for exporting the dumped product to the Kingdom." The normal value is determined based on the price paid or payable in the ordinary course of trade for the like product in the exporting country. The regulations include several procedures the administration may use to determine the normal value of the dumped product clearly, accurately, and effectively⁷³.

The export price is determined based on the actual price paid or payable for the investigated product when exported to the Kingdom. The administration has options if it deems the paid price unreliable for determining the export price⁷⁴.

Based on the submitted recommendation, the governor initiates the following procedures:

- The governor decides whether to initiate the investigation within 15 days from the date the administration submits its recommendation. If the governor decides not to initiate the investigation, the complaining industry is notified of the governor's reasoned decision. If the governor decides to initiate the investigation, the authority announces the decision in the official gazette and notifies the governments of the exporting countries concerned, as well as the known interested parties, of the initiation of anti-dumping and countervailing investigations. The announcement must include detailed information specified in Article 8, paragraph 2, of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

Upon initiating an anti-dumping and countervailing investigation, the authority provides the full non-confidential text of the registered complaint to the concerned exporting countries' governments, known exporters, and producers, and makes the non-confidential text available to other interested parties upon request. If the authority initiates the investigation without a complaint under Article 7 of the regulations, the authority provides the information and justifications for initiating the investigation in the public announcement or a separate report. The authority grants interested parties an opportunity to comment on the complaint and the investigation announcement within the specified period. The authority also allows interested parties⁷⁵ at least 15 days from the announcement date to register for the investigation. The authority has clarified the requirements for interested parties and the permissible timeframes for each procedure under Article 9 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

During the investigation, the administration examines the evidence of dumping or specific support and injury, verifies the validity of the evidence provided by the interested parties, and uses it to reach its conclusions. To verify the information or obtain more information, the administration may conduct on-site verification visits to the locations of the interested parties, either within the Kingdom

⁷² . See Paragraph 1 of Article 13 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁷³ . See Articles 13 and 14 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁷⁴ . See Article 15, Paragraphs 1 and 2, of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁷⁵ The concerned parties include exporters, foreign producers, and importers of the product under investigation, trade or professional associations where most members are producers, importers, or exporters of the product under investigation, local producers of a similar product, trade or professional associations where most members are producers of a similar product in the Kingdom, producers in the Kingdom whose inputs include the product under investigation, governments of exporting countries, and any other local or foreign parties with a direct interest in the product under investigation, provided that the concerned party declares itself within the time period specified by the regulations. (See Article 1 of the Trade Remedies Law in International Trade 2022)

or in the countries of the interested parties or other countries, provided the provisions of the regulations are followed.

When imposing provisional measures in anti-dumping and countervailing investigations, the authority notifies the interested parties of the preliminary investigation results or makes these results available to them, granting them an appropriate period of at least seven days from the notification date to comment on them.

The administration also notifies the interested parties of the essential facts on which the authority will base its final conclusions, granting them an appropriate period of at least seven days to comment and defend their interests. The administration then prepares the final conclusions and recommendations. Upon the governor's approval of the final conclusions and recommendations, they are submitted to the president for the final decision. The authority announces the governor's or president's decisions that must be announced within five days of the decision date⁷⁶.

4.2.4 Injury to local industry:

The term "injury"⁷⁷ is defined in the agreement as "material injury to a domestic industry, threat of material injury to a domestic industry, or material retardation of the establishment of such an industry." The definition of injury in the Trade Remedies Law in International Trade is consistent with the agreement. However, the Saudi Law provides an expanded definition of the term injury that can be caused by dumping, stating: "material injury or threat of injury to the domestic industry, or material retardation to the establishment of an emerging domestic industry"⁷⁸.

The Saudi law further clarifies the term "domestic industry" as: "all producers in the Kingdom of similar products, or those whose production constitutes a significant portion of the total domestic production in the Kingdom of these products. In safeguard investigations, it refers to all producers in the Kingdom of similar or directly competitive products, or those whose production constitutes a significant portion of the total domestic production in the Kingdom of these products"⁷⁹.

In all cases, anti-dumping duties should only be imposed if an investigation reveals positive evidence of injury to the domestic industry. The investigation must determine the injury caused and establish a causal relationship between the dumping and the injury, meaning the injury resulted directly from the dumping.

From the above, we conclude that the Anti-Dumping Agreement and Saudi regulations provide substantive and procedural rules that are consistent and specific to prevent any unlawful trade practices that contradict GATT principles. They also set clear and transparent conditions for verifying dumping and protecting the domestic industry by imposing provisional measures or anti-dumping duties.

5. PRACTICAL APPLICATIONS OF INTERNATIONAL TRADE PROTECTION PROCEDURES⁸⁰

⁷⁶ . See Article 10, Paragraphs 1/2/3/4/5/6, of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁷⁷ .See: Footnote of Article 3 of the Agreement on the Implementation of Article 6 of the General Agreement on Tariffs and Trade (GATT), as the definition of injury mentioned above is specific to the application of Article 6. It does not extend to other WTO agreements, such as the Agreement on Trade in Services.

⁷⁸ .See Article 1 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁷⁹ .See Article 1 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁸⁰ . In this paragraph, I aimed to track the work of the authority by reviewing a sample of complaints filed to the authority regarding dumping or countervailing subsidies, and by reviewing the actions taken by the authority. I compared these actions to the relevant legal texts in the agreement and corresponding regulations. The goal was to assess how well the authority applies the regulations and whether it encounters any difficulties

The General Authority for Foreign Trade has initiated investigations into complaints submitted by local industries affected by dumped, subsidized imports, or a surge in imports under the Trade Remedies Law in International Trade or the Unified Law on Anti-Dumping, Countervailing, and Preventive Measures for the GCC countries. The authority has listed the ongoing investigations, completed investigations with decisions, and terminated measures as follows:

- **(2) investigations with measures issued: (AD-23-1 & AD-23-2)**
- **(2) ongoing investigations (AD-24-1 & AD-24-2⁸¹)**

To understand Saudi Arabia's mechanisms for protecting international trade, their alignment with relevant WTO agreements, and the ability of the relevant Saudi authorities (General Authority for Foreign Trade) to monitor and implement these mechanisms effectively in receiving complaints, investigating, gathering evidence, and imposing and monitoring provisional measures, we will trace a complaint still under investigation. We will examine the stages it went through, the requirements for each stage, and discuss the theoretical and practical aspects of the procedures. The complaint we will review is registered as AD-23-1, the type of investigation is anti-dumping, and the countries involved are the People's Republic of China and the Russian Federation. The product under investigation is Sulfonated Naphthalene Formaldehyde (SNF) concrete admixtures. The procedures were as follows:

An anti-dumping investigation was announced on November 20, 2023, against imports of Sulfonated Naphthalene Formaldehyde (SNF) concrete admixtures originating or exported from the People's Republic of China and the Russian Federation. This announcement was based on the complaint submitted by the complainant company to the administration⁸², supported by documents proving the conditions stipulated in Articles 4 and 5 of the Executive Regulations of the Trade Remedies Law. The complaint alleged that imports of this product were entering at dumped prices and causing material injury to the local industry.

The authority accepted the complaint and registered it as AD-23-1 after evaluating the sufficiency and accuracy of the submitted evidence per Article 6, paragraph 1, of the Executive Regulations. A report with the recommendation to initiate the investigation was submitted to the governor. The governments of the concerned countries were notified of receiving the complaint on November 7, 2023, per the regulations.

The regulations require the complaining local industry to represent at least 25% of the total domestic production of the product under investigation⁸³. In this case, the complainant, "Methanol Chemicals Company (Chemanol)," supported by "National Chemical Carriers (Al-Ruwabi)" and "Trust Universal," confirmed that their production and the production of supporting companies represent 100% of domestic production. The accuracy of the submitted data and figures was verified, and it was confirmed that the local product is similar to the product under investigation. It was also verified that China and Russia are the countries concerned, as their imports constitute more than 3% of the Kingdom's total imports.

The complainant provided evidence proving dumping through examining the export price, normal value, and dumping margin. The authority concluded that the dumping margin for each country is

in their application. Therefore, I made sure to narrate the events with a bit of adjustment and to comment on each action.

⁸¹ . For more information about the product under investigation, the concerned countries, the type of investigation, and the start date of the investigation, refer to the details of investigations and reviews at the authority through this link: <https://gaft.gov.sa/ar/Pages/OngoingInvestigations-.aspx>.

⁸² . Administration: The concerned department in the Authority (The General Authority for Foreign Trade) responsible for trade remedies - see Article 1 of the Trade Remedies Law in International Trade 2022.

⁸³ . See Article 4 of the Executive Regulations of the Trade Remedies Law in International Trade 2022.

not less than 2%, sufficient to initiate an investigation⁸⁴. Additionally, the complainant provided evidence of injury and a causal link between the dumping and the injury, citing a significant increase in imports and their prices negatively affecting the local industry.

The investigation period was set from July 1, 2022, to June 30, 2023, while the injury assessment period was set from January 1, 2022, to June 30, 2023. The investigation procedures must be completed within 12 months of the announcement, with the possibility of extension up to 18 months⁸⁵.

The authority granted the interested parties⁸⁶ a 15-day period from the announcement date⁸⁷ to register as interested parties, provided they submit documented authorization and commitment. The governments of the concerned countries were notified to inform the producers and exporters in their countries⁸⁸ of the announcement. The authority provided a 37-day period for comments and views on the complaint. For other entities not among the interested parties, they could register as public interest stakeholders within 15 days of the announcement date.

Reviewing⁸⁹ the procedures taken concerning the above complaint reveals clear, announced regulatory procedures with specified timeframes. It is important to note that time is crucial in trade disputes, especially knowing that speed is a distinguishing feature of business. Resolving trade disputes quickly helps mitigate harm to the disputing parties. In many cases, excellent legal texts may be well-structured but fail to achieve their intended purpose in practical application, rendering their existence ineffective.

Examining the Saudi regulations for protecting international trade and reviewing the procedures taken concerning the above complaint compared to the texts of the Trade Remedies System, we can conclude that the regulations have been implemented and applied to the complaints received by the authority. I have detailed the procedures and linked them to the corresponding regulatory texts, demonstrating a complete match between the theoretical texts and the practical measures taken by the authority regarding the complaint. This indicates the efficiency of the administrative bodies implementing the regulations and their commitment to good implementation, contributing effectively to protecting international trade in Saudi Arabia.

The authority provides questionnaires to the interested parties, including the technical requirements and necessary information and documents. These questionnaires are posted on the authority's website to be available to the interested parties, who must submit their responses within 37 days from the date of the investigation announcement notification⁹⁰, with the possibility of extending this period per the regulations. Other entities not among the interested parties are listed as public interest stakeholders⁹¹ and can register within 15 days of the announcement date.

⁸⁴ . See Paragraph 7 of Article 6 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁸⁵ . See Article 4 of the Trade Remedies Law in International Trade 2022.

⁸⁶ . Exporters, foreign producers, and importers of the product under investigation, trade or professional associations where most members are producers, importers, or exporters of the product under investigation, local producers of a similar product, trade or professional associations where most members are producers of a similar product in the Kingdom, producers in the Kingdom whose inputs include the product under investigation, governments of exporting countries, and any other local or foreign parties with a direct interest in the product under investigation, provided that the concerned party declares itself within the time period specified by the regulations. (See Article 1 of the Trade Remedies Law in International Trade 2023)

⁸⁷ . See Paragraph 1 of Article 9 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁸⁸ . See Paragraphs 8 and 9 of Article 9 of the Trade Remedies Law in International Trade 2022.

⁸⁹ . See Paragraph 1 of Article 43 of the Trade Remedies Law in International Trade System 2022.

⁹⁰ . See Paragraph 5 of Article 8 of the the Trade Remedies Law in International Trade 2023.

⁹¹ . Public stakeholders include: government agencies, institutions, and civil associations in the Kingdom that do not fall under the definition of concerned parties and have an opinion on the impact of imposing measures

Investigations typically cover all producing, exporting, and importing companies of the investigated product. In some cases, as specified in Chapter 9 of the regulations, sampling may be used. The authority selects the required sample for the investigation, and the sample questions are posted on the authority's website. Foreign producers and exporters registered as interested parties must respond to the questions within 21 days of the announcement. Providing responses indicates agreement to be included in the sample, while failing to respond may be considered non-cooperation, allowing the authority to issue its findings based on the available information⁹².

The authority holds a hearing session dedicated to registered interested parties within 37 days of the announcement. The session allows the presentation and defense of views and arguments before other parties and discussion of different opinions. The authority may conduct on-site visits to the locations of the interested parties within or outside the Kingdom to obtain additional information per Chapter 14 of the regulations.

If the preliminary findings indicate that dumped imports cause injury to the local industry, provisional anti-dumping measures such as duties or guarantees may be imposed to prevent injury during the investigation⁹³. These measures are strictly regulated; they cannot be imposed before 60 days from the investigation's initiation and cannot exceed four months, with a possible extension to six months⁹⁴. The interested parties are notified of the preliminary investigation results after the governor's approval and given a period of at least seven days to comment on them⁹⁵.

The authority notifies the interested parties of the essential facts relied upon to issue the final results, granting them a period of at least seven days to review and defend their interests. The authority then prepares the final report with recommendations, which the governor approves before submitting it to the president of the authority for the final decision⁹⁶.

On November 28, 2024, the president of the General Authority for Foreign Trade issued Decision No. 1 imposing final anti-dumping duties on Sulfonated Naphthalene Formaldehyde (SNF) concrete admixtures originating or exported from the People's Republic of China and the Russian Federation for five calendar years. The decision is enforced by the Zakat, Tax, and Customs Authority per the Trade Remedies System in International Trade⁹⁷.

It is important to note that the investigation began on November 20, 2023, and the final decision was issued on November 28, 2024. This means the investigation and final decision were completed within one year, the minimum period specified under Article 5, paragraph 10 of the 1994 GATT Agreement. This short period is commendable, considering the involvement of international parties and the procedural complexities of such investigations. This indicates the efficiency of the administrative bodies conducting the investigations in Saudi Arabia.

5.1.2 Investigations under the unified law on anti-dumping, countervailing, and preventive measures for GCC countries

on the public interest. Examples include entities concerned with consumers, public health, and market competitiveness (see Article 1 of the Trade Remedies Law in International Trade²⁰²²).

⁹². See Paragraph 7 of Article 10 of the Executive Regulations of the Trade Remedies Law in International Trade 2023.

⁹³. See Paragraph 1 of Article 9 of the Trade Remedies Law in International Trade 2022.

⁹⁴. See Paragraph 1 of Article 11 of the the Trade Remedies Law in International Trade 2022.

⁹⁵. See Paragraph 3 of Article 10 of the Executive Regulations of the the Trade Remedies Law in International Trade²⁰²³.

⁹⁶. <https://gaft.gov.sa/ar/commercial-processors/InvestigationFollowUp/Pages/default.aspx>

⁹⁷. For more details, refer to the documents for investigation AD-23-1 (Final Announcement) on the website: <https://gaft.gov.sa/ar/commercial-processors/Pages/Investigations/AD-23-1-Docs.aspx>.

Investigations under the Unified Law on Anti-Dumping, Countervailing, and Preventive Measures for GCC countries are conducted by the Technical Secretariat Office for Combating Harmful Practices in International Trade within the GCC. The details are as follows:

- (4) Ongoing investigations, all related to anti-dumping, involving China, India, Malaysia, and Iran.
- (7) Investigations with anti-dumping measures still in effect, involving China, India, Turkey, France, Belgium, Iran, Singapore, and Korea. The scope of the duties applies to all GCC countries except for the superabsorbent polymers' products, which are limited to imports into Saudi Arabia.
- (3) Investigations where the measures have expired⁹⁸.

Complaints of dumping, subsidies, or increased imports are investigated by the Technical Secretariat Office⁹⁹ following the prescribed model. The complaint must originate from the Gulf¹⁰⁰ industry, its representative, or the relevant chambers of commerce and industry in any member state or producers' unions.

The complaint must include evidence of dumping, specific subsidies, or increased imports, and the injury caused by these practices, along with a causal link. In exceptional cases, the Permanent Committee may order an investigation without a complaint¹⁰¹. Notably, the procedures in this part are consistent with those required under the Trade Remedies Law, with a difference in who can file complaints. Under the Trade Remedies Law, the right is limited to the local industry, while the Unified Law allows complaints from the Gulf industry or its representatives, such as chambers of commerce and industry in GCC countries.

The Technical Secretariat Office reviews the accuracy and sufficiency of the evidence within 30 days of filing the complaint, preparing a report for the Permanent Committee with a recommendation to reject the complaint or initiate an investigation¹⁰². The Permanent Committee issues a decision within 15 days of receiving the preliminary report, either accepting the complaint and initiating the investigation or rejecting the complaint. The Technical Secretariat Office notifies the complainant of the committee's decision within seven days of its issuance.

To initiate an anti-dumping or subsidy investigation, the complaint must be supported by domestic producers accounting for more than 50% of the total production of producers who expressed support or opposition to the complaint. Producers supporting the complaint must not represent less than 25% of the total Gulf industry of the like product¹⁰³. The representation percentages required to initiate an investigation under the Trade Remedies Law are identical to those in the Unified Law, as stated in Article 4 of the Executive Regulations of the Trade Remedies Law in International Trade.

⁹⁸. For more details, refer to the follow-up on trade remedies investigations (Section Two) through the link: <https://gaft.gov.sa/ar/commercial-processors/InvestigationFollowUp/Pages/default.aspx>.

⁹⁹. The Technical Secretariat Office for Combating Harmful Practices in International Trade for the Gulf Cooperation Council (see Article 1 of the Unified Law). It is noted that in the case of the Unified Law, the complaint is submitted to the Secretariat Office, whereas in the case of the Trade Remedies Law, the complaint is submitted to the concerned department in the authority with responsibilities for trade remedies.

¹⁰⁰. The group of producers in the GCC countries for similar products or whose total production constitutes a significant proportion of the total Gulf production of these products. The Gulf industry in safeguard investigations means the group of producers in the GCC countries for the similar or directly competing product, or whose total production of similar or directly competing products constitutes a significant proportion of the total Gulf production of this product.

¹⁰¹. Refer to paragraphs 1, 2, 3, and 4 of Article (2) of the Executive Regulations of the Unified Law 2010.

¹⁰². Refer to Article 3 of the Executive Regulations of the Unified Law on Anti-Dumping, Countervailing, and Safeguard Measures for the GCC States 2010.

¹⁰³. Refer to Article 6 of the Executive Regulations of the Unified Law on Anti-Dumping, Countervailing, and Safeguard Measures for the GCC States 2010.

Exceptional cases are considered when assessing the representation percentage of the Gulf industry or local producers in both Laws.

The concerned country or countries are notified of the complaint through the Technical Secretariat Office before initiating an anti-dumping or subsidy investigation. The Technical Secretariat Office takes necessary measures to invite the exporting countries to consultations to explain the complaint and the evidence to reach mutually acceptable solutions. Consultations before initiating the investigation do not prevent issuing preliminary or final decisions or imposing provisional or final measures¹⁰⁴. Notably, the Trade Remedies Law did not include provisions for consultations with other parties to the complaint, whereas this procedure under the Unified Law seeks amicable resolution of trade disputes at early stages. If no response is received from the parties, the usual procedures continue, as indicated in Article 7, paragraph 3 of the Unified Law's Executive Regulations.

The investigation is announced within 10 working days of the Permanent Committee's positive decision, which must include the investigation timeline. This timeline is crucial as initiating and completing the investigation within a specific period affects the commercial activities of all parties in the complaint. Long-standing disputes negatively impact business activities¹⁰⁵.

The Technical Secretariat Office investigated 15 complaints under the Unified Law, including (11) anti-dumping investigations involving various products from countries such as China, South Korea, India, Iran, Spain, Italy, Poland, Japan, Taiwan, Germany, France, Belgium, and Singapore. Measures were taken and enforced within the specified period, while some investigations concluded without imposing anti-dumping duties, such as the 2019 investigation into superabsorbent polymers involving Japan and Taiwan.

Additionally, four investigations were conducted under the Unified Law for safeguard measures against increased imports, covering various products and targeting all countries. Measures were taken, including imposing provisional safeguards for a specific period, while other investigations concluded without final safeguard measures, returning provisional duties to the payers, such as the 2016 investigation into manganese silicon¹⁰⁶.

6. CONCLUSION:

This research examines international trade protection measures according to WTO agreements and Saudi regulations, focusing on the role of these measures in enhancing the national economy and addressing challenges arising from globalization. The research employs a descriptive-analytical methodology to analyze and compare legal texts between international agreements and national laws in Saudi Arabia, providing practical examples of local applications.

The research aims to study the technical barriers affecting international trade, analyze anti-dumping and countervailing duty laws, and review import licensing procedures, with an assessment of the alignment of Saudi regulations with global standards outlined in WTO agreements. Additionally, the research discusses mechanisms for receiving complaints from affected parties and the role of the General Authority for Foreign Trade in handling them through an integrated electronic platform that allows systematic and organized submission and follow-up of complaints.

¹⁰⁴. Refer to paragraphs 1, 2, and 3 of Article 7 of the Executive Regulations of the Unified Law on Anti-Dumping, Countervailing, and Safeguard Measures for the GCC States 2010.

¹⁰⁵. Refer to Article 9 of the Executive Regulations of the Unified Law on Anti-Dumping, Countervailing, and Safeguard Measures for the GCC States 2010.

¹⁰⁶. Technical Secretariat for Combating Harmful Trade Practices – Investigations:
<https://www.gcc-sg.org/ar-sa/GeneralSecretariat/SectorsSites/TSAD/Pages/Investigations.aspx>

The study concluded that Saudi Arabia has achieved significant alignment between theoretical aspects and practical implementation in its regulations, successfully harmonizing its legislation with international commitments. Initiatives like the "Fasah" system have reduced technical barriers and significantly improved the flow of international trade. The research concludes with recommendations for enhancing legislative and regulatory performance and improving the efficiency of practical measures to ensure the effective protection of international trade.

7. FINDINGS:

1. Saudi laws are aligned with WTO agreements, such as the Technical Barriers to Trade (TBT) Agreement and the Anti-Dumping Agreement.
2. The Saudi Standards, Metrology, and Quality Organization (SASO) have improved the quality of national products by implementing technical regulations and enhancing their competitiveness in local and global markets.
3. The "Fasah" electronic system has proven its efficiency in speeding up licensing processes, reducing bureaucracy, and increasing transparency.
4. Saudi measures on anti-dumping and countervailing duties have helped protect local industries from unfair competition.
5. Developing national regulations in line with international commitments has made Saudi Arabia more attractive to foreign investments.

8. RECOMMENDATIONS:

1. Enhance cooperation with international organizations and WTO member states to develop laws and regulations that serve national interests.
2. Provide awareness programs for local producers on technical regulations and global market requirements.
3. Continue improving digital platforms like "Fasah" to offer faster and more efficient services in import and export fields.
4. Conduct periodic reviews of national regulations to ensure they remain consistent with international changes and market developments.
5. Support the role of regulatory bodies in monitoring the implementation of regulations and combating unfair trade practices.

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