

The Secretariat General of the Cooperation Council for the Arab States of the Gulf (GCC)

*Bureau of Technical Secretariat for Anti Injurious Practices in International Trade*



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GCC-Bureau of Technical Secretariat for Anti Injurious Practices in International Trade

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**This Official Gazette is issued by the GCC-Bureau of Technical Secretariat for Anti Injurious Practices in International Trade in accordance with GCC Common Law of Anti-Dumping, Countervailing Measures and Safeguards, and its Regulation**

## **In this Edition:**

**Initiation of anti-Dumping Investigation against imports of Ceramic flags and paving, hearth, floor, or wall tiles; whether or not on a backing; finishing ceramics (Ceramic Tiles).**

**(Originating in China, India, and Spain)**

### **Subscription Fees**

Single Edition: 100 SAR or its equivalent

Cooperation Council for the Arab States of the Gulf GCC-Bureau of  
Technical Secretariat for Anti Injurious Practices in International Trade

P.O.Box 7153 Riyadh 11462 King Khalid st.

Tel: 00966112551388-Fax:00966112810093

**Kingdom of Saudi Arabia**

The Official Gazette for the GCC- Bureau of Technical Secretariat For Anti Injurious Practices in International Trade

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**The Secretariat General of the Cooperation Council for  
the Arab States of the Gulf (GCC)  
Bureau of Technical Secretariat for Anti Injurious Practices in  
International Trade**



**Official Gazette**  
The GCC-Bureau of Technical  
Secretariat for Anti Injurious  
Practices in International Trade

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P.O. Box 7153 Riyadh 11462

TEL: 00966112551388

FAX: 00966112810093

Email: TSAD@gccsg.org

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## Introduction

**In compliance with the basic objectives of the Cooperation Council for the Arab States of the Gulf, and in conformity with the objectives of the GCC Unified Economic Convention seeking to achieve economic integration among GCC member states, and aware of the crucial role played by GCC industries in the economies of the GCC member states, it becomes vital for the member states to take necessary measures against dumping, subsidy and increase of imports, which cause injury, threat of injury, or retardation to GCC industries.**

**Pursuant to Article 86 of the Rules of Implementation of the GCC Common Law on Antidumping, Countervailing Measures and Safeguards which states, “The Technical Secretariat issues an Official Gazette where it publishes all publications required under this Common Law and its Rules of Implementation”. Hereby, GCC-Bureau of Technical Secretariat for Anti Injurious Practices in International Trade pleased to publish the Notice Volume No (17) of the Official Gazette of GCC- Bureau of Technical Secretariat for Anti-Injurious Practices in International Trade**





**The Secretariat General of the Cooperation Council for the Arab States of the Gulf (GCC)  
GCC- Bureau of Technical Secretariat for Anti Injurious Practices in International Trade**

**Initiation of anti-dumping investigation against GCC imports of Ceramic flags and paving, hearth, floor, or wall tiles; whether or not on a backing; finishing ceramics (Ceramic Tiles)**

**Originating in China, India, and Spain**

In conformity with the GCC Common Law on Anti-Dumping, Countervailing and Safeguard Measures and its Rules of Implementation, (hereinafter referred to as the Regulation), and upon the decision no. (19/AD4/2018) of the Permanent Committee of Anti Injurious practices in the International Trade (hereinafter referred to as the Permanent Committee) regarding accepting the anti-dumping complaint lodged by the GCC industry and approving the initiation of the anti-dumping investigation, the GCC- Bureau of Technical Secretariat for Anti-Injurious Practice in International Trade (hereinafter referred to as the GCC-TSAIP) announces the initiation of anti-dumping investigation concerning imports of Ceramic flags and paving, hearth, floor, or wall tiles; whether or not on a backing; finishing ceramics, which are imported under HS Code 6907 other than those of subheading 69073000 originated in China, India, and Spain from the date of the publication of this notice in the Official Gazette of the Bureau of the Technical Secretariat for the Injurious Practices in International Trade (hereinafter referred to as Official Gazette) according to the following:

**1. Complaint**

The GCC-TSAIP received a properly documented complaint submitted by the GCC industry of ceramic tiles, according to the provisions of Article (2-2) of the Regulation, alleging that the imports of the product under investigation are imported from China, India, and Spain into the GCC market at dumped prices and are thereby causing material injury to the GCC industry of the like product.



## **2. GCC Industry**

The Complainants, are “Saudi Ceramics and Alfanar Ceramic & Porcelain Factory” from the Kingdom of Saudi Arabia, which represent 32.18% of the GCC production of the like product. The complaint is supported by a number of GCC producers as indicated in the complaint thus, the complainants represent the GCC industry in accordance with Article (6-1) of the Regulation.

## **3. Product under Investigation and GCC Like Product**

Ceramic flags and paving, hearth, floor, or wall tiles; whether or not on a backing; finishing ceramics. The product under investigation is classified under the following GCC-Unified Tariff Code from item: (6907), other than those of subheading (69073000), Originating in China, India, and Spain.

The product under investigation is used for covering floors, walls and fireplaces.

The complainants clarified that the GCC like product has characteristics closely resembling to those of the product under investigation in respect of the physical characteristics, production method, end use, sales and distribution channels, customs classification, and substitutability.

## **4. Allegation of Dumping**

The GCC industry based its allegation of the existence of dumping on a comparison between the export prices of the product under investigation with the normal value in the domestic markets of the concerned countries at the same level of trade. This comparison resulted in the existence of dumping margins exceeding 2% which are not de minimis.

## **5. Allegation of Injury**

The GCC industry alleged that there has been a significant increase in the volume of the allegedly dumped imports of the product under investigation from China, India, and Spain, exceeding, in absolute terms and relative to the domestic production, 3% of the total GCC imports of the product under investigation, which caused material injury to the GCC industry that was represented in the following factors:



- Decline in production volume
- Decline in the rate of capacity utilization,
- Price suppression and price depression,
- Price undercutting between the like product and the imported product under investigation,
- Decline in sales volume and the market share,
- Increase of inventory, Decline in labour, and productivity,
- Decline in profitability,
- Decline in cash flows,
- Decline in investments, and the rate of return on investment and inability to grow or raise capital,

## **6. Procedures**

The GCC-TSAIP examined the accuracy and adequacy of the data contained in the complaint and prepared the initiation report that has been submitted to the Permanent Committee according to Article 3 of the Regulation, which in turn approved the initiation of the investigation and the publication of the notice of initiation in the Official Gazette according to Article 4 of the Regulation as they are satisfied that the information, data, evidences, and facts reported in the complaint appear to be sufficient to justify the initiation as per the provisions of the common law and its rules of implementation. Therefore, the notice of initiation is published in this official gazette while its publishing date is considered to be the effective date for the initiation of this investigation according to Article 9 of the Regulation. Furthermore, the Embassies of China, India, and Spain in Country of residence were notified after receiving the complaint and before proceeding to initiate the investigation.

## **7. Investigation Period**

The dumping investigation period is from 1st July 2017 to 30th June 2018.

The injury investigation period covers the period from 2013 to 30th June 2018.

According to Article 23 of the Regulation, the investigation shall be completed within 12



months from its date of initiation. This period may be extended in special circumstances for no more than 6 months.

## **8. Questionnaires and Collecting Information**

In order to obtain necessary information for the investigation, the GCC-TSAIP will send questionnaires to the known foreign producers/exporters (regarding the unknown foreign producers and exporters, the questionnaires will be sent through the diplomatic representatives of China, India, and Spain in Country of residence) .

Questionnaires will also be sent to the GCC producers and to the known GCC importers of the product under investigation. All interested parties shall submit their responses to the questionnaires to the GCC-TSAIP within 40 days from the date on which the questionnaires were sent to them or to the diplomatic representative of the countries concerned according to the provisions of Article 12 of the Regulation.

Without prejudice to the specified time limit for responding to the questionnaires, all interested parties desiring to participate in the investigation have to make themselves known as interested parties in writing to the GCC-TSAIP within 15 days from the date of publication of this notice in the Official Gazette.

## **9. Sampling Techniques**

Pursuant to Article 13 of the Regulation, the GCC-TSAIP may resort to apply sampling technique in case of the existence of large number of interested parties or types of products under investigation.

### **a) Sampling for Foreign Producers/Exporters**

In case of using sampling techniques, all foreign producers/exporters, or legal representatives acting on their behalf, are requested to contact the GCC-TSAIP, and to provide the following information of their company or companies as per requested in attachment (1) within 15 days from the date of publication of this notice in the Official Gazette:

- Names, addresses, e-mail addresses, telephones, fax and contact person;





- Sales volume (M2) and value of sales of the product under investigation exported into GCC market by the concerned company during the period from 1st July 2017 to 30th June 2018;
- Sales volume (M2) and value of sales of the product under investigation sold in the domestic market of concerned country by the concerned company during the period from 1st July 2017 to 30th June 2018;
- Activities of the company with regard to the production and sale of the product under investigation;
- Names and precise activities of all related companies involved in the production and/or selling (exported sales / domestic sales) of the product under investigation; and
- Any other relevant information that would assist the GCC-TSAIP in the selection of the sample.

By submitting all the above mentioned information, the concerned company agrees to its inclusion in the sample, and if the company is selected as part of the sample, this implies replying to questionnaires and accepting a possible on-the-spot verification visit. If the concerned company is unwilling to be included in the sample, it will be deemed non-cooperating with the GCC-TSAIP.

#### **b) Sampling for Importers**

In case of using sampling techniques, all importers, or legal representatives acting on their behalf, are requested to contact the GCC-TSAIP and to provide the following information concerning their company or companies as per requested in attachment (2) within 15 days from the date of publication of this notice in the Official Gazette:

- Names, addresses, e-mail addresses, telephones, fax numbers and contact person;
- Sales volume (M2) and value of company's sales of the product under investigation in the GCC market during the period from 1st July 2017 to 30th June 2018;
- Activities of the company with regard to the product under investigation;
- Imports volume (M2) and value in Saudi Riyal or the local currency of the product



under investigation, that the company imported from the countries under investigation during the period from 1st July 2017 to 30th June 2018;

- Names and activities of all related companies involved in the production and/or selling of the product under investigation; and
- Any other relevant information that would assist the GCC-TSAIP in the selection of the sample.

By submitting all the above mentioned information, the concerned company agrees to its inclusion in the sample. If the company is chosen as a part of the sample, that implies replying to questionnaires and accepting a possible on-the-spot verification visit. If the concerned company is unwilling to be included in the sample, it will be deemed non-cooperating with the Investigating Authority.

### **c) Final Selection of Samples**

The GCC-TSAIP will inform all interested parties by the final result of the sampling within 3 working days from the due date for submitting the related sampling data, and any interested party wishing to submit any relevant information regarding the selection of the samples shall do so within 2 days after the announcement of the sampling result.

Companies included in the samples shall reply to the questionnaire within the specified time limits in this notice and shall cooperate with the Investigating Authority. If there is insufficient cooperation, the GCC-TSAIP may base its conclusions on the information available.

For those interested parties who have expressed their willingness to be included in the sample and provided the relevant sampling data within the specified time limits but not included in the sample, they will be considered as cooperating parties without prejudice to the provisions of Article (30-6) of the Regulation. Consequently, according to the provisions of Article (30-5) of the Regulation, any anti-dumping measures if applied to imports from these non-sampled exporters or producers shall not exceed the weighted



average dumping margin established with respect to the sampled exporters or producers. Furthermore, according to the provisions of Article (30-6) of the Regulation, individual determinations of the dumping margin may be requested by any exporter or producer not initially sampled who submits the response to the questionnaire within the specified time-limit in this notice except where the number of exporters or producers is so large that individual examinations would be unduly burdensome to the GCC-TSAIP and prevent timely completion of the investigation.

### **10. Hearings**

Pursuant to Article (14) of the Regulation, hearings may be held at the premises of the GCC-TSAIP for all interested parties to present their views and arguments, provided that they submit a written request to the GCC-TSAIP that includes specific reasons as to why they should be heard. Interested parties must express their wish to hold a hearing within a 30 days period from the date of publication of this notice in the Official Gazette.

### **11. On-the-Spot Verification Visits**

Pursuant to Article (18) of the Regulation, the GCC-TSAIP may conduct verification visits at the premises of the interested parties inside or outside GCC countries to verify the accuracy of the information submitted and to collect any additional information or data required for the investigation.

### **12. Confidentiality**

Any information provided by interested parties on a confidential basis, upon a reasonable cause, shall be treated as confidential and shall not be disclosed without the specific permission of the party submitting it pursuant to Article (12) of the Regulation.

Interested parties providing confidential information shall furnish a non-confidential summary with sufficient details to permit a reasonable understanding of the substance of the information submitted in confidence. If that information is not susceptible of summary, the concerned parties shall provide a statement of the reason according to Article (19) of the Regulation.



### 13. Non-cooperation

In cases any interested party refuses access to or otherwise does not provide necessary information within the specified time limits and prescribed form or impedes the course of the investigation, the GCC-TSAIP will make its preliminary and final determinations based on the best information available pursuant to Article (26) of the Regulation.

In cases any interested party provided any misleading or wrong information, it will not be considered and best information available may be used.

### 14. Public File

The GCC-TSAIP makes available all relevant non-confidential information submitted by the interested parties through its public file. This information is available, upon written request, for all interested parties at the premises of the GCC-TSAIP in Riyadh during the investigation and before reaching the final determinations pursuant to Article (14-3) of the Regulation.

### 15. Submission of Information

All relevant information including the information requested in this notice, questionnaire replies and correspondence provided by interested parties, must be communicated to GCC-TSAIP in writing and in electronic format and must indicate the name, address, e-mail address, telephone and fax of the interested parties.

Correspondences to the GCC-TSAIP shall be made to the following address:

Rihan Mubarak Fayeze

General Director OF GCC- TSAIP

Secretariat General- Gulf Cooperation Council

Bureau of Technical Secretariat of Anti Injurious Practices in the International Trade

King Khaled Street, Riyadh, Kingdom of Saudi Arabia

P.O Box 7153 Code 11462

Phone: +966 112551388 – 966 112551399

Fax: +966 112810093

Email: [tsad@gccsg.org](mailto:tsad@gccsg.org)



### Attachment 1<sup>(6)</sup>

A-Information for the selection of the sample of exporting producers in Concerned Country.  
(Determine the Country)

Company Name	
Address	
Activities of the company with regard to the product under investigation,	
Contact Person	
E-mail Address	
Telephone	
Fax	
Name of Related Companies	
Activities of all related companies involved in the production and/or selling of the product under investigation.	

### B-Turnover and Sales Volume of the Product under Investigation <sup>(7)</sup>

During the period from 1st July 2017 to 30th June 2018

Data <sup>(8)</sup>	Country	Volume (M2)	Value (specify Currency)
Export Sales of the Product under Investigation	Kingdom of Saudi Arabia		
	United Arab of Emirates		
	Sultanate of Oman		
	Kuwait		
	Qatar		
	Kingdom of Bahrain		
	Total		
Total Domestic Sales of the Product under Investigation	Domestic Market of Concerned Country		

(6) This attachment has to be submitted in two versions (Confidential and non-Confidential)

(7) Sales include the related companies' sales of the product under investigation.

(8) This information is required for the purpose of sampling, and all the information provided will be treated as highly confidential by GCC- TSAIP according to Article 12 of the GCC Common Law.



Attachment (2)<sup>(9)</sup>

Information for the selection of the sample of Importers in the GCC  
A-Company detail

Company Name	
Activities of the company with regard to the product under investigation	
GCC country name	
Address	
Contact Person	
E-mail Address	
Telephone	
Fax	
Name of Related Companies	
Activities of all related companies involved in the production and/or selling of the product under investigation.	

B-Turnover and Sales Volume of the Product under Investigation<sup>(10)</sup>  
During the period from 1st July 2017 to 30<sup>th</sup> June 2018

	Volume (M <sup>2</sup> )	Value (specify Currency)
Total imports of the Product under Investigation		
Total Sales of the Product under Investigation within GCC		

(9) This attachment has to be submitted in two versions (Confidential and non-Confidential)

(10) This information is required for the purpose of sampling, and all the information provided will be treated as highly confidential by GCC- TSAIP according to Article 12 of the GCC common law.