

**NOTIFICATION OF LAWS, REGULATIONS AND
ADMINISTRATIVE PROCEDURES RELATING
TO SAFEGUARD MEASURES**

JORDAN

The following communication, dated 20 November 2000, has been received from the Permanent Mission of Jordan.

In reference to the notification above, Jordan notifies herewith its new Safeguard Regulation "Regulation on Safeguard of National Production" No. 55 for the year 2000 that was adopted and published in the Official Gazette No. 4465 dated 16 November 2000.

Pursuant to Article (31) of the Constitution and according to the Decision taken by the Council of Ministers on 10 October 2000, order to put forward the following regulation:

**REGULATION NO. (55) OF THE YEAR 2000
REGULATION ON SAFEGUARD OF NATIONAL
PRODUCTION**

**ISSUED PURSUANT TO ARTICLE 14 OF THE
NATIONAL PRODUCTION PROTECTION LAW (NO. 4) 1998**

Article 1

This Regulation shall be known as the "Regulation on Safeguard of National Production for the year 2000" and shall come into force as of the date of its publication in the Official Gazette.

Definitions

Article 2

The following terms and phrases wherever mentioned in this Regulation, shall have the meanings assigned thereto hereunder, unless otherwise indicated by context:

The Law: The National Production Protection Law in force.

The Ministry: The Ministry of Industry and Trade.

The Minister: The Minister of Industry and Trade.

The Competent Authority: The Competent Authority at the Ministry entrusted by the Minister to following up the

procedures of an investigation pertaining to national production protection petition in accordance with the provisions of the Law.

Domestic producers:	Domestic producers who produce the Kingdom's total production of a specific Jordanian product or a major proportion thereof.
The injury:	A significant injury occurring to domestic producers or the imminent occurrence of such.
Interested parties:	The producer(s) of the domestic products; producer(s) and importer(s) and exporter(s) of the imported like or directly competitive products of the domestic product, any trade and business association(s) a majority of the members of which are domestic producers. Interested parties also include the government(s) of the exporting country or countries and interested governmental entities in the Kingdom.
Participating Parties:	Shall mean those interested parties that have indicated their interest in participating in an investigation conducted in accordance with the provisions of the Law and this Regulation.
The Organization:	The World Trade Organization (WTO).
The Committee:	The Committee on Safeguards of the World Trade Organization (WTO).
Member:	A Member of the World Trade Organization (WTO).

Determination of Injury

Article 3

Serious injury to domestic producers that is resulting from import increases of a product which is like or directly competitive product to their product shall be based on the objective evaluation of all relevant factors which have a bearing on the situation of the domestic producers. In particular:

- A. the rate and amount of the increase in imports of the product, in absolute terms or relative to domestic production of the product;
- B. the share of the domestic market taken by increased imports of the imported product;
- C. the impact of import increases on the domestic producers, as evidenced by the assessment of all relevant factors which have a bearing on the situation of the domestic producers such as the change of level of production, sales, capacity utilization, productivity, inventories, market share, profits and losses and employment.

Article 4

The effect of increased imports on the domestic production and producers of the product shall be assessed on basis of data particular to the production of that product. However, if such data is not available, the effect of the increased imports shall be assessed on basis of data relevant to the narrowest group or range of products, which include the domestic product for which information can be available.

Article 5

For the purposes of verifying whether there is an imminent injury threatening domestic producers, the Competent Authority shall rely on facts indicative of an imminent injury and not merely on allegation, conjecture or remote possibility, and taking into consideration the factors cited in Article (3) of this Regulation.

Article 6

- A. The Competent Authority shall verify that serious injury or threat thereof to domestic producers is caused by the increased imports. The Competent Authority shall in particular take into account the rate and amount of the increase in imports of the investigated product, in absolute terms or relative to domestic production of like or competitive products.
- B. In determining the causal link between the increased imports and serious injury, the Competent Authority shall consider any factors other than increased imports which may be causing injury to domestic producers, and shall take all such factors into account in assessing the causal link.

Safeguard Petitions

Article 7

Domestic producers or their representatives shall submit to the Minister, on the form prepared for this purpose, a safeguard petition to

protect their production from the increased imports of a like or directly competitive product.

Article 8

The domestic producers shall include in the safeguard petition evidence of increased imports, injury incurred by such and causal link between increases and injury. The petition shall also include such information as is reasonably available on the following:

- A. A complete description of the imported product, the domestic like or competitive product (including the HS Tariff Code), and the volume and value of the domestic production;
- B. A list of all domestic producers of the product who filed the petition, the volume and value of domestic production of the like product produced by such producers in proportion to the total domestic production, and the share of each producer;
- C. The volume and value of the imported product from each exporting country for each of the three calendar years preceding the request;
- D. A description of the increase in imports whether such increase is absolute or relative to domestic production;
- E. Information and evidence relevant to the effect of increased imports on the domestic producers.

Article 9

The Competent Authority shall notify the applicant within 10 days of the receipt of the application of any inadequate information deemed necessary to initiate the investigation procedures and shall afford the applicant the possibility to supplement the application within 30 days

which can be extended upon his request to another 30 days. The Minister may consider the application as not to have been made if the time frames set out to supplement the petition elapsed without doing so.

Article 10

- A. The Competent Authority shall examine the application where such application fulfils the legal conditions and requirements and satisfies the required accuracy and adequacy of the information and data included therein. The Competent Authority shall furthermore submit its recommendation to the Minister who shall reach a decision as to whether or not to initiate an investigation within 30 days from the date of receipt of the petition. This period may be extended by the Minister up to 60 days.
- B. Where the Minister decides to dismiss the application, the Competent Authority shall notify the petitioner within 14 days from its decisions for dismissing the application and reasons thereof.

Initiation of Investigation

Article 11

The Minister shall issue the decision to initiate the investigation upon the recommendation of the Competent Authority if the following conditions are fulfilled:

- A. The total production of the domestic producers supporting the application do not account for less than 25 per cent of total production of the product;

- B. There was sufficient evidence in the recommendation on the existence of import increases, injury and causality.

Article 12

Where it is decided to initiate an investigation, the Competent Authority shall:

- A. Organize a safeguard investigation file, including therein all information and documents pertaining to the investigation, including notices, written presentations submitted by the interested parties;
- B. Provide notice of the decision to the petitioners and the Committee; and
- C. Make a public notice, on the expense of the petitioner, in two daily local newspapers on the initiation of the investigation. Such notice shall include a summary of the petition and required safeguard, and an invitation to all relevant interested parties with the investigation and any relevant parties to submit any information or data or documents or views supporting or opposing the petition. The date of initiation of an investigation shall be the date of such publication.

Article 13

The Competent Authority shall allow participating interested parties to:

- A. Have access to any non-confidential information or data contained in the investigation file.

- B. Make written presentations within the time limits set by the Competent Authority including available evidence related to the investigation.
- C. When necessary, and under the Competent Authority's supervision, have the opportunity to meet parties interested with the investigation, for purpose of presenting opposing views and rebuttal arguments.

Article 14

- A. The Competent Authority may, during the course of the investigation, request from the applicant and other participating interested parties further information which may be deemed necessary to the investigation procedures within the date specified for this purpose.
- B. The Competent Authority may request directly any official entity relevant to the investigation, in particular the Ministry of Agriculture, Customs Department National Statistics Department or any other enterprises of the private sector, such available information. The recipients of such requests shall provide the requested information within the time limits specified for such.

Article 15

The Competent Authority shall provide opportunities for relevant industrial users whether individuals or entities of the imported product and for representatives of consumer, to provide information which is relevant to the investigation.

Article 16

The Competent Authority may proceed with the investigation and base its recommendations thereof upon information otherwise available from other sources, if any interested party refuses to allow access to, or does not provide the necessary information within the period of time prescribed by the Competent Authority or otherwise impedes the investigation.

Article 17

- A. Any information provided on a confidential basis by parties to an investigation upon good cause shown shall be treated as such, and shall not be disclosed, subject to liability, by the Competent Authority without specific permission of the submitting party.
- B. Where the Competent Authority finds that a request for confidentiality is not warranted and if the supplier of the information is unwilling to make the information public or to authorize its disclosure, the Competent Authority may disregard such information unless it can be demonstrated to its satisfaction from appropriate and relevant sources that the information is correct.
- C. However, participating interested parties providing confidential information shall furnish non-confidential summaries thereof in sufficient detail to permit a reasonable understanding of the substance of confidential information. In exceptional circumstances, where such information cannot be summarized, the Competent Authority may accept this if it was convinced of the reasons why summarization is not possible.

Terminating or Concluding the Investigation

Article 18

- A. The Minister shall, upon the recommendation of the Competent Authority, terminate the investigation at any point if:
1. He is satisfied that there is not sufficient evidence of serious injury caused by increased imports of the like or competitive product.
 2. The application is withdrawn by the applicant.
- B. Where the Minister decides to terminate the investigation according to Paragraph (A) of this Article, he shall recommend to the Council of Ministers the termination of any adopted provisional measures, and refund any amount collected as a provisional safeguard measure and release any security or deposit related to such measures submitted in accordance with the provisions of Paragraph (B) of Article (20) of this Regulation.

Article 19

Subject to the provisions of Article (18) of this Regulation, the Competent Authority shall normally conclude investigation and issue its recommendation to the Minister, whether to accept a safeguard application or reject it, within 3 months from the date of initiation of investigation but no later than 5 months in special circumstances foreseen by the Minister. Such recommendation shall be reasoned and based on subjective evidence.

Article 20

- A. The Minister may recommend to the Tariff Council, who in turn shall recommend to the Council of Ministers, the application of provisional measures for a period not exceeding 200 days to prevent the injury by adjusting the customs tariff through imposing

new customs duties on the imported product or increase the prescribed duties, if the Minister is satisfied that there is increase in imports of the like or competitive products that is causing or likely to cause damages which would be difficult to repair.

- B. The customs duty referred to in Paragraph (A) of this Article shall take the form of a bank or cash guarantee in favour of the Customs Authority.

Article 21

- A. A provisional measure shall be imposed on all investigated products imported to the Kingdom irrespective of their origin.
- B. The duration of the application of a provisional measure shall be counted as part of the duration of application of measures referred to in Article (27) of this Regulation.

Article 22

The Competent Authority shall promptly, upon adopting the decision of applying provisional measures, and prior to enactment of such a decision, notify the applicant and the Committee according to Article (31) of this Regulation, and make a public notice in two daily local newspapers on the expense of the applicant.

Safeguard Measures

Article 23

Upon concluding the investigation, and on the basis of the Competent Authority's determination regarding the application, the Minister shall recommend to the Tariff Council his decision as to the

application. The Tariff Council shall in turn recommend to the Council of Ministers to impose or reject the safeguards.

Article 24

Where the Council of Ministers decides to reject the safeguards, the Minister shall notify the applicants and the Committee of such decision. In such case, any adopted provisional safeguards shall be cancelled, and any bond or deposit related to such measures shall be released.

Article 25

- A. Where the Council of Ministers decides to impose safeguards, the Council shall decide on the safeguard measures and their duration it deems appropriate, in accordance with the provisions of Articles (8) and (9) of the Law.
- B. The Ministry shall notify the applicants of the Council of Ministers' decision to impose safeguard measures, and shall publish a notice in at least two daily local newspapers on the expense of the applicant. The decision shall go into effect as of the date of publishing the notice.
- C. The Ministry shall notify the Committee of the decision and its content, including the developing countries which were excluded from the application of this decision.

Article 26

If the safeguard measure imposed by the Council of Ministers was in the form of a quota on imports of the like or competitive product, the Council may, prior to allocating import quotas, authorize official competent entities to conduct consultations with member countries

having a substantial interest as exporters to the Kingdom of the product concerned.

Article 27

- A. The duration of any such measure, or the rate of the imposed or added customs duty or the volume of quota shall be no more than deemed necessary by the Council of Ministers to prevent or remedy serious injury and to allow the domestic producers to adapt to imports. A safeguard measure shall be applied for a period of no more than four years, unless it was determined to be extended.
- B. Where the continuation of safeguards is determined to be necessary to fulfil the purposes referred to in Paragraph (A) of this Article, the period of application of a safeguard measure may be extended more than one time upon the request of the domestic producers provided that the total duration of a definitive safeguard measure, including the period of application of any provisional measure, the period of initial application, and any extension shall not exceed ten years, and provided that:
1. A request for extension is submitted not less than six months before the end of that period.
 2. The Competent Authority shall conduct an investigation following the same procedures adopted when the measure was first imposed.
 3. An extended definitive safeguard measure shall not be more restrictive than it was at the end of the initial period of application provided for in Paragraph (A) of this Article.

Article 28

- A. No new safeguard measure shall be applied to products, which were subject to a safeguard measure for a period equal to half of the duration of an earlier safeguard measure or the period of two years whichever is the greater.
- B. Notwithstanding the provisions of Paragraph (A) above, a new safeguard measure the duration of which is not more than 180 days may be applied before the elapse of the duration provided for in that Paragraph, if:
 - 1. At least one year has elapsed since the date of imposition of the earlier safeguard measure, and
 - 2. Such a safeguard measure has not been applied on the same product more than twice in the five-year period immediately preceding the date on which the new safeguard measure is to take effect.

Article 29

A definitive safeguard measure whose period of application exceeds one year shall be progressively liberalized at regular intervals during the period of application, in accordance with the schedule prepared by the Competent Authority for this purpose.

Article 30

- A. If the duration of a safeguard measure, including the period of application of any provisional measure is not less than three years, not later than the mid-term of the period of application of the measure, the Competent Authority shall examine the situation, through a review conducted in accordance with the investigation procedures set forth in this Regulation. The review shall examine, *inter alia*:

1. The industry's progress in implementing its adjustment plan and adaptation to imports.
 2. The effects of the safeguard measure on the domestic producers concerned.
- B. Based on the results of the review, the Competent Authority shall recommend to the Minister to maintain or withdraw the safeguard measure. If the Minister sees that the measure should be withdrawn, he shall recommend to the Tariff Council who shall recommend to the Council of Ministers to issue the decision deemed appropriate to this matter.

Article 31

Immediately upon taking a decision regarding implementation of provisional measures, the Ministry shall notify the Committee provided that the notification contains the following information:

- A. A complete description of the investigated product, including its technical characteristics and uses, and an identification of its tariff classification and the duties applicable prior to the decision.
- B. A complete description of the domestic products, including their technical characteristics and uses.
- C. The basis for the determination of applying provisional safeguard measures.
- D. The nature and intended duration of the proposed provisional safeguard measure.

Article 32

Immediately upon taking a decision regarding the application, extension or review of a safeguard measure, the Ministry shall:

A. Publish a notice in two local newspapers on the expense of the applicant;

B. Notify the Committee with the decision which shall contain the following information:

1. A complete description of the investigated product, including its technical characteristics and uses, and an identification of its tariff classification for purposes of adjusting the customs tariff;
2. A complete description of the domestic products, including their technical characteristics and uses;
3. A summary of the affirmative injury determination on domestic producers, including the factors considered and the relevance thereof;
4. Details concerning the domestic producers' adjustment plan and adaptation to imports of the investigated product;
5. The form, level and duration of the proposed definitive safeguard measure;
6. If a quantitative restriction is proposed, the allocation of the quota among the supplier countries;
7. A timetable for the progressive liberalization of the measure pursuant to Article (29) of this Regulation;

8. An identification of the developing countries exempted from the measure.
- C. Preparing a report containing the findings and reasoned conclusions on all pertinent issues of fact and law reached by the investigation.

Article 33

The Ministry shall conduct consultations with the Member Countries to the Organization in accordance with the Kingdom's obligations after imposing provisional safeguard measures and before imposing or extending definitive safeguard measures.

Article 34

The Ministry shall notify the Council for Trade in Goods of the WTO immediately, through the Committee, of the results of the consultations conducted with interested Member Countries in accordance with the Kingdom's obligations to the Organization.

General Provisions

Article 35

The Ministry may decide to self-initiate an investigation regarding the increase in imports of a like or competitive product, if it deems that such increase is causing injury to domestic producers.

Article 36

A safeguard application to protect domestic products or the investigation proceedings shall not hinder the procedures of customs clearance of such product.

Article 37

- A. The Ministry shall collect the following fees from the applicant.
 - 1. JD 250 in return of filing the application
 - 2. JD 750 in return of initiating the investigation.
- B. The provisions of Paragraph (A) of this Article shall not apply to the domestic agricultural products.

Article 38

The provisions of this Regulation shall be construed according to the "Agreement on Safeguards of the World Trade Organization referred to in the Law on Ratifying the Accession of Jordan to the WTO No. (4) of 2000", in particular the following:

- A. The definition of the like product and the competitive product.
- B. Allocation of import quotas.

- C. The conditions of excluding Developing Member Countries from the application of safeguard measures.
- D. Exceptions to the extension of safeguard measures.

Article 39

The Minister shall issue the instructions necessary to implement this Regulation including the following:

- A. The fees collected by the Ministry in exchange of accessing the investigation file and giving copies of any document or notification contained therein.
 - B. Such instructions shall be published in the Official Gazette.
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