

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

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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 (NON-OFFICIAL TRANSLATION)

**Initiation Of Anti-Dumping Investigation Against Saudi Arabia's Imports of Super absorbent polymer**

**Originating in or Exported from China, Japan, Belgium, Singapore, South Korea and France**

(Electronic Gazette)

#### Subscription Fees

Single Edition: 100 SAR or its equivalent.

Yearly Subscription: 500 SAR or its equivalent

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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 Safeguard Measures 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 (35) of the *Official Gazette* of GCC- Bureau of Technical Secretariat for Anti-Injurious Practices in International Trade.

According to current circumstances of the Corona pandemic (COVID 19), the GCC-TSAIP will issue an electronic version of this *Official Gazette*.



**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 Saudi Arabia's imports of  
super absorbent polymer**

**Originating in or exported from China, Japan, Belgium, Singapore, South  
Korea and France**

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. (41/AD11/2021) 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 local producer of **super absorbent polymer** 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 the imports of super absorbent polymer (hereinafter referred to as the product under investigation) imported by the Kingdom of Saudi Arabia being as an isolated market according to the provisions of Article (6-4) of the Regulation (hereinafter referred to as isolated market) originating in or exported from China, Japan, Belgium, Singapore, South Korea and France (hereinafter referred to as the concerned countries), from the date of the publication of this notice in the *Official Gazette* of the GCC-TSAIP (hereinafter referred to as *Official Gazette*) according to the following:

**1. Complaint**

The GCC-TSAIP received a properly documented complaint submitted by the local producer "Saudi Acrylic Polymers Co. (SAPCO)" (hereinafter referred to as "The Complainant") according to the provisions of Article (6-4) of the



Regulation, alleging that the imports of the product under investigation are being imported from the concerned countries into the isolated market at dumped prices and are thereby causing material injury.

## **2. The Complainant**

“Saudi Acrylic Polymers Co. (SAPCO)” from the Kingdom of Saudi Arabia, which represent 100% of the GCC production of the product under investigation.

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

Acrylic Polymers, in primary forms (super absorbent polymer). The product under investigation is commonly described as “Polymers” which provides high retention, as well as excellent absorbency against pressure and permeability, and is designed with varying distribution ranges.

The product under investigation is commonly classified under the HS heading (390690) from the GCC- Unified Tariff Code, originating in or exported from China, Japan, Belgium, Singapore, South Korea, and France.

The product under investigation is used in various industries and sectors such as baby diapers, incontinence products, and feminine sanitary pads. The product has additional names upon import, for example, super absorbent polymers, highly absorbent polymers, fast absorbing polymers, super absorbent granules, highly absorbent granules or fast absorption granules.

The complainant clarified that the like product is identical to the product under investigation in respect of the physical characteristics, production method, end use, and substitutability.

## **4. Allegation of dumping**

The Complainant based its allegation of the existence of dumping on a comparison between the average export prices of imports of the product under investigation with the constructed normal value in the domestic market for the concerned countries separately at the same level of trade. This comparison resulted in the existence of dumping margins exceeding 2% of the export price which are not de *minimis*.



## 5. Allegation of the material injury

The Complainant alleged that there has been a significant increase in the volume of the allegedly dumped imports of the product under investigation from the concerned countries, in absolute terms and relative to the domestic production, which caused material injury to the industry that was represented in the following factors:

- Decline in production and rate of capacity utilization
- Price undercutting & depression & suppression
- Decline in sales volume and market share
- Decline in labours and wages
- Increase in operating losses
- Inability to grow or raise capital,
- Termination of the contract with one of the largest consumers of the product, as an effect of the imports of the product under investigation.

## 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, evidence, and facts reported in the complaint appear to be sufficient to justify the initiation as per the provisions of the Common Law and its Regulation. Therefore, according to Article (9) of the Regulation, 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. Furthermore, the Embassies of the concerned countries in the country of headquarters were notified after receiving the complaint and before proceeding to initiate the investigation according to Article (7-1) of the Regulation.

## 7. Investigation period

The dumping investigation period is from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021.

The injury investigation period covers the period from 1<sup>st</sup> January 2017 to 30<sup>th</sup> June 2021.

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 exporting producers. Regarding the unknown foreign exporting producers, the questionnaires will be submitted through the diplomatic representative of the concerned countries in the Country of headquarters.

Questionnaires will also be sent to producers and to the known importers of the product under investigation, and consumer protection entities in the GCC.

All interested parties shall submit their responses to the questionnaires either in Arabic or in English 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 concerned countries according to the provisions of Article (12) of the Regulation provided that such responses have to be submitted during the GCC-TSAIP working hours from 8:00 am to 3:00 pm KSA local time. Interested parties may submit their replies to the questionnaires in Arabic or English.

Without prejudice to the specified time limit for responding to the questionnaires, all interested parties shall make themselves known to the GCC-TSAIP within 10 days from the date of publication of this notice.

Interested parties who wish to submit comments on either the complaint or the initiation report shall do so in Arabic within no later than 20 days from the date of publication of this notice and within the specified working hours as indicated above.

## **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 exporting producers**

All known and unknown foreign exporting producers, or who acting on their behalf from legal representatives, are requested to confirm their willingness to participate in the investigation as interested parties, make themselves known to the GCC-TSAIP as interested parties, and to provide the following information of their company or companies as per the requested format in attachment (1) within 10 days<sup>1</sup> from the date of publication of this notice in the *Official Gazette* provided that such information has to be provided within the specified working hours of the GCC-TSAIP From 8:00 am To 3:00 pm KSA local time:

- Names, addresses, e-mail addresses, telephones, fax and contact person;
- Export sales volume (Ton) and value of the product under investigation manufactured by the concerned company in the country concerned and exported to each of the GCC countries during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021;
- Sales volume (Ton) and value of the like product manufactured by the company concerned and sold in the domestic market of the country of origin during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021;
- 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 any activity related to 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 decided). If the concerned company is unwilling to be included in the sample, it will be deemed as non-cooperating with the GCC-TSAIP.

### **b) Sampling for importers**

All known and unknown importers, or who acting on their behalf from legal representatives, are requested to confirm their willingness to participate in the

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<sup>1</sup> This time limit of 10 days period (either for sampling of exporting producer or importers) is included within the time limit specified for the reply to the questionnaire





investigation as interested parties, make themselves known to the GCC-TSAIP, and to provide the following information of their company or companies as per the requested format in attachment (2) within 10 days from the date of publication of this notice in the *Official Gazette* provided that such information has to be provided within the specified working hours of the GCC-TSAIP:

- Names, addresses, e-mail addresses, telephones, fax numbers and contact person;
- Sales volume (Ton) and value of the product under investigation in the isolated market during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021;
- Activities of the company with regard to the product under investigation;
- Imports volume (Ton) and value in Saudi Riyal or the local currency of the GCC importing member state for the product under investigation from the concerned countries during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021;
- Names and activities of all related companies involved in any activity related to the product under investigation;
- 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 decided). If the concerned company is unwilling to be included in the sample, it will be deemed non-cooperating with the GCC-TSAIP.

### **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 GCC-TSAIP. 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 exporting producers shall not exceed the weighted average dumping margin established with respect to the sampled exporting producers.

Furthermore, according to the provisions of Article (30-6) of the Regulation, individual determinations of the dumping margin may be determined for any exporting producer, not initially sampled, who submits completely and clearly the response to the questionnaire within the specified time-limit in this notice except where the number of exporting producers is too 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 (if possible) 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*. Due to the consequences of the COVID-19, please refer to Attachment no. (3).

### **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 the GCC countries to verify the accuracy of the information submitted and to collect any additional information or data required for the investigation. Due to the consequences of the COVID-19, please refer to Attachment no. (3).



## **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 or does not submit them within the specified time limits or in the prescribed form or impedes the course of the investigation, the GCC-TSAIP will make its preliminary and final determinations based on the 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 the 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 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 correspondences provided by interested parties, must be communicated to the GCC-TSAIP in electronic format and must indicate the name, address, e-mail address and telephone of the interested parties.

All interested parties participating in the Investigation shall submit their comments and arguments in Arabic language. Any translation to Arabic shall be provided through a licensed office operating in one of GCC countries, provided that this translation is acceptable by GCC-TSAIP.

**Correspondences to the GCC-TSAIP shall be emailed to the following address:**

**Rihan Mubarak Fayez**  
**General Director Of GCC- TSAIP**  
**Secretariat General- Gulf Cooperation Council**  
**Bureau of Technical Secretariat of Anti Injurious Practices in the International Trade**

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## Attachement No. 1<sup>2</sup>

### Information for the selection of the sample of exporting producers in the Concerned Country.

#### A- Company details

Company Name <i>(Write the official name that is recorded in the official documents and used when exporting the PUI)</i>	
Address	
Activities of the company with regard to the product under investigation*	
Contact Person	
E-mail Address	
Telephone/Fax	

\* Specify in details the activity related to the product under investigation-PUI (i.e. Production, Domestic sales, Exporting, ....etc)

#### B- Total Turnover and Sales Volume of the Product under Investigation<sup>3</sup> During the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021

Data <sup>4</sup>	Country	Volume (Ton)	Value (specify Currency)
Export Sales of the Product under Investigation manufactured by the company	United Arab of Emirates		
	Kingdom of Bahrain		
	Kingdom of Saudi Arabia		
	Sultanate of Oman		
	State of Qatar		
	State of Kuwait		
	Total		
Total Domestic Sales of the like product manufactured by the company	Domestic Market of Concerned Country		

<sup>2</sup> This attachment has to be submitted in two versions (Confidential and non-Confidential)

<sup>3</sup> Sales include the related companies' sales of the product under investigation manufactured by the company.

<sup>4</sup> 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.



**C- Production volume of the product under investigation<sup>5</sup> during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021.**

Type/Model	Total production (Ton)	Total cost of production (specify Currency)	Exported to GCC (Yes / No)

**D- Related Companies' information:**

Company Name <i>(Write the official name that is recorded in the official documents and used when exporting the PUI)</i>	Addresses	E-mail	Telephone/Fax	Company's Activity*	Relationship**	Volume (Ton)*** <i>(Specify whether exported or domestically sold)</i>	Value (specify Currency)

\*Specify in details the activity of your company whether it participates in the production process, or sells the product under investigation domestically or export it to the GCC, or purchase the raw materials or any other relevant activities to the product under investigation

\*\* Indicate all details on the nature of the relationship with the concerned company using diagrams if possible.

\*\*\* Only for the PUI manufactured by the concerned company. This volume should be already included in the volume reported in part (B) above.

**E- Financial Statements of the company.**

Indicate the accounting year for the company. Furthermore, indicate whether its financial statements are audited and If audited, provide the contact details of the auditor.

<sup>5</sup> Specify the production of each type/model of the product under investigation during the POI and indicate whether or not it is exported to the GCC countries.

## Attachment (2)<sup>6</sup>

### Information for the selection of the sample of Unrelated Importers

#### A- Company details

Company Name <i>(Write the official name that is recorded in the official documents and used when importing the PUI)</i>	
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 regarding the product under investigation.	

#### B- Imports volume and sales volume of the product under investigation<sup>7</sup> during the period from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2021

	Volume (Ton)	Value (specify Currency)
Total imports of the product under investigation within the GCC		
total sales of the product under investigation within the Kingdom of Saudi Arabia		

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

<sup>7</sup> 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 (3)<sup>8</sup>

### Investigations' procedures due to COVID-19 pandemic

Due to the critical circumstances and consequences of COVID-19 pandemic, and In line with the Preventive measures followed in this regard and until these measures are elevated , the GCC-TSAIP decided some procedures that have to be followed by all interested parties in the investigations conducted during this pandemic:

#### 1- **Filing of submissions/responses:**

- a- All interested parties should file their responses to the questionnaire or their comments on the reports of the investigation electronically according to the required format indicated in the questionnaire provided that any narrative part has to be searchable rather than scanned image.
- b- All interested parties should follow the specified time limits and working hours indicated in the notice of initiation for providing their responses or comments, provided that such responses have to be submitted during the GCC-TSAIP working hours from 8:00 am to 15:00 KSA local time.

#### 2- **Verification of information**

All interested parties should attach with their replies to the questionnaire all the supporting documents including but not limited to the accounting and management records, audited financial statements, relevant records from the internal system of the company, and all the working documents (usually MS Excel) used for the preparation of the data submitted in the questionnaire reply. Furthermore, clear clarification has to be made for how to reconcile and link all the data submitted in reply to the questionnaire with all the supporting documents indicated above including the formulas used in the Excel attachments of the working documents. If such necessary information cannot be provided by interested parties as indicated above, the GCC-TSAIP may make its findings on the basis of the facts available in accordance with Article 26 of the regulation.

#### 3- **Hearing**

All requests for hearings can be provided electronically via emails and the relevant details shall be communicated later on to the interested parties. Written submissions and comments of hearings can also be provided electronically via emails in a searchable format such as MS word, excel, and PDF.

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<sup>8</sup> This attachment designed for the GCC-TSAIP procedures due to COVID-19 pandemic.



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