

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 (Amended)

Notice:

**Concerning the Initiation of an Anti-Dumping Investigation
Against the Imports of Electric lead-acid accumulators of capacity of 35 up to 115 Amp-hour, whether or not rectangular (including square) of a kind used for starting piston engines (Automotive Batteries)**

Originating in or Exported from the Republic of South Korea

Subscription Fees

Single Edition: 25 SAR or its equivalent.
Yearly Subscription: 250 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

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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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Official Gazette

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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 (Amended) 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 (5) 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)**

Sector of Economic & Development Affairs

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

Notice

Volume No. (5)

Date: 31st December 2015

Concerning the Initiation of an Anti-Dumping Investigation

**Against the Imports of Electric lead-acid accumulators of capacity of 35 up to 115 Amp-hour, whether or not rectangular (including square) of a kind used for starting piston engines
(Automotive Batteries)**

Originating in or Exported from the Republic of South Korea

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 of the Permanent Committee of Anti Injurious practices in the International Trade (hereinafter referred to as the Permanent Committee), at its 23rd meeting, the GCC- Bureau of Technical Secretariat for Anti-Injurious Practices in International Trade (hereinafter referred to as the Investigating Authority) announces the following:

1. Complaint

On 12th November, 2015 the Investigating Authority received a properly documented complaint submitted by the GCC domestic industry, according to the provisions of Article (2-2) of the Regulation, alleging that the imports of Electric lead-acid accumulators of capacity of 35 up to 115 Amp-hour, whether or not rectangular (including square) of a kind used for starting piston engines (Automotive Batteries) originating in or Exported from the Republic of South Korea (hereinafter referred to as the product under investigation) are imported into the GCC market at dumped prices and are thereby causing material injury to the GCC domestic industry of the like product.



2. GCC Domestic Industry

The Complainant is “Middle East Battery Company” from the Kingdom of Saudi Arabia. The complaint is supported by “National Batteries Company” from the Kingdom of Saudi Arabia, and “Reem Batteries & Power Appliances Co.SAOC” from the Sultanate of Oman. These companies represent the GCC domestic industry in accordance with Article (6-1) of the Regulation.

3. Like Product

Electric lead-acid accumulators of capacity of 35 up to 115 Amp-hour, whether or not rectangular (including square) of a kind used for starting piston engines (Automotive Batteries).

4. Product under Investigation

Electric lead-acid accumulators of capacity of 35 up to 115 Amp-hour, whether or not rectangular (including square) of a kind used for starting piston engines (Automotive Batteries).

The product under investigation is classified under the following GCC-Unified Tariff Code (from item: 85 07 10 00)

5. Allegation of Dumping

The domestic industry based its allegation of the existence of dumping on a comparison between the export prices of the product under investigation imported from South Korea, with its selling prices in the domestic market of South Korea at the same level of trade. This comparison resulted in the existence of dumping margin exceeding 2% which is not de minimis.

6. Allegation of Injury

The domestic industry alleged that there has been a significant increase in the volume of the allegedly dumped imports of the product under investigation from South Korea exceeding in absolute terms and relative to the domestic production, above 3% of the total imports of the product under investigation from all countries of the world into the GCC market, which



caused material injury to the GCC domestic industry that was represented in the following factors:

- Decline in the volume of production,
- 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 the market share,
- Increase in inventory volume,
- Decline in profitability,
- Decline in labour's productivity
- Decline in cash flows,
- Decline in the rate of return on investment and inability to raise capital, and
- Inability to grow.

7. Procedures

The Investigating Authority examined the accuracy and adequacy of the data contained in the complaint and prepared the initial report, which has been submitted to the Permanent Committee which in turn approved the initiation of the investigation and the publication of the notice of initiation in the Official Gazette of the Bureau of the Technical Secretariat for Anti Injurious Practices in International Trade (hereinafter referred to as the Official Gazette), according to Article 9 of the Regulation in order to determine whether the imports of the product under investigation are imported at dumped prices into the GCC market and causing material injury to the GCC domestic industry.

On 22nd December 2015, the Investigating Authority issued an intention letter which has been submitted to the embassy of South Korea in Riyadh.

8. Investigation Period

The dumping investigation period is from 1st July 2014 to 30th June 2015.

The injury investigation period covers the years from (2012 to the first half of 2015).



Pursuant to Article 23 of the Regulation, The investigation shall be completed within (12) months from the date of initiation and this period may be extended, under special circumstances, for no more than six months.

9. Questionnaires and Collecting Information

In order to obtain necessary information for the investigation, the Investigating Authority will send questionnaires to known foreign producers and exporters (regarding the unknown foreign producers and exporters, the questionnaires will be submitted through the embassy of South Korea in Riyadh).

Questionnaires will also be sent to the GCC domestic industry and to the known importers of the product under investigation. Unknown foreign producers, exporters and importers of the product under investigation shall declare themselves as interested parties to the Investigating Authority in order to receive a copy of the questionnaire within 21 days from the date of publication of this notice in the Official Gazette thus, they can submit their respective responses within the time limits.

All interested parties shall submit their responses to questionnaires to the Investigating Authority within 40 days from the date on which the questionnaires were sent to them or to the embassy of South Korea according to the provisions of Article 12 of the Regulation.

10. Sampling Techniques

Pursuant to Article 13 of the Regulation, the Investigating Authority may resort to apply sampling techniques in case of the existence of large number of interested parties or number 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 Investigating Authority, and to provide the following information of their company or companies as per requested in attachment (1) within 21 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 (by Battery & weight) and value of sales of the product under investigation exported into GCC market by the concerned company during the period from 1st July 2014 to 30th June 2015;
- Sales volume (by Battery & weight) and value of sales of the product under investigation sold in the domestic market of South Korea by the concerned company during the period from 1st July 2014 to 30th June 2015;
- 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 Investigating Authority 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 Investigating Authority.

For the purpose of collecting information deemed to be necessary for the selection of the sample for foreign producers/exporters, the Investigating Authority may contact any known associations of foreign producers/exporters in South Korea.

b) Sampling for Importers

In case of using sampling techniques, all importers, or legal representatives acting on their behalf, are requested to contact the Investigating Authority and to provide the following information concerning their company or companies as per requested in attachment (2) within 21 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 (by Battery & Weight) and value of company's sales of the product under



investigation in the GCC market during the period from 1st July 2014 to 30th June 2015;

- Activities of the company with regard to the product under investigation;
- Imports volume (by Battery & Weight) and value in Saudi Riyal or the local currency, that the company imported for the purpose of resale inside the GCC market during the period from 1st July 2014 to 30th June 2015;
- 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 Investigating Authority 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.

For the purpose of collecting the information deemed to be necessary for the selection of the sample of importers, the Investigating Authority may also contact any known associations of importers.

c) Final Selection of Samples

All interested parties wishing to submit any relevant information regarding the selection of the samples shall do so within the specified time limits.

The Investigating Authority intends to make the final selection of the samples after having consulted the interested parties that have expressed their willingness to be included in the sample.

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 Investigating Authority may base its conclusions on the best information available.

11. Hearings

Pursuant to Article (14) of the Regulation, hearings may be held at the premises of the Investigating Authority for all interested parties to present their views and arguments, provided



that they submit a written request to the Investigating Authority 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.

12. On-the-Spot Verification Visits

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

13. Non-cooperation

In cases any interested party refuses access to or otherwise does not provide necessary information within the specified time limits or impedes the course of the investigation, the Investigating Authority will make its provisional 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 Investigating Authority, in the course of the investigation, makes available all relevant non-confidential information submitted by the interested parties through its public file. This information is available for all interested parties at the premises of the Investigating Authority in Riyadh pending the final determination.

15. Submission of Information

All relevant information is to be communicated to the Investigating Authority. All submissions and requests made by interested parties must be made in writing and in electronic format as practicable as possible and must indicate the name, address, e-mail address, telephone and fax of the interested parties. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labeled as “confidential” and shall be accompanied by a non-confidential version, which will be labelled “non-confidential”. Such summaries shall be in



sufficient details to permit a reasonable understanding of the substance of the information submitted in confidence. In exceptional circumstances, interested parties may indicate that information is not susceptible of summary. In such cases, a statement of the reason must be provided according to Article 19 of the Regulation.

Correspondences to the Investigating Authority shall be made to the following address:

Secretariat General- Gulf Cooperation Council
Bureau of Technical Secretariat for Anti Injurious Practices in International Trade
King Khaled Street, Riyadh, Kingdom of Saudi Arabia
P.O Box 7153 Code 11462
Phone: +966 114827777
Fax: +966 112810093
Email: TSAD@gccsg.org



Attachment 1

Information for the selection of the sample of exporting producers in South Korea.

A - Company detail

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 Investigation¹ During the period from 1st July 2014 to 30th June 2015

	Country	Volume By (Battery)	Volume By (Weight-Kg)	Value (specify Cur- rency)
Export Sales of the Product under Inves- tigation	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 South Korea			
Add any other information where necessary.				

¹ This information is required for the purpose of sampling, and all the information provided will be treated as highly confidential by the Investigating Authority according to Article 12 of the GCC Common Law and its Regulation.



Attachment (2)

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 Investigation² During the period from 1st July 2014 to 30th June 2015

	Volume By (Battery)	Volume By (Weight-Kg)	Value (specify Currency)
Total Sales of the Product under Investigation within GCC			
Total imports of the Product under Investigation into GCC			
Add any other information where necessary.			

² This information is required for the purpose of sampling, and all the information provided will be treated as highly confidential by the Investigating Authority according to Article 12 of the GCC common law and its regulation.



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