

# WORLD TRADE ORGANIZATION

G/ADP/N/1/MAR/2  
G/SCM/N/1/MAR/2  
27 September 2000  
(00-3897)

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**Committee on Anti-Dumping Practices**  
**Committee on Subsidies and Countervailing Measures**

Original: French

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

### MOROCCO

The following communication, dated 15 September 2000, has been received from the Permanent Mission of Morocco.

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The Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva and the other international organizations in Switzerland presents its compliments to the Secretariat of the World Trade Organization (Rules Division) and has the honour to transmit herewith the documents indicated below issued by the competent Moroccan authorities:

1. Annex relating to Article 15 as amended of the Foreign Trade Law No. 13-89 showing the amendments (text in bold underlined);
2. Laws and regulations relating to subsidies, countervailing and anti-dumping measures.

**Annex relating to Article 15 as amended of the Foreign Trade Law No. 13-89**

Title II: Measures to safeguard domestic industry

Article 15

When imports cause or threaten to cause material injury to an established domestic industry or materially retard the establishment of a domestic industry, they may be subject to:

1. Countervailing duties: if it is found that the products imported directly or indirectly enjoy a bounty or subsidy on their manufacture, production or export in the country of origin or the country from which they are imported;
2. Anti-dumping duties: if it is found that the import price is less than its normal value, and where:
  - (a) The price is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country;
  - (b) or where, in the absence of such domestic price, the price of the exported product is:
    - Less than the highest comparable price for the like product for export to any third country, in the ordinary course of trade; or
    - below the cost of production of the product in the country of origin plus a reasonable addition for selling costs and profits.
3. **Tariff or non-tariff measures if a massive increase in imports of directly competitive like products is noted;**
4. **Non-tariff measures in the case of imports of products entering duty free under agreements concluded between Morocco and other countries prior to the entry into force of this Law;**
5. **A duty to be added to the tariff equivalent referred to under Article 5 if a significant decrease in the price of the products referred to in Article 7 above is noted.**

**Until definitive measures are adopted, as a provisional emergency measure, the authorities may take the measures referred to in paragraphs 1, 2, 3 and 5 above in order to ensure the protection of the domestic industry.**

**The authorities are also empowered, as a precautionary measure, either ex officio or at the request of the interested parties, to require a prior import declaration for imports of products which cause or threaten to cause injury to the domestic industry.**

**The period during which such declarations may be required shall not exceed a period of three months, renewable once only.**

**LAWS AND REGULATIONS RELATING TO SUBSIDIES, COUNTERVAILING  
AND ANTI-DUMPING MEASURES**

**MOROCCO**

Notification under Article 18.5 of the Agreement on Anti-Dumping and Article 32.6 of the Agreement on Subsidies and Countervailing Measures, in the light of information contained in WT/COMTD/W/1.

**PROVISIONS OF ARTICLE 15 OF THE FOREIGN TRADE LAW NO. 13-89**

When imports cause or threaten to cause material injury to an established domestic industry or materially retard the establishment of a domestic industry, they may be subject to:

1. Countervailing duties: if it is found that the products imported directly or indirectly enjoy a bounty or subsidy on their manufacture, production or export in the country of origin or the country from which they are imported;
2. Anti-dumping duties: if it is found that the import price is less than its normal value, and where:
  - (a) The price is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country;
  - (b) or where, in the absence of such domestic price, the price of the exported product is:
    - Less than the highest comparable price for the like product for export to any third country, in the ordinary course of trade; or
    - below the cost of production of the product in the country of origin plus a reasonable addition for selling costs and profits.

Pending the implementation of the measures set out in 1 and 2 above, the authorities are empowered, as a precautionary measure, either ex officio or at the request of the interested parties, to acquire a prior import declaration for imports of products which cause or threaten to cause injury to the domestic industry.

The period during which such declarations may be required shall not exceed a period of three months, renewable once only.

**TITLE V OF DECREE NO. 2-93-415: MODALITIES FOR THE APPLICATION OF ANTI-DUMPING AND COUNTERVAILING DUTIES**

**Article 22:** Producers, importers, producers' associations, authorities acting on behalf of an industry or users seeking to benefit from the safeguard measures provided under Article 15 of the aforementioned Law No. 13-89 shall submit their applications to the Ministry responsible for foreign trade, against a receipt.

The aforementioned applications shall contain evidence of the existence of:

- (a) Dumping;
- (b) a subsidy or bounty;
- (c) a causal link between the imported product that is dumped or receives a subsidy or bounty and the injury suffered.

**Article 23:** Applications submitted in accordance with the provisions of the first paragraph of Article 22 above shall be referred by the Minister responsible for foreign trade for preliminary consideration to the Minister concerned and, within a period not exceeding thirty (30) days from the date of referral, the latter shall return the application to the Minister responsible for foreign trade, together with his opinion.

**Article 24:** If the Minister concerned provides evidence of the existence of dumping, a subsidy or bounty and injury caused to the domestic industry, the safeguard measures provided under Article 15 of the aforementioned Law No. 13-89 shall be applied forthwith by order of the Minister for Finance, following consultation with the Minister or Ministers concerned.

If no evidence is provided, the Minister responsible for foreign trade shall refer the matter to the Consultative Commission on Imports for its opinion.

When applying the safeguard measures provided in the first paragraph above, the amount of the anti-dumping duty shall not under any circumstances exceed the margin of dumping and the amount of the countervailing duty shall not under any circumstances exceed the amount of the subsidy or bounty.

**Article 25:** For the purposes of obtaining further information, the Consultative Commission on Imports may decide to hold a prior public enquiry in respect of any applications referred to it for its opinion.

The above enquiry shall be notified to all interested persons through the press and shall state the time-limit for submissions of any observations concerning the application.

For this purpose, a model questionnaire shall be made available to interested persons at the head office of the Ministry responsible for foreign trade. The duly completed questionnaire shall be submitted to the Consultative Commission on Imports before the expiry of the time-limit specified in the previous paragraph.

**Article 26:** The Consultative Commission on Imports shall give its reasoned opinion to the Minister responsible of foreign trade within a maximum of four (4) months from the date of referral.

**Article 27:** Decisions concerning the prior import declarations prescribed under Article 15, second paragraph, of the above-mentioned Law No. 13-89 shall be taken jointly by the Minister responsible for foreign trade and the Minister or Ministers concerned.

**Article 28:** Prior import declarations shall be processed by the Minister responsible for foreign trade within a maximum of ten (10) days.

Prior import declarations may also be referred to the Minister concerned for his prior opinion. In that case, the time-limit for consideration shall be extended to a maximum of twenty (20) days.

**Article 29:** Anti-dumping and countervailing duties imposed under the provisions of this Title shall remain in force as long as the measures justifying them persist.

**Article 30:** The provisions of this Title shall apply to parts or components for the assembly or finishing of any product subject to an anti-dumping or countervailing duty.

### **TITLE III OF DECREE NO. 2-93-415: THE CONSULTATIVE COMMISSION ON IMPORTS**

**Article 9:** A Consultative Commission on Imports shall be established under the Minister responsible for foreign trade to give an opinion on all matters relating to:

- Requests for tariff or quota protection under Articles 2 and 3 of the aforementioned Law No. 13-89;
- requests by producers, importers or users of a particular product, seeking to benefit from the safeguard measures provided under Title II of the aforementioned Law No. 13-89.

**Article 10:** The Consultative Commission on Imports shall comprise:

- A representative of the Ministry responsible for foreign trade, as Chairman;
- a representative of the Ministry responsible for finance;
- a representative of the Ministry responsible for the interior;
- a representative of the Ministry concerned by the application or request in question;
- a representative of the Ministry responsible for economic affairs;
- a representative of the Customs and Indirect Taxation Authority;
- a representative of the most representative professional association or associations concerned by the application or the request in question, appointed by the Ministry responsible for the relevant sector, on the recommendation of the said associations;
- a representative of the Federation of Chambers of Commerce and Industry;
- a representative of the Federation of Chambers of Agriculture;

- a representative of the Federation of Craft Chambers.

The Chairman of the Consultative Commission on Imports may co-opt any other person whose opinion may be useful in the light of their experience and qualifications.

**Article 11:** The work of the Consultative Commission on Imports shall be governed by rules of procedure, which shall be established by the Commission itself and approved by the Ministry responsible for foreign trade.

**Article 12:** The Secretariat of the Consultative Commission on Imports shall be provided by the Ministry responsible for foreign trade.

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