Legal regulation of commercial anti-dumping

assistant teacher Wjod khalaf lafta,

Khaleel ali zghair

University of Thi-Qar

jookhalef@gmail.com  aliali22111970@gmail.com

Abstract

This research is a project looking to develop economic solutions on how to avoid problems in internal markets as a result of trade dumping and how to develop economic laws and instructions that give anti-dumping laws and other national trade treatment laws, such as countervailing duties and guarantees, an unstable position in the GATT/WTO system. Iraqi laws have therefore explicitly delegated national Governments under various GATT and WTO agreements to implement such laws and establish procedures through which domestic industries and/or workers can petition and use the provisions of trade compensation laws to reduce competition from harmful imports. However, although trade remedies are, in principle, consistent with WTO commitments to members, negatively affected trading partners routinely request the establishment of formal dispute settlement committees to examine the consistency of their use in the WTO. Once the requests for consultations under the World Trade Organization Dispute Settlement Understanding (DSU) were calculated, commercial
compensation disputes accounted for nearly half of all WTO disputes that commenced between 1999 and 2004. This is evident from the shift in the focus of litigation from the period immediately following the establishment of the WTO.

Introduction

Dumping is the situation in which the export price of a product is lower than its selling price in the exporting country. Bargaining sale, meaning normal trade, not dumping. Where dumped imports are proven to harm the importing country within the meaning of the WTO Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the “Anti-Dumping Agreement”), by investigation under this Agreement, the importing country can impose anti-dumping measures to provide relief to domestic industries affected by imports. The imposition of anti-dumping duties by the State is determined by the dumping margin - the difference between the export price and the domestic price. Selling price in the exporting country. By adding the dumping margin to the export price, the dumped price can be converted into a “fair” trading price.

When a comparable domestic price is impossible to be obtained because there are no sales or low-volume sales in the context of normal trade in the domestic market, export prices to third countries or "composite value" are used to compare prices. "Composite value" is the cost of production in the country of origin plus a reasonable amount of administrative, sales, overhead, and profit costs. Likewise, when the export price is found to be
unreliable, the price at which the product is first resold to independent buyers, or another price on a reasonable basis determined by the authorities may be used in the price comparison. Because anti-dumping measures are an exception to the MFN treatment rule, the utmost care must be taken when invoking them. However, unlike preventive measures, which are also tools to protect domestic industry, the implementation of anti-dumping measures does not require the government to make compensatory concessions or agree to countermeasures taken by the trading partner. This has increasingly led to the misuse of anti-dumping.

The research importance:

By knowing what commercial dumping is and clarifying the mechanism of laws that work to combat dumping and what are the most appropriate economic solutions to avoid these economic effects and put in place regulatory protection by highlighting the regulatory aspects and ways of working in the domestic markets. The research problem is through the effects that fall within the subject of commercial dumping and how to address the internal laws and regulations that protect internal markets in a way that does not harm the consumer.

Research Methodology
The analytical method of what has been found in studies dealing with this matter, laws, and the World Trade Organization (WTO) has been relied upon.

Chapter one

The concept of commercial dumping

Commercial dumping has a broad and important meaning, in which we learn about the phenomenon of commercial dumping, the detailed aspects of its image, its types, the margin of dumping, and how to calculate that margin.

The first requirement:

Trade dumping definition

Commercial dumping, its definition linguistically and idiomatically, and we conclude with the view of Islamic jurisprudence.

First: Defining commercial dumping linguistically

Ibn Faris says that the ghain, the ra’, and the fa’ are one principle that indicates the completion of a thing and it is reaching its final extent, and its example is drowning in water(1). This is in the original and has other meanings, including fullness or abundance: like his eyes flooded, meaning he was filled with tears, assimilation, and like drowning the soul, means absorbing.
In conclusion, dumping is the completion of the thing, transgression of the limits, exaggeration, and a lot of it, as it comes from the meanings of waste and killing, and thus transgression in the demand for the thing and profit by taking all means, even illegal ones. This can only be done by getting rid of competitors and expelling them from competition in the market, controlling the market and monopoly, which leads to the loss of their rights and the killing of the spirit of legitimate competition.

Second: the definition of trade dumping under the World Trade Organization (3)

The increase in the reality of exchange in products occurred due to the tremendous development in global commercial transactions, which led to the emergence of many illegal practices, one of them, but the most important of which is commercial dumping, and dumping occurs when the price of the product, when sold in the importing country, is less than the price of that product in the exporting country. The sale may be less than the cost of production, and in many cases, there is difficulty in proving dumping due to fraud in the production logos and re-packing between the product in the internal and external market and thus can be defined (A product is considered dumped if it is entered into the trade of a country for less than the price of the similar product in the normal course of trade for the similar product as it is destined for consumption in the exporting country) (3)
Third: Definition of commercial dumping in Iraqi legislation and some Arab legislation (4)

First: in Iraqi legislation

The Iraqi legislator defined in the fourth paragraph of Article One of the National Products Protection Law No. (11) of 2011 as the supply of similar goods to the local market at less than their normal value in the market of the importing country.

While the instructions to facilitate the implementation of Law No. 119 of 2011 issued by the Minister of Industry and Minerals defined it as (119 for the year 2011 issued by the Minister of Industry and Minerals that (it is considered a dumped product if the price of its export to Iraq is less than its normal value), then dumping is an international commercial practice as evidenced by the expressions of the importing country) and (the domestic market). (5)

Second: Definition of commercial dumping as per Arab legislation:

1. Commercial Dumping in Syrian Legislation: (6)

It is the sale of imported goods that are similar to goods locally or have the same specifications in Syria at a price lower than the total cost, which leads to damage, threatens, or significantly hinders the production of such a commodity in Syria.

2. Definition of commercial dumping in Jordanian legislation:(7)
The Jordanian legislator defined commercial dumping in its Anti-Dumping and Subsidy Law No. (26) of 2003 in Article 4 thereof as being a dumped product if the price at which it is sold for export to the Kingdom is less than its normal value. The difference between its normal value and the export price is indicated by the margin of dumping.

**Fourth: Definition of commercial dumping in Islamic jurisprudence**

Dumping, in its economic and legal sense, is not known to the ancient jurists, but the terminology revolves around research in buying and selling at a price less than the market price. Nevertheless, there are several definitions according to several jurists, including:

1. Definition of Ibrahim Al-Far: Selling a commodity in the market of a foreign country at a price lower than the price at which the same commodity is sold at the same time and conditions in the foreign country. (8)

2. Definition of Al-Fayyad: It is the sale of goods in huge quantities at prices lower than the usual price to earn at the expense of local producers and to take over the market. What al-Fayyadh referred to is criticized as being weak but he overpowered the ruling and did not take much care of the price basis.

**Distinguishing trade dumping from business practices (9)**

There are several terms and trade phenomena that are similar in one aspect to trade dumping, and we will explain the most important of these similar phenomena:
Dumping and harmful pricing: Dumping is defined as the sale of a commodity exported to another country at a price lower than the price at which it is sold in the country of origin.

As for harmful pricing is the sale of a commodity at a price lower than its cost of production to force other competitors to be out of competition in the market to then sell them at monopolistic prices.

As for the difference between these similar concepts:

1. Dumping is in international trade either internally or externally harmful pricing.
2. The dumping is either by selling the commodity at a price lower than the export price or it is less than the cost of its production, or the harmful pricing is less than the price of the cost of production.

The second requirement: forms and types of commercial dumping

First: Commercial Dumping types (12)

There are several types of commercial dumping, it may be social - with reservations about being a form of commercial dumping - with the availability of labor, or price, or the variation in credit conditions. Thus, the center of the form within the subject of dumping. The following is a brief explanation of each of these forms.

1. Social dumping and its image are that foreign competitors obtain productive workers that enable them to overcome local producers and enjoy more advanced social conditions, as it is in Japan and China, where wages are much lower than European levels.
According to what I see, this is not a form of commercial dumping, considering that all that happened is that the working conditions led to this and the exploitation of the circumstances without any intention of dumping.

2. Price dumping: It is the usual form of commercial dumping and is in a way that the dumper reduces the prices of his products to less than the usual price in normal trade.

According to what I see, this type is the most obvious form of dumping, whereby the price of products is reduced to less than their price in the importing country and is accompanied by the intention of commercial dumping.

3. Credit dumping: Its form is that there is a difference between the outside and the inside in credit guarantees, and it revolves around cooperation in bearing the burden of risks, so the goods and merchandise entering the internal market are protected and under guarantee in exchange for local goods without guarantee and it attracts the common concerns in trade and most cases its goal is to eliminate and take over the market.

Second: Types of commercial dumping

There are several types of commercial dumping, which are multiplied. In terms of time, we are as for temporary and permanent dumping, and considering the purpose of doing the act of dumping into offensive and
defensive and other types, we will show the most common of these types. Besides, we will show the most common of these types and suffice with them to clarify this phenomenon and refer the follower to other than this research that dealt with this phenomenon and these types are:

1. Permanent and temporary dumping: (13)

Temporary dumping, which is aimed at discharging more goods and merchandise to the foreign country, which cannot be disposed of without reducing their prices, and it is for emergency circumstances, and according to what I see, this type of dumping has limited risks and can be overcome once the extraneous and emergency causes are finished. As for permanent dumping, it is intended to get rid of competitors in the market and to acquire to monopolize it, and this type is what causes the greatest harm and loss to competitors. According to what I see, this type of dumping is very difficult and has great risks, given that its goal is to take possession of the market completely and permanently until reaching a state of monopoly, and thus excluding local production, which results in problems of unemployment and depression.

2. Offensive (Destructive) Dumping and Defensive Dumping:

Destructive or offensive dumping is in the case of a large local enterprise disposing of its products at home at high monopoly prices and at the same time the commodity is sold abroad at a low price to displace and expel the local product at the expense of another country. As a reaction, the other country is motivated to maintain its share in the foreign market, defensive dumping as a reaction to the foreign company's strategy. This type of
dumping is the most severe type of dumping, as it takes action and reaction, which leads to exhaustion of the market of both parties.

3. Excess dumping (14)

Some countries and companies export their surplus goods because the internal market of the importing country is not governed by adequate anti-dumping controls, which encourages companies and countries to export to it and dump it with excess production in its markets. According to what I see, this type is short-lived, considering its purpose is to dispose of the surplus and not to capture the market, and thus it is curbed by a few anti-dumping means and short measures.

4. Tactical dumping

Sometimes the company or the country exporting to a particular market knows that the market to be flooded cannot be penetrated unless the prices are reduced so that the prices of imported goods are more acceptable for purchase than local goods. Thus, it is a competitive advantage at the expense of producers, and the exporters may obtain government support for exports as a result of this success, and it may turn into destructive dumping (15) intended to displace competitors and obtain their shares in the local market even if it was illegally. This may lead to greater danger, as it may turn into destructive dumping, where there is an action and reaction between internal competitors and exporters by
lowering prices, which leads to the market becoming a site of unethical conflicts and in turn will be reflected in society.

The third requirement

Trade dumping impacts

Trade dumping has great and enormous effects on the economies of countries. These effects vary according to the different types of dumping, as well as the disparity between each of the exporting and importing countries and the extent to which the market and countries are prepared for this dumping. During this requirement, we will discuss the economic effects of dumping and its effects on the importing and exporting countries.

Section One: The Effects of Trade Dumping on the Exporting and Importing Countries (20)

The effects of trade dumping on the exporting country

1. The effects of dumping on the exporting country vary according to the different circumstances in which it occurs. On the one hand, this country has a positive impact, as it leads to an increase in exports, which leads to the introduction of foreign currency to the exporting country, and also leads to the employment of many laborers, and to the movement and recovery of the market, the expansion of production, the emergence of new factories, and the disposal of surplus products that are accumulated because there is a new
market to dispose of these products that are produced by this country as well as other positive results.

2. On the other hand, the consumer in the exporting country will suffer some negative effects that may lead to a slight increase in the price of the exported products, which are at the same time dumped in the country and imported, which leads to the consumer in the exporting country resorting to other options and alternatives to this product if other options maintain their average prices, as well as may lead to competition to gain engineers and skilled workers as a result of the emergence of new job opportunities that may lead to the emergence of some problems.

3. It may lead to other damages, including:
   a. Legal problems faced by the exporting country and the perpetrator of the act of dumping, where the affected countries file dumping cases and complaints, especially if the country belongs to the World Trade Organization or other agreements that regulate the subject and may lead to the severance of economic relations in some cases.
   b. Dumping leads to political problems between the states parties to the conflict, especially the volume of dumping is very large and affects the policy of countries, as is happening at present between the United States of America and China.

The impact of trade dumping on the importer country

It has effects on other competitors, most notably the following:
1. Crushing the other competitors in the importing country and removing them from their market, which leads to dumping.

2. Heavy losses to competitors if they fight dumping.

3. The market shall be the subject of unfair competition for the possibility of fair trade.

4. For consumers, dumping initially leads to a reduction in the prices that prevail in the market due to the state of dumping. After the dumping ends, prices will rise by a large percentage, and they will lose what they obtained during the price reduction at the beginning of the dumping.

5. The emergence of monopoly, which leads to high prices and the emergence of successive economic problems.

6. The emergence of unemployment due to the suspension of new projects and damage to old projects.

7. The decline and lack of incentives for investment, and create a repulsive environment for investment.

8. In the long run, and after the decline in production, it will lead to an increase in imports that will lead to an imbalance in the trade.

Second: The effects of trade dumping on Iraq

Commercial dumping has negative effects on Iraq, but every legal or economic phenomenon has reasons that led to that phenomenon, and so we will show the reasons that led to commercial dumping in Iraq before we show the effects of this phenomenon.
Reasons for commercial dumping in Iraq (22)

Leaving the customs tariff law without activation led to the entry of goods without imposing taxes, and thus selling and discharging them inside Iraq was at very low prices and their impact on the national industry, as only the Iraq reconstruction tax was imposed, which amounted to (5%) except for food and medicine, which is a very low percentage that does not provide sufficient protection for national products, but there is a large percentage of the customs tariff of up to (20%) imposed on raw materials that are used as raw materials for the local industry, which led to the cessation of many national industries. Although the House of Representatives legislated a law at the end of 2009 that required the cancellation of Coalition Authority Decision No. 37 and the ban on random import of goods, this was not implemented due to the presence of administrative and financial corruption that is widespread in the joints of the state. These are the most important reasons that led to the emergence and exacerbation of trade dumping in Iraq.

This indicates the extent of the conspiracy against the Iraqi industry, which is unfortunately led by the mafia, most of it within the government, this is emphasized by non-applying the laws of the tariff except for the materials that constitute the raw materials that constitute the mainstay of the Iraqi industry. After we explained the causes of dumping in Iraq, we show that the most important of these are the effects that Iraq may have incurred as a result of dumping, some of which can be clarified as follows:
1. **Decreased quantities of industrial production (23)**

The quantities of industrial production have a realistic indication of the negative impact of dumping on industrial production. The manufacture of liquid and dry batteries and bicycles stopped between 2004 and 2005 due to the dumping of the Iraqi market and a decrease in the production of other industries, as is the case with vegetable oils, which decreased from (1712) tons in 2003 to (545) tons in 2004 i.e. (68%).

However, it was absent in 2005, while leather shoes decreased from (42) thousand pairs in 2003 to (148) thousand pairs in 2005, i.e. (65%), while the television industries decreased from (33) thousand in 2004 to (11) thousand in 2005. At a rate of (67%) and the production of fans from (19) thousand in 2002 to (3) thousand in 2005 (84%).

1. The damage suffered by the industry in Iraq (24)

2. We can explain the damage suffered by the Iraqi industry due to commercial dumping through the decrease in the number of the national establishment from (96 thousand) in 2001 to (10 thousand) establishment in 2005 and the increase in the number of unemployed from (14, 2724) workers in the small establishment from 2001 to (36,379) in 2005.

3. **Effect on Consumption and Saving (25):**

4. Dumping policies led to high rates of consumption of non-essential or even luxury goods, and this led to a rise in consumption in Iraq to
GDP by about (44%) in 2002 to (69%) in 2006, while the total savings decreased from (48%) in 2002 to (21%) in 2006, which was a natural result of the increase in consumption rates over saving, which led to the draining of a lot of money that could have been redirected to investment and development.

5. The continuous decrease in quality and the prevalence of industrial fraud.

6. The negative impact on public taste and its distortion as a result of this practice.

7. Wasting financial resources by purchasing goods and materials of poor quality.

A simple look at these statistics shows the following

- The extent of the damage caused to the local industry.
- The lack of sufficient awareness among the people and the encouragement of the national product at the expense of the foreign product.
- The lack of sufficient laws, even the existing ones are not applied, but rather are ink on paper.
- Through the dates and the search for the latest statistics, we found that there are no statistics carried out by competent governmental
or non-governmental agencies to study the reality of the Iraqi economy!

Chapter three

Anti-dumping trade

After we have explained the nature of commercial dumping, its types, forms, how to discover and calculate it, and the effects on the internal and external levels, we show this topic how to combat dumping, which will include two demands, the first dealing with combating it in Iraq and the second combating it in the World Trade Organization

The first requirement:

Anti-dumping trade in Iraq

Several steps must be taken before temporary fees or final measures are imposed to combat trade dumping, which is as follows:

1. The complaint is to the body specified by law, which is most often an administrative body, which in Iraq is the Department of Industrial Organization and Development (26). The case must be submitted by the national producer or his representative, and if the complaint is related to a local agricultural product, it must be submitted by the local producers or the Ministry of Industry (27).
Therefore, this article on filing a complaint against dumping must be amended to include the size of local producers and their market share for the complaint to be accepted. This article must include non-local producers who work in Iraq and who provide goods and services that the local product cannot provide, because otherwise, the Iraqi market will be expelling honest investors who comply with the Iraqi laws on dumping, and the national consumer will be harmed by the void left by foreign producers.

2. The other condition for accepting the dumping complaint is that this complaint must be serious and through the data contained in the complaint and these data represent the legal aspect, which entails proving the damage that occurred to the local product as well as proving the causal relationship between the act of dumping and the damage that occurred to the local product.

3. Investigation of a dumping complaint (28)

The department that received the dumping complaint shall verify the existence of commercial dumping and fulfill the legally required condition in this complaint and submit the recommendation of the Minister of Industry and Minerals within a period of (30) days. The minister must issue a decision accepting or rejecting the request within (15) days from the date of registering the request in his office. If the request is accepted, the minister issues a decision to start the investigation, but if the request is rejected, the stakeholders may appeal the rejection decision within (30) days of being legally notified, but the law did not indicate what type of appeal and the body to which the appeal is submitted.
This is a clear lack of legislation that must be taken into account, otherwise, it will affect confidence in the Iraqi market and will lead to the loss of the rights of litigants and investors who look to the procedures or the judicial system that protects them. Capital is clever in choosing the market in which it operates, and it is not a coward as it is known by some legal and economists without pondering this expression, so how can a coward build advanced countries and economies!?

4. Temporary anti-dumping duties (29)

After that, the Minister, based on a recommendation from the Industrial Development Department, issues a decision to take urgent measures, which is to oblige the complaining producers to pay insurances and guaranteed guarantees to the extent of the dumping margin and not exceeding it. The existing government is also obliged to give guarantees. It should be noted that if a decision is issued to take final measures, the temporary and urgent measures shall be terminated, the compensatory and customs fees imposed shall be taken, the bonds shall be settled, and the advanced guarantees shall be canceled. It is noted that the Council of Ministers stops the urgent procedures if it becomes clear that these procedures may have negative effects on other local producers, on consumers, or the public interest.

5. Final Anti-Dumping Measures (30)

After completing the two investigation procedures, the Department of Industrial Regulation and Development, based on objective evidence,
prepares a general report on the results it has concluded in the dumping case, and it is submitted to the Minister, who in turn gives his decision to impose the final measures. The decision includes the type of measures, and in all cases, the measures should be in a sufficient amount to avoid damages and with which local producers can adapt their conditions to imported and exported products.

**An example of commercial dumping and combating it in Iraq, the cement industry (31)**

The process of proving the dumping of any commodity is very difficult and complex, as one case requires an entire apparatus of human power. Whereas paragraph (b) of the third point of Article Seven of the National Products Protection Law No. 11 of 2010 stipulates that if it is decided to initiate investigations, the concerned department must complete them as follows within a period not exceeding one year from the date of announcing the start of investigations if the investigations if it is related to subsidies or dumping, and the Minister may extend it by a reasoned decision, provided that the entire period does not exceed eighteen months, thus highlighting the difficulty and complexity. The Ministry of Industry is inquiring about the local companies that produce cement in Iraq about their direct support in this investigation, if it is not received, then these companies are excluded from the account. Indeed, the Ministry of Industry sent inquiries to (Mas, Bazian, and Tas Lajh cement factory) and did not receive their responses after these operations, calculating the normal value and the export price.
It is clear from all the previous cases and after performing all the calculations that the margin of dumping exceeds (2%), which means that all of the Pakistani, Iranian, and Kuwaiti cement are considered dumped products. From this, it becomes clear the damage caused to Iraqi cement and the producers’ reluctance to buy it despite its quality, but due to the low prices of competitors, the foreign product is resorted to, either the causal relationship between the entry of imports and the damage caused to the cement industry in Iraq. There is a strong relationship between the volume of quantities entering the market and the extent of the damage caused to the local industry, given that the import process does not protect them on clear scientific grounds.

After reviewing the rules and laws related to combating commercial dumping in Iraq, a council should be established to look into the problem of commercial dumping and be formed by the two laws, given that this topic has a legal aspect that is almost the largest so that they can understand the local and comparative legal texts in the world because this subject is an international one that includes one of the parties to an international party. While the other part is formed by economists to study the course of the Iraqi market and study what local production can provide and the ratio of production capacity to satisfy local needs and impose fees in the light of this study. Judicial, given that the appeal requires legal study and judicial experience.
The second requirement: combating trade dumping under the World Trade Organization

To determine whether or not dumping exists, the following conditions must be met:

1. Conducting the investigation: (32)

The importing country cannot apply dumping duties without conducting an investigation, and the investigation must be new, and the evidence and accurate data provided by the country in the dumping complaint must be followed, and it must extend to the extent of the validity of the data contained in the dumping complaint.

The question may be raised who has the right to file a dumping complaint? (33)

Those who can file a dumping complaint are the owners of local industries, and the concept of local industries refers to the local producers who, in their totality, constitute the bulk of the total domestic production of the commodity subject to dumping.

2. Existence of dumping: This condition consists of a set of conditions, namely that there is an act of dumping and damage and the causal relationship between the act and the damage that occurred to national or local industries. These conditions are as follows:

   a. The act of dumping: which is clear from the definition of dumping, which is the introduction of products similar to the national production in large quantities and at a lower price to dump the
domestic markets, that is, the goods must have a low price, even if the goal is to flood the internal markets and act on the whims of its interests.

b. Damage: It is in the negative effects on the national industry as a result of commercial dumping practiced by the authorities and countries exporting goods and merchandise causing dumping, and have already been discussed in detail.

c. Causal Relationship: (34), It is represented in the relationship between the act of dumping and the damage that occurred to the local industry, and there must be an actual and logical relationship and link. Sometimes dumping and damage may be done, but without there being a causal relationship, and so the dumping was done and the mistake was made in a big way, but when we go back and investigate, we do not find that there is any causal relationship between the dumping act and the damage, and our example is what happened in a decision of the European Union Court (Eucourt) No. (T-199/04) on 9/27/2011, through which it abolished the anti-dumping duties that had been imposed by the European Commission on imports of Pakistani cotton and bedsheets under its resolution (3972004) on 5/04/2004, Justified by the failure to prove the relationship between imports and the damages suffered by the industries concerned.

Thus, to prove the causal relationship, the state or the party must provide evidence and documents proving the case of dumping, and the investigation extends to the data and evidence presented by the
complaining country and their validity to the significant impact that dumping fees may have negative effects for the country against which the commercial dumping fees were made. After we have clarified the conditions that must be met for the existence of dumping and the steps taken to impose measures, we show these measures.

d. Interim Measures: (35)

The first method to protect the national products of any country in the face of commercial dumping is temporary measures. These measures can take the form of a temporary fee, and they can take the form of temporary guarantees of a deposit or a bond equivalent to the amount of the dumping duty, and it may take the form of stopping the progress in customs, and the investigation procedures carried out by the authorities against the importer of dumped products.

e. Anti-dumping duties: (36) The most effective anti-dumping measures for foreign goods and the one who has jurisdiction in determining the amount of these duties is the country and the importer, while the World Trade Agreement requires two restrictions:

- The collection of these duties must be in the lands of the country, and the fee shall be less for the margin of dumping if the fee is less sufficient to remove the damage to the national industry.
- The fee imposed by the state should be of the appropriate amounts in each case on a non-discriminatory basis.

The previous two restrictions refer to the main objective of the fee, which is to restore the situation to what it was before the dumping.
After we have explained how to combat dumping, we will now address, in a very brief manner, the anti-dumping statistics under the World Trade Organization, as follows:

In 1980 there were only eight countries that had anti-dumping laws, but after 1993 we had 54 countries that had anti-dumping laws. The following is a table of anti-dumping measures in the World Trade Organization.

Number of anti-dumping measures for WTO members

<table>
<thead>
<tr>
<th>Country</th>
<th>1990</th>
<th>1997</th>
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<tbody>
<tr>
<td>advanced countries</td>
<td>401</td>
<td>588</td>
</tr>
<tr>
<td>Australia</td>
<td>11</td>
<td>41</td>
</tr>
<tr>
<td>Canada</td>
<td>95</td>
<td>90</td>
</tr>
<tr>
<td>European Union</td>
<td>95</td>
<td>135</td>
</tr>
<tr>
<td>Japan</td>
<td>–</td>
<td>2</td>
</tr>
<tr>
<td>New Zealand</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>U.S.</td>
<td>193</td>
<td>294</td>
</tr>
<tr>
<td>Developing countries</td>
<td>4</td>
<td>244</td>
</tr>
<tr>
<td>Argentina</td>
<td>–</td>
<td>26</td>
</tr>
<tr>
<td>Brazil</td>
<td>–</td>
<td>23</td>
</tr>
<tr>
<td>Colombia</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>India</td>
<td>–</td>
<td>19</td>
</tr>
</tbody>
</table>
The guarantees contained in the Dispute Resolution Understanding.

**Results**

1. Through what has been mentioned, commercial dumping can be defined as an illegal practice that falls within the framework of international trade, according to which a merchant offers certain products at certain prices lower than the prices of similar products to displace competitors in the market.

2. Commercial dumping is considered an entrance to the occurrence of monopoly, and therefore preventing the occurrence of dumping will result in preventing the occurrence of monopoly.

3. The Iraqi National Products Protection Law gave wide discretionary powers.

<table>
<thead>
<tr>
<th>Country</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Israel</td>
<td>–</td>
<td>2</td>
</tr>
<tr>
<td>Malaysia</td>
<td>–</td>
<td>4</td>
</tr>
<tr>
<td>Mexico</td>
<td>4</td>
<td>81</td>
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<tr>
<td>Singapore</td>
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<td>South Africa</td>
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<td>South Korea</td>
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<td>11</td>
</tr>
<tr>
<td>Turkey</td>
<td>–</td>
<td>35</td>
</tr>
</tbody>
</table>

4. The nature of commercial dumping cases and the investigation of their existence includes many highly complex legal procedures, so the authorities that carry out these tasks must be of sufficient experience.

**Recommendations**

1. Alert the Iraqi legislator to make the Protection of Iraqi Products Act cover goods and services and not goods as has been done so far.
2. Addressing the shortfall in the National Products Protection Law.
3. The formation of the specialized anti-dumping council, which we have explained in detail.
4. Activating the current controls for measurement and quality control and modifying the old ones to suit the current situation of international trade and the fraud that may occur in it.

**References**

2. Al-Manji Anti-dumping lawsuit, p. 188.
3. Analysis of the reality of the petrochemical industries in light of commodity dumping (2000 to 2012), Maher Aziz Abdel Rahman and Wael Salem Jamil, research submitted to the Department of Chemical Engineering, University of Technology, Baghdad, Iraq, p. 3.


6. To view the criticism of this definition, please visit the following website: HTTP: law, lokerbala duiq/wp2015.

7. Law 42 of 2006 concerning the protection of national production from the effects resulting from practices harmful to international trade.

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9. The Legal Regulation of Commercial Dumping in the Light of Jordanian Legislation, Rasha Muhammad Salih Al-Jubouri, Master’s Thesis, Middle East University, December 2017, p. 22.


11. Fayyad, Commercial Dumping, pg. 41414.


13. Hassan Alloun, The Dumping Policy between Customs Tariffs and Ambition for Revenues, a study prepared in the Planning Department of the Tax Department, the Economics Department, the Ministry of Finance, 2011, p. 5.

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15. This type of dumping is called fierce, and it is a type of dumping in which goods are sold in the exporting country at very low prices to eliminate foreign competition in these markets over emerging workmanship that may threaten it in the future while it is still in the process of emergence.


17. The executive regulations of the law of the unified system of anti-dumping and compensatory and preventive measures for the countries of the Gulf Cooperation Council (amended) and approved by the Industrial Law Committee at its 31st meeting held in July 2010.

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19. Dumping within the framework of the World Trade Organization, concept, determinants and effects d. Mona Tamiya, a working paper submitted to the Faculty of Al-Azhar University, p. 15.

20. The problem of dumping and burning of prices, Dr. Muhammad work Dr. Halim Omar, a working paper presented to the eighteenth discussion panel, p.5.

21. Dr. Abdel Halim Omar, previous source pg. 7


28. Article sixteen of the above law.

29. Article thirteen of the above law.

30. Article thirteen of the above law.


32. Abdel Fattah Murad, Explanation of the Arabic Texts, the CAT Agreements and the World Trade Organization, without a publisher, 1997, p. 194.
33. Dr. Attia Abdel Halim Safar, Dumping, General Agreement, and Trade Advice in the Name of CAT 1994, and Commercial Mechanisms in Egypt, Without a Publisher, 1998, p. 34.

34. Muhammad Saeed Al-Asadawi, Civil Liability Resulting from Commercial Dumping in the Light of the Anti-Dumping Agreement and Iraqi Law, Resala Al-Huqooq Journal, Fifth Year, No. 1, 2013, p. 244.


36. Dumping policy and ways to support and protect local production, selected applications with a focus on Iraq, an article published in Al-Arabi Journal of Economic and Administrative Sciences, tenth year, volume seven, issue thirty, 2014, p. 11.


38. We warn the Iraqi legislator to specify a period for the validity of the final measures of commercial dumping.

39. We call on the competent authorities to support the simple and newly established industries to be able to confront the dumping in the Iraqi market.