

**The National Production  
Protection Law No. (4) for the Year 1998<sup>1</sup>**

Article (1): This Law shall be known as (the National Production Protection Law for the Year 1998) and shall come into effect after thirty days of its publication in the Official Gazette.

Article (2): The following words and expressions, wherever stated in this Law, shall have the meanings specified hereunder, unless otherwise indicated by context.

The Ministry: The Ministry of Industry and Trade

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National Producers: Those who produce the Kingdom's total output or a large part of its output of a certain good.

Article (3): The provisions of this Law shall apply to goods imported to the Kingdom, which are similar to, or which compete with a domestically produced good.

Article (4):

- a. National producers who suffer or are likely to suffer substantial damage due to an increase in the imports of a good which is similar to, or which competes with their production, may submit a petition in writing to the Minister, or to whomever the latter authorizes, to have their goods protected, provided they furnish therein documents and evidence which would assist the Ministry in establishing actual or probable damage to the production sector.
- b. For the purposes of this Law, substantial damage is considered the direct and real negative effect on the production sector of a good, which is similar to, or which is subject to competition by the imported good.
- c. If it is established that damage to a production sector has resulted from importing a good which is dumped, or subsidized at origin, then the provisions of the Regulation referred to in Article (15) of this law shall apply.

Article (5): The Minister shall decide, on the basis of a studied recommendation by the competent authority in the Ministry, whether to grant the petition preliminary approval or to deny it. If the petition is denied, the competent authority in the Ministry shall notify the petitioners of the decision within fourteen days from the date of the decision. If the Minister grants the petition preliminary approval, then he shall instruct the competent authority in the Ministry to carry out an investigation in its regard..

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Article (6): a. After completing the investigation mentioned in Article (5), and drawing conclusions therefrom, the competent authority in the Ministry shall make a recommendation to the Minister to grant or deny the protection petition, which recommendation must be justified and based upon objective evidence. If approval is recommended, suggestions must be made as to the appropriate protection measures to be adopted in order to counter any actual or probable damage, as well as to the actions and procedures which national producers must observe in their production so as to safeguard consumers during the period of implementing the protection measures.

b. If, after reviewing the recommendation, the Minister denies the protection petition, the Ministry shall notify the applicant of the rejection decision and its justification. If the Minister grants the petition, he shall submit a recommendation in its regard to the Tariff Council, specifying therein what he considers to be the appropriate protection measures, and the period required to implement the actions and procedures which local producers must observe.

Article (7): a. The Cabinet may, after reviewing the Tariff Council's recommendation, either to deny the protection petition, or to grant it and adopt the appropriate protection measures in accordance with article (8) of this Law. In the latter case, the Ministry shall notify the applicant of the decision and shall publicize it in two daily local newspapers.

b. Petitioners whose requests have been denied by the Minister or the Cabinet may not submit another petition based on the same circumstances and causes provided in their initial petition, before (180) days from the issuance date of the denial decision.

Article (8): a. The Cabinet shall determine, on the basis of the Tariff Council's recommendation, which of the following protection measures would be appropriate:

1. Imposing a new tariff or increasing the tariff on the imported good;
2. Limiting the quantity of the imported good;
3. Eliminating or reducing the tariff(s) on (an) imported good(s) which enter(s) in the production of the domestic good;
4. Adopting any measure which would assist national producers in adapting to imports of the said good.

b. The new tariff or tariff increase, levied on the imported good pursuant to the protection measures, shall apply regardless of the country of origin exporting the good.

c. The Cabinet may- on the basis of the Tariff Council's recommendation- exempt from the provisions of paragraph (b) of this article any developing country, provided the following two conditions are fulfilled:

1. The developing country's share of the imports of the said good into Jordan does not exceed 3%;

2. The total share of developing countries, which fulfil the former condition, does not exceed 9% of the Kingdom's total imports of the said good.

d. The quota for the imported good shall not be set at a quantity lower than the average rate of its import during the last three years for which adequate statistical data is available, unless there are grounds necessitating otherwise.

e. All measures regarding the protection period, the tariff rate or tariff increase and the import quota, shall be set as deemed by the Cabinet appropriate to ward off substantial damage, enable domestic producers to adjust their situation and adapt to imports of the said good, and protect the Kingdom's interest.

Article (9): a. The Cabinet may, on the basis of the Tariff Council's recommendation, allocate shares of the quota of the imported good among countries which export the good to Jordan, or countries from which it is in Jordan's fundamental interest to import the good.  
b. The allotment of shares mentioned in paragraph (a), shall be based on each of the said countries' share of the total quantity or total value of the imported good during the last three years for which appropriate statistical data is available, provided factors affecting trade in the imported item are taken into consideration.

Article (10): a. If the protection petition is submitted for review on an urgent basis in order to prompt a swift protection decision, and if the Minister finds valid grounds for such a petition, then he shall recommend to the Tariff Council, to recommend in turn to the Cabinet, the imposition of a tariff or tariff increase on an urgent basis.  
b. The Cabinet may decide, on the basis of the Tariff Council's recommendation, to adopt an urgent protection measure, by imposing a tariff or a tariff increase. .  
c. The Ministry shall notify petitioners about the decision and shall publicize it in two local newspapers. The urgency petition is to be considered denied if the petitioners are not notified about it within fourteen days from the date of its submission.  
d. So as to realize the objectives stated in paragraph (a) of this article, the following are two cases which would warrant adopting urgent protection measures:  
1. If it would not be possible to eliminate the effects of the actual or probable substantial damage without adopting urgent protection measures;  
2. If it would be difficult for national producers to adjust their situation and to adapt to the competition from the imported good, unless urgent protection measures are imposed at the appropriate time.

Article (11): a. Notwithstanding the application of urgent protection measures at the petitioner's request, the Minister may also choose to investigate the

petition in accordance with the procedures stated in articles (5-8) of this Law.

b. An urgent protection measure may not be applied for more than (200) days.

c. On the basis of the Tariff Council's recommendation, which shall in turn be based upon the Minister's recommendation, the Cabinet may cancel, at any time during the period set in paragraph (b) of this article, the urgent protection measures in any of the following cases:

1. If it is established by investigation that applying the urgent protection measures has had a negative effect upon national producers;
2. If it is ruled out by investigation that substantial damage has occurred or is likely to occur;
3. If the Cabinet decides to apply protection measures regarding the same matter in accordance with articles (7) & (8) of this Law.

Article (12): Neither the Ministry nor any other official authority shall disclose any confidential information obtained in the course of carrying out its duties in implementing the provisions of this Law.

Article (13): The Ministry shall collect from protection petitioners a fee to be set by Regulation and which is payable upon submitting the petition.

Article (14): The Cabinet shall issue the Regulations needed for implementing this Law, which shall cover the following:

- a. The fees to be collected from petitioners for protection;
- b. The conditions to be fulfilled by protection petitioners, as well details about the evidence and documents to be submitted with the petition;
- c. The procedures for investigating the petitions and the scope of the investigations;
- d. The matters to be addressed by the report that includes the recommendation to the minister regarding the protection petition;
- e. The maximum period for applying the protection measures as well as the procedures and conditions pertaining to the extension and re-imposition of such measures.

Article (15): The Cabinet shall issue the Regulations needed for safeguarding national production from the impact of imports of goods which are dumped or subsidized at origin, provided that these Regulations do not conflict with the Kingdom's obligations under bilateral and international treaties.

Article (16): The Minister shall issue the instructions needed for implementing the provisions of this Law and its pursuant Regulations.

Article (17): The provisions of any law which are in conflict with this law shall not be apply.

Article (18): The Prime Minister and the Ministers are charged with executing the provisions of this Law.

