



RESEARCH ARTICLE

Section: *Legal Studies***The legal framework governing trade dumping in Jordan**

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ABSTRACT

Objectives of this study are to clarify rules that organize the trade dumping practices in Jordan through studying national and international law rules applied to anti-dumping practices and studying their effectiveness in achieving their goals of facing these unfair trade practices that can harm local industries. Research discusses dumping trade meaning, main types and conditions applied by law, then clarifies calculations made to reach dumping margin value followed by discussing the legal requirements necessary to prove dumping like material injury and causal link between dumped imports and local injury then briefly discusses the legal remedies allowed by the WTO Anti-Dumping Agreement and Jordanian Law like anti-dumping investigations, provisional measures, Price Undertakings and Definitive anti-dumping duties followed by the legal remedies offered to the parties injured by dumping. The method used in this study is descriptive-analytical based on studying the international agreements and Jordanian provisions that organize dumping trade. The results of the study show that Jordan has a strong organized system that complies mostly by its obligations to the World Trade Organization but still lacks many legislative and procedural details like defining Price Undertakings in its legislation, including moral damages and workers of the domestic producer within the injuries that the law covers and allowing judicial police authorities for officers working in anti-dumping investigations. Finally, it can be said that boosting antidumping in Jordan requires working on legislation and taking the necessary policies that support local production and compensation of injured parties and elevating the efficacy of these procedures.

KEYWORDS: trade dumping, world trade organization agreement, liberalization, monopolization, GATT, Jordan

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1 Introduction

World Trade Organization-sponsored globalization of the economic world system is centered on liberalized free trade, which necessitates States opening up their markets to other States' products thereby realizing principles of international trade enshrined in international accords, most notably the principle of market access and the principle of transparency on issues related to customs tariffs (Al-Ghamdi, 2017). Such liberalization shall, in no way, provide opportunities or mechanisms for allowing unlawful practices intended to violate or bypass the rules of international free trade and allow receiving unlawful competitive edge that would damage normal competition and national market economies. Dumping trade is perhaps one of the most cited examples of such illegal practices where goods are sold within another State's market under prices lower than those of similar goods in the exporter's market, or less than cost value. This leads to disturbance in normal competition, damaging local producers of similar goods, as well as consumers once monopolization of goods and price manipulation takes place (Alsalmi et al., 2026). Therefore, General Agreement on Tariffs and Trade (GATT) of 1947 sought to make sure such liberalization conforms to fair trade, which coincides with policies promoting fair competition and discouraging damaging practices restraining competition. As part of the general rules of liberalization of merchandise trade, GATT aimed to prevent the illegal dumping of imported goods into importing States markets as per Article VI, which discusses both dumping determination and the actions that should be taken in response to it (Al-Ajjal and Braik, 2018). Jordan joined the World Trade Organization (WTO) on 11 April 2000 and began modifying domestic law to fulfill obligations stemming from acceding thereto with regard to countering trade dumping. Jordan's National Production Protection Directorate at the Ministry of Industry and Trade was also noted to be the authority in charge of implementing WTO Agreement on Anti-Dumping and Subsidies (National Production Protection Law, 2004).

1.1 Research Problem

The research problem is addressed through the following:

1. Do the Jordanian legislative provisions governing trade dumping constitute sufficient safeguards to protect Jordanian markets from the risks of dumping?
2. Do the Jordanian legislative provisions provide effective mechanisms for remedying the damage resulting therefrom?
3. Are the policies adopted adequate to limit dumping and its adverse effects on the Jordanian economy?

1.2 Research Objectives

The following is a set of objectives sought to be achieved in this study:

1. To explain the concept of trade dumping and identify its types and the conditions required for its establishment.
2. To examine the reality of trade dumping in Jordanian markets and the consequences arising therefrom.
3. To identify the legal foundations of anti-dumping regulation and the legal mechanisms and procedures adopted to combat dumping.
4. To explain the legal means through which parties injured by trade dumping may be compensated.

1.3 Research Questions

XLVIII. What is the concept of trade dumping, and what are its types?

5. What are the conditions for establishing trade dumping, and how is the dumping margin calculated?
6. What is the current state of trade dumping in Jordanian markets, and what are the consequences arising therefrom?
7. What are the legal foundations of anti-dumping regulation, and what legal mechanisms and procedures are adopted to combat dumping?
8. By what legal means are parties injured by trade dumping compensated?

1.4 Significance of the Study

Dumping is an unfair trade practice inconsistent with the rules of normal competition. It allows government of importing market injured by dumping to take action to counteract the injurious effects of dumping on its

domestic industry by the application of antidumping measures when the legal conditions are met.

1.5 Research Methodology

This study adopts the descriptive-analytical approach by examining and describing the legal provisions relevant to the subject of the study, analyzing their content, and clarifying their legal meaning and implications.

2 The Nature of Trade Dumping

This section examines the concept of trade dumping, its legal requirements, classifications, effects, and manifestations in Jordanian markets through the following:

2.1 The Concept of Trade Dumping

This section defines the concept of trade dumping in light of the Jordanian Anti-Dumping and Subsidies Regulation No. (26) of 2003 (Anti-Dumping and Anti-Subsidies Regulation, 2003) and the WTO Anti-Dumping Agreement.

The Concept of Trade Dumping under the Jordanian Anti-Dumping and Subsidies Regulation No. (26) of 2003. Article (4) of the Anti-Dumping and Subsidies Regulation No. (26) of 2003 provides that “a product shall be considered dumped if the price at which it is sold for export to the Kingdom (the export price) is lower than its normal value, and the difference between the normal value and the export price shall be referred to as the dumping margin.” Article (5) of the same Regulation defines the normal value as “the price of the product exported to the Kingdom when destined for consumption in the exporting country in the ordinary course of trade.” Article (10) further defines the export price as “the price paid or payable for the product when sold for export to the Kingdom from the exporting country.”

Article (6) of the Regulation establishes the basis for determining the normal value where the product is not sold in the ordinary course of trade in the exporting country, or where such sales do not permit a proper comparison because of the particular market situation or the low volume of sales. In such cases, the normal value shall be determined on the basis of either: “(1) the price of the product when exported to an appropriate third country that permits a proper comparison; or (2) the cost of production in the country of origin, together with a reasonable amount for administrative, selling, and general expenses and profit (constructed value).”

The determination of the normal value based on the selling price in the exporting country or the country of origin is further regulated by Article (7) of the Anti-Dumping and Subsidies Regulation as follows: “(1) the normal value shall be determined on the basis of the price at which the product is sold in the exporting country. (2) Where the product is not imported directly from the country of origin, the normal value may be determined on the basis of the price prevailing in the country of origin in any of the following cases:

- Where the product has merely transited through the exporting country.
- Where the product is not produced in the exporting country.
- Where no comparable price exists for the product in the exporting country.”

The Concept of Trade Dumping under the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement).

Article (2) of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) defines dumping as “a product is to be considered as being dumped, i.e., introduced into the commerce of another country at less than its normal value, if the export price of the product exported from one country to another is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country.”

Accordingly, under both the Jordanian Anti-Dumping Regulation and the WTO Anti-Dumping Agreement, dumping occurs where “a foreign producer engages in price discrimination by selling a product for export at a price lower than that charged in the domestic market, thereby reducing the export price below the product’s normal value in the domestic market, taking into account the costs associated with exporting the product” (Jami’an, 2012).

2.2 Types of Trade Dumping

Trade dumping may be classified according to two principal criteria: duration and market scope. According to duration, dumping is classified as sporadic (or occasional) dumping, short-term (temporary) dumping, and persistent (continuous) dumping. According to market scope, it is classified as international dumping and domestic dumping.

These categories are examined below.

Dumping Classified According to Duration.

First: Sporadic (Occasional) Dumping.

Sporadic dumping arises from exceptional circumstances, such as a producer's desire to dispose of excess inventory at the end of a marketing season by selling it in foreign markets at reduced prices (Alatawi, 2025). It may also result from errors by domestic producers in estimating the capacity of the domestic market, thereby compelling them to export surplus production at discounted prices. This form of dumping is temporary in nature and generally ends before attracting significant attention, with its effects usually remaining limited (Al-Hattab, 2011).

Second: Short-Term (Temporary) Dumping.

Short-term dumping is temporary and ceases once its objective has been achieved. It involves reducing the price of a product below its average level either to stimulate demand for the dumped product or to eliminate competitors from the market, thereby enabling a single producer to dominate the market and subsequently increase prices to recover earlier losses. Based on its underlying objective, this form is commonly referred to as predatory dumping, as it aims to exclude competitors and establish monopoly power in domestic or foreign markets. It particularly affects domestic industries producing lower-quality goods, thereby reducing consumer choice and limiting product comparison. Predatory dumping may also be met by defensive (or retaliatory) dumping, whereby an importing producer seeks to retaliate against a foreign dumping producer (Al-Jubouri, 2017).

Third: Persistent (Continuous) Dumping.

Persistent dumping involves reducing prices by relatively small margins over successive and indefinite periods, taking into account the absorptive capacity of each market. Unlike temporary dumping, this practice is not based on absorbing short-term losses but rather on maintaining a permanent monopoly in the domestic market (Al-Khraisat et al., 2026).

Types of Dumping According to Market Scope.

First: International Dumping.

International dumping occurs where one State exports products to another State at prices below their production costs in order to compete with domestic producers either in their home market or in export markets.

Second: Domestic Dumping.

Domestic dumping occurs within the market of a single State, or within the common market of several States, where products are sold below production cost for the purpose of excluding domestic competitors from the market (Abu Jame', 2012), regardless of whether such competitors are nationals or foreign undertakings. It may also target domestic producers competing with foreign producers.

2.3 Conditions for the Establishment of Dumping

The Anti-Dumping Agreement requires the existence of several cumulative conditions, namely: the occurrence of an unlawful act of dumping, the existence of injury, and a causal link between the dumped imports and the injury sustained. These conditions are discussed below.

The Existence of the Unlawful Act.

The unlawful act is established where products are sold in the importing country at prices below either their

production costs or the selling price of the same products in the exporting country (World Trade Organization, 1994). The mere existence of dumping is insufficient; it must also constitute unlawful dumping, which is determined according to a number of legal criteria (Abdelrahman et al., 2026).

For example, selling products at prices lower than those of similar or like products in the importing country does not, by itself, constitute unlawful dumping. Likewise, anti-dumping measures may not be imposed where the dumping margin is less than 2% of the export price. Furthermore, dumped imports are regarded as negligible where imports from the exporting country account for less than 3% of the total imports of the like product into the importing country (Alatawi, 2024). In such circumstances, the investigation must be terminated unless imports from several countries, each individually accounting for less than 3%, collectively exceed 7% of total imports. In that case, the imports are no longer considered negligible, and the investigation may proceed with the adoption of anti-dumping measures (Alhawamdeh and Alfawaer, 2023). Dumping may be established by all legally admissible means of proof (Jahloul, 2011).

Neither the WTO Anti-Dumping Agreement nor the Jordanian Anti-Dumping Regulation requires proof of fault as an independent element giving rise to dumping. Rather, both instruments focus on the existence of injury and the causal relationship between dumped imports and such injury. However, since dumping constitutes a form of conduct that violates the principles of honesty, integrity, and fairness in commercial dealings – principles that underpin the concept of fault in actions for unfair competition – it is appropriate to invoke the element of fault through the rules governing unfair competition, which themselves are derived from the general principles of civil liability. This provides a sound legal basis for establishing liability for unlawful dumping as a compensable wrongful act. In this regard, Article (8) of the Jordanian Competition Law of 2004 refers to what it describes as practices contrary to fair commercial dealings (Jordanian Competition Law, 2004). Accordingly, dumping may be regarded as a tortious act, since it constitutes a breach of specific legal obligations imposed by both international agreements and Jordanian legislation, which seek to regulate and protect international trade and prevent unlawful commercial practices, in addition to constituting a breach of the general legal duty not to cause harm to others.

The Existence of Injury.

Dumping is founded upon the concept of material injury, whether in the form of actual injury to a domestic industry, the threat of such injury, or material retardation in the establishment of a domestic industry (Alhrerat and Altarawneh, 2024). Material injury consists of financial loss suffered by a person through a diminution of assets or economic benefits. It should be noted that both international and domestic legislation regulate only material injury resulting from dumping. This raises the question of what legal or logical obstacle prevents recognition of moral (non-material) injury, which affects an individual's feelings, reputation, or social standing, particularly given that commercial activity is significantly influenced by commercial reputation, financial credibility, and the trader's ability to remain competitive under varying market conditions (Al-Saadawi, 2013). Article (3) of the Anti-Dumping Agreement provides that "a determination of injury shall be based on positive evidence and shall involve an objective examination of, inter alia", the following elements:

First Element – Increase in the Volume of Imports.

This factor is evaluated taking into account the absolute magnitude of dumped imports and their share in relation to production or consumption in the importing country. With regard to price effects, consideration should be given to whether dumped imports cause the price of the like product in the importing country to be significantly lower than it would otherwise have been, or whether dumped imports otherwise depress prices or restrain price increases that would otherwise have occurred in the importing country (Alrfoua et al., 2026).

Second Element: The Subsequent Effects of Dumped Imports on Domestic Producers.

This element constitutes the most significant aspect of the injury assessment and is evaluated through an examination of all relevant economic factors and indicators affecting the condition of the domestic industry. These include actual and potential declines in output, profits, sales, market share, return on investment, productivity, and capacity utilization, as well as factors affecting the magnitude of the dumping margin, domestic prices, and the actual or potential adverse effects on cash flow, inventories, employment, wages, growth, and the ability to

raise capital or attract investment (Awaisheh et al., 2025).

The broad scope of injury resulting from dumping is reflected in Article (3) of the Anti-Dumping Agreement, which provides that the effects of dumped imports on the domestic industry are illustrative rather than exhaustive. Accordingly, additional factors may be taken into consideration depending on the particular circumstances of each State. Furthermore, Article (4) of the Agreement defines the “domestic industry” as “referring to the domestic producers as a whole of the like products, or to those producers whose collective output of such products constitutes a major proportion of the total domestic production of those products” (Awaisheh et al., 2026).

With respect to domestic industry within the context of regional economic integration arrangements, such as free trade areas and customs unions, including the European Union, the existence of a single integrated market means that the industry throughout the integration area is regarded as a single domestic industry. Consequently, any injury sustained by the industry of one Member State is treated as injury to the domestic industry of the regional integration area as a whole and may therefore constitute actionable dumping throughout all Member States participating in the regional integration arrangement (Rukba et al., 2025).

The Existence of a Causal Relationship between the Unlawful Act (Dumping) and the Injury.

The application of anti-dumping measures cannot be based solely on allegations made by a domestic industry or domestic producers that imported foreign products have caused injury. Rather, there must be an actual and logical causal relationship between the occurrence of dumping and the injury sustained. Accordingly, the party alleging dumping bears the burden of proving that the imported products are the direct cause of the injury and that the injury cannot be attributed to other unrelated factors.

Thus, even where dumping occurs at substantial levels, it does not necessarily follow that injury has been caused to the domestic industry of the importing State. The domestic industry may suffer injury as a result of other external factors unrelated to dumping. The decisive consideration is that the injury must have resulted from the dumped imports, such that dumping constitutes the direct cause of the injury (Salamah, 1998). Accordingly, the Anti-Dumping Agreement requires that an investigation establish the existence of a causal relationship between the dumped imports and the adverse effects suffered by the domestic market before anti-dumping measures may be imposed .

In this regard, the Jordanian Court of Cassation Jordanian Court of Cassation held that anti-dumping duties may not be imposed merely on the allegation that a product is dumped or receives governmental subsidies. Rather, the importing country must establish, through investigation and examination at the national level, that the increase in imports has caused material injury to domestic industries (Jordanian Court of Cassation, Case No. 2294/2006, 2007).

Similarly, the General Court of the European Union, in Case T-199/04, decided on 27 September 2011, annulled the anti-dumping duties and measures imposed by the European Commission on imports of Pakistani cotton-type bed linen pursuant to Commission Decision No. 2004/397 of 2 May 2004. The Court held that the Commission had failed to establish the requisite causal relationship between the Pakistani imports and the injury allegedly suffered by the relevant European industry .

The Effects of Dumping.

Economic scholars and specialists have extensively examined both the positive and negative effects of dumping at the domestic and international levels, as well as its economic, political, and social implications. In practice, however, the adverse effects of dumping are the most prevalent. The principal negative consequences of dumping may be summarized as follows:

- *Threatening Domestic Industry.*

Dumping undermines the ability of domestic producers to compete with dumped imports, particularly where the selling price of locally produced goods falls below their production costs. This may result in reduced domestic output through the closure of production facilities or restrictions on production capacity, thereby adversely affecting economic development. One notable example in the Arab region is the dumping of the Saudi market with poultry imported from Brazil and France, which was sold at less than half the price of

domestically produced poultry (Alkuwari & Abdelrahman, 2026). This led to the closure of 162 small and medium-sized farms that were unable to compete with the imported products, while Saudi domestic broiler production declined from 505,000 tons in 2001 to 290,000 tons in the following year. A similar example occurred in Egypt, where domestic steel prices declined significantly between 1997 and early 1999, beginning with a reduction of approximately 1.6% during the first quarter of 1999. This decline resulted from domestic producers lowering their prices to compete with Turkish steel, which was being sold in the Egyptian market at lower prices. Efforts to stabilize domestic prices proved unsuccessful, preventing the normal price increases that would otherwise have occurred in the absence of the dumped Turkish products (Al-Khudairi, 2015).

- *Market Domination by Foreign Producers.*

Dumping may enable foreign investors or exporters to acquire a dominant position in the domestic market and ultimately establish a monopoly. Once market control has been secured, prices may be gradually increased, thereby causing harm to consumers.

- *Decline in Domestic Sales.*

Dumping diverts consumer demand from domestic products to dumped imports due to their lower prices. This reduces sales of domestic products, increases inventories of finished goods and raw materials, and consequently raises production costs.

- *Discouraging Industrial Investment.*

Dumping impedes the establishment of new industrial enterprises and discourages the expansion of existing domestic industries. Reduced profitability diminishes investment incentives, resulting in the suspension of projects, reductions in production, and a decline in domestic and foreign investment.

- *Depreciation of the Domestic Currency.*

By reducing domestic production while simultaneously increasing demand for lower-priced imported goods, dumping contributes to an outflow of capital without a corresponding inflow. This increases demand for foreign currencies and may ultimately lead to the depreciation of the domestic currency relative to other currencies.

- *Increased Unemployment.*

Dumping contributes to unemployment by reducing domestic production, which in turn forces enterprises to reduce their workforce or, in some cases, cease operations altogether. An illustrative example is provided by one of the largest steel manufacturers in the Kingdom of Saudi Arabia, which ranked as the country's second-largest domestic steel producer. The company granted unpaid exceptional leave for three months to more than 80% of its Saudi workforce, comprising approximately 2,145 employees, as a temporary measure pending an improvement in its financial position and in the domestic steel market. This followed the imposition of a ban on steel exports, which resulted in the accumulation of unsold inventory while steel continued to be imported from Turkey and China (Al-Watan, 2008). The company further indicated that, should its financial condition fail to improve, it would be compelled to terminate the employment of those workers.

- *Deterioration of International Relations.*

Dumping may strain diplomatic and trade relations between States and, in extreme cases, lead to the severance of relations or the emergence of economic disputes and trade conflicts. This is because dumping constitutes a form of interference with the economic order of the importing State and may be viewed as an attempt to dominate its domestic market.

3 Manifestations of Trade Dumping in Jordanian Markets

Evidence of alleged trade dumping has emerged in several sectors of the Jordanian economy, reflecting concerns expressed by producers, professional associations, and industry representatives regarding the impact of imported

products on domestic industries.

In 2018, banana farmers in the Jordan Valley expressed their dissatisfaction with the influx of imported bananas into the domestic market, arguing that it had caused substantial financial losses due to declining prices for locally produced bananas alongside rising production costs and labor expenses. The farmers called for greater protection of domestic production, particularly during the peak production season extending from May to October, emphasizing that thousands of farmers should not be forced to bear significant losses merely to enable a limited number of importers to generate substantial profits. At the time, the Minister of Agriculture stated that the Ministry followed a policy of supplementary imports, intended solely to bridge the gap between domestic production and local consumer demand while ensuring reasonable market prices (Awaisheh, Odeibat, et al., 2026). The Minister further explained that import permits for bananas were issued subject to strict conditions and quality standards established by the Ministry of Agriculture, and in quantities designed neither to flood the market nor to undermine the value of domestic production (Al-Ghad, 2018).

Representatives of Jordan's industrial sector have also publicly asserted that approximately 61% of Jordanian national industries are affected by regional and international dumping arising from imported goods benefiting from governmental subsidies in their countries of origin. These statements have called upon the competent authorities to initiate investigations and implement the procedures prescribed under Jordan's WTO accession commitments to address what has been characterized as dumping. In this regard, one specialist observed that three distinct situations must be distinguished in the Jordanian context (Maqar, 2018).

The first situation concerns determining whether the Jordanian market is in fact being subjected to dumping. This requires notification of the competent authority, namely the Ministry of Industry and Trade, together with the following information:

- A precise identification of the allegedly dumped product, specifying the product itself rather than merely referring to the industrial sector generally.
- Determination of the product's normal value in order to establish whether it is being imported below its fair value.
- Confirmation that the dumping occurs under normal commercial conditions within the domestic market.
- Verification that the dumped goods are intended for domestic consumption rather than re-export or use solely as production inputs.
- Proof that the dumped imports have caused injury to domestic production of the like product or to the sector producing it as a direct consequence of the dumping. Even future injury may be treated as actual injury where its occurrence is sufficiently certain for anti-dumping purposes.

Where these conditions are satisfied, the Government may impose anti-dumping duties on the dumped imports, provided that such duties do not exceed the dumping margin. These duties are imposed prospectively from the date of customs clearance and are not applied retroactively.

The second situation concerns injury resulting from imported products that have benefited from unfair governmental subsidies in their country of origin. Such subsidies distort competition by allowing imported goods to compete on grounds other than quality and price. Subsidies may be direct, such as cash grants or tax and customs exemptions, or indirect, including technical or financial assistance provided through non-governmental entities. In such cases, the Government is required to conduct a fair investigation to determine whether the imported products have received actionable subsidies (Awaisheh, Al-Awaysheh, et al., 2026). If subsidization is established, the subsidy margin must be determined by calculating the difference between the product's fair value and its selling price in the domestic market. Jordan may then seek a negotiated settlement with the exporting State to eliminate the subsidy or, where necessary, impose countervailing duties not exceeding the subsidy margin in order to restore fair competition. Such measures, however, remain contingent upon proof of actual injury to competing domestic products.

The third situation arises where Jordan is confronted with dumped imports that are also subsidized. In such circumstances, the legal focus shifts from anti-dumping measures alone to the application of countervailing measures directed against the subsidization accompanying the dumped imports.

The specialist further emphasized that Jordanian industries should primarily enhance their

competitiveness by improving product quality and reducing production costs through their own productive efficiency. Achieving this objective requires close coordination between the public and private sectors in order to establish an environment conducive to industrial growth through investment incentives, tax and financial exemptions, logistical support, and a transparent and predictable legal framework based on modern legislation. Such policies are considered compatible with Jordan's obligations under the World Trade Organization because Jordan is classified as a developing country, which benefits from a degree of flexibility regarding support measures for domestic industries. Under these conditions, Jordanian products would become more competitive in terms of both quality and price, thereby reducing the likelihood of foreign dumping or unfairly subsidized imports (Awaisheh, Aldalain, et al., 2026). In essence, it was argued that Jordan's economic philosophy should shift from viewing the State Treasury as a source of public revenue extracted from its citizens to viewing it as a mechanism for strengthening the productive capacity of its citizens.

In this context, the General Agreement on Tariffs and Trade (GATT) recognizes, to a limited extent, the right of developing countries and newly acceding Members to adopt governmental measures supporting domestic industries, subject to the conditions established by the WTO Agreements. Articles 18, 36, and 38 of the GATT constitute the legal foundation of the principle of special and differential treatment for developing countries. Article 18 permits flexible protective measures to safeguard infant industries and balance-of-payments stability, while Articles 36 and 38 establish exemptions from certain reciprocity obligations and require developed countries to cooperate in facilitating access for developing countries' exports to international markets in support of their economic development (General Agreement on Tariffs and Trade, 1994).

In 2012, the President of the Jordanian Agricultural Engineers Association warned that the Jordanian market was being flooded with Israeli carrots and other agricultural products imported from Israel, resulting in substantial losses for Jordan's agricultural sector, with Jordanian farmers bearing the greatest burden (Al-Awaysheh et al., 2026). He called for the effective enforcement of legislation capable of supporting and protecting Jordanian agricultural products and enhancing their competitiveness in domestic and Arab markets. He further emphasized the availability of high-quality agricultural alternatives within the Arab region capable of promoting greater Arab economic integration in place of imports from Israel (Ammon News, 2012).

In 2020, the President of the Azraq Farmers Association warned of the significant harm that would be suffered by Jordanian olive growers if the Ministry of Agriculture continued to permit the importation of large quantities of seasonal olives under what was described as a policy of market flooding. The Ministry had approved the importation of substantial quantities of pickled and preserved olives produced in Egypt, which, according to the Association, would undermine Jordanian production and lead to excessive inventories of domestic products. Olive growers' associations and owners of olive presses were urged to cooperate with the competent authorities to safeguard the forthcoming agricultural season, protect domestic production, and support Jordanian farmers (Jo24, 2020).

In March 2018, the Jordanian Government responded to calls from the country's business community by announcing the suspension of the Jordan-Turkey Free Trade Agreement, having concluded that the agreement had imposed considerable economic costs since its entry into force in 2011 (Naseir et al., 2026). The Government stated that the agreement had contributed to a growing trade deficit in favor of Turkey. Accordingly, the Ministry of Industry and Trade announced that Turkish imports would once again become subject to customs duties six months after the suspension took effect. The decision was welcomed by business organizations, which argued that it would alleviate the substantial harm suffered by Jordanian industries, while Turkish products continued to benefit from governmental support through lower production and transportation costs (Asharq Al-Awsat, 2018).

In 2006, Jordanian ceramic manufacturers submitted a complaint to the National Production Protection Directorate, alleging that they had suffered material injury as a result of dumped imports of Egyptian ceramic wall and floor tiles (Alsaraireh, Awaisheh, et al., 2026). The Directorate conducted several meetings with local importers to explain the nature of the investigation and encourage their participation through the submission of relevant information. It also carried out multiple field visits to the complainant domestic producers to verify the accuracy of the evidence presented. Legal submissions contesting the allegations of dumping and injury were subsequently received from the Egyptian industry. The investigative team examined and analyzed the responses provided by Egyptian exporters and requested additional documentation necessary to determine whether a

preliminary finding of dumping should be issued. At the same time, the Directorate continued collecting and evaluating information from all interested parties in order to reach a preliminary determination (Addustour, 2006).

In 2018, Jordanian furniture manufacturers likewise complained that the domestic market had been flooded with imported furniture originating from the European Union, Turkey, China, and other East Asian countries, causing significant injury to domestic producers. They argued that stronger governmental intervention was required through the imposition of customs restrictions and administrative measures on imports, noting that many countries maintaining bilateral or multilateral trade agreements with Jordan adopted similar protective measures. Representatives of the sector further called upon the Jordanian Government to apply the principle of reciprocity toward countries that imposed obstacles to the entry of Jordanian goods into their own markets (Maraya News, 2018).

4 The Legal Framework for Anti-Dumping Measures and Compensation Mechanisms for Injured Parties

This section examines the legal and economic foundations of anti-dumping regulation, the procedures governing the application of anti-dumping measures, and the legal mechanisms available for compensating parties injured by dumping through the following.

4.1 The Economic and Legal Foundations of Anti-Dumping Regulation

This section examines the economic and legal foundations of anti-dumping regulation in light of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) and the relevant Jordanian legislation.

The Economic Foundations of Anti-Dumping Regulation.

Trade dumping is regarded as a harmful commercial practice that necessitates regulatory intervention based upon sound economic considerations. Accordingly, the economic rationale for anti-dumping measures is founded upon a number of underlying economic objectives.

The Anti-Dumping Agreement expressly recognizes that dumping may cause material injury or threaten to cause injury to domestic industries in the importing country and may impede the establishment of new industries. Among the most significant adverse consequences of dumping is the elimination of effective competition by forcing competitors out of the market and enabling a single undertaking to establish a monopoly. Once market dominance has been achieved, prices typically increase in order to recover earlier losses, while product quality tends to decline owing to the absence of competitive pressure (Awaisheh & Al-Dabbas, 2024). Consequently, States affected by dumping often adopt protective measures to safeguard their national economies, which may, in certain circumstances, extend to restricting or prohibiting imports originating from countries that engage in dumping practices.

Within the broader context of international trade, dumping may also facilitate the concentration of production of particular goods in a limited number of countries, thereby enabling producers to exercise control over international prices (Al-Zubi et al., 2024). This may occur where producers confronted with excessive inventories and declining domestic demand export their products to foreign markets at prices below either production cost or the domestic selling price in order to obtain foreign currency revenues .

These considerations constitute the principal economic justifications for the adoption of anti-dumping measures. Accordingly, States seek to combat dumping through accession to the relevant international agreements governing anti-dumping rules, the incorporation of those rules into their domestic legal systems, and the imposition of anti-dumping duties where appropriate. Such measures are intended to preserve domestic production, protect national industries against unfair foreign competition, and promote fair competition among domestic producers within the national market.

The Legal Foundation of Anti-Dumping Regulation.

Commercial activity is fundamentally based upon principles of trust, good faith, and strict compliance with the rule of law, whether conducted within the domestic market or in the sphere of international trade. Although commercial markets inherently operate on the basis of competition and the pursuit of profit, such competition

must remain subject to legal limitations designed to prevent harm to competitors (Awaisheh, Alkhamaiseh, et al., 2024). Consequently, any conduct that causes unjustified harm to competitors constitutes unfair competition, as it departs from the accepted principles of lawful commercial practice. Legal scholarship, legislation, and judicial decisions have consistently recognized trade dumping as a form of unfair competition because it causes injury to domestic producers and domestic industries and disrupts the normal functioning of the economy within the affected market (Althunibat et al., 2025).

Article (256) of the Jordanian Civil Code [25] provides that any person who causes harm to another shall be liable to compensate for that harm, even if the person causing the harm lacks legal capacity.

This provision constitutes the legal basis for actions based on unfair competition. Pursuant to this provision, an injured party may institute a claim for compensation founded upon the principles of tort liability, provided that its essential elements – fault, injury, and causation – are established (Alhasan & Awaisheh, 2024).

More specifically, the legal framework governing anti-dumping in Jordan is founded upon the Jordanian Anti-Dumping and Subsidies Regulation and the National Production Protection Law. At the international level, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) constitutes the principal legal instrument governing anti-dumping measures. This Agreement provides WTO Members with the internationally recognized legal basis for adopting anti-dumping measures without objection from other Members of the World Trade Organization.

4.2 Mechanisms and Procedures for Combating Trade Dumping

Once the legal requirements for establishing a case of trade dumping have been satisfied, Members of the World Trade Organization may adopt a range of mechanisms and procedural measures to address dumping. These mechanisms and procedures are examined below.

Anti-Dumping Mechanisms.

An examination of anti-dumping mechanisms requires consideration of the investigation process used to determine the existence of dumping, followed by an analysis of the powers vested in the competent investigating authorities.

Investigation into the Existence of Dumping.

Anti-dumping investigations are initiated through the submission of a complaint to the authority legally competent to examine such claims. In Jordan, the National Production Protection Directorate within the Ministry of Industry and Trade is the authority responsible for implementing the Anti-Dumping Agreement .

The admissibility of an anti-dumping complaint is subject to several requirements. First, the complaint must be submitted by interested parties. The Anti-Dumping Agreement identifies the parties having a legitimate interest in anti-dumping investigations. It also permits WTO Members to recognize additional domestic or foreign interested parties beyond those expressly identified in the Agreement (Awaisheh, Al-Hassan, et al., 2024). Furthermore, the Agreement authorizes investigating authorities to provide industrial users of the product under investigation and representatives of consumer organizations – where the product is generally sold at the retail level – with an opportunity to participate in the investigation (Alhrerat et al., 2025).

The Agreement further permits the competent investigating authorities to initiate an anti-dumping investigation *ex officio*, without the submission of a complaint by domestic producers or their representatives, where sufficient evidence exists establishing dumping, injury, and a causal relationship between them (Alhasan, 2025). This constitutes an exception expressly granted to the investigating authorities of the importing State, provided that adequate evidence is available.

Second, the complaint must be substantiated by sufficient evidence. An anti-dumping complaint must contain information demonstrating its seriousness and supporting the existence of dumping, which constitutes the wrongful act from a legal perspective, together with evidence of the resulting injury to domestic production and the causal relationship between the dumped imports and the injury suffered by the domestic industry (Alhasan et al., 2026).

The investigation formally commences upon submission of a written application to the competent

administrative authority. The application must include evidence establishing the existence of dumping by demonstrating that the imported products entered the domestic market at prices below those of like products, together with evidence of material injury, the threat of material injury, or material retardation in the establishment of a domestic industry, as well as proof of causation.

Third, the complaint must satisfy the required level of domestic industry support. An anti-dumping complaint will not be considered unless it is submitted on behalf of a specified proportion of total domestic production. Accordingly, the producers requesting protection, together with those supporting the complaint, must account for at least 25% of total domestic production, while the complainants themselves must represent no less than 5% of the total number of domestic producers expressing support for the complaint. With respect to Footnote (14) of the Anti-Dumping Agreement, the Agreement further permits employees of domestic producers manufacturing like products to express support for or opposition to the initiation of an investigation. In this respect, the Jordanian legislature may be criticized for failing to include employees within the definition of the domestic industry or among the categories of interested parties, despite the fact that they constitute an important group directly affected by dumping, as dumped imports of like products may ultimately result in factory closures and the loss of employment.

Powers of the Investigating Authorities.

Once an investigation has been initiated, the competent authority notifies all interested parties and proceeds to collect the information and evidence necessary to determine whether dumping has occurred. This is ordinarily accomplished through the circulation of standardized questionnaires requiring exporters and importers to submit responses within a specified period, which may be extended where appropriate.

Throughout the investigation, all interested parties are afforded a full opportunity to present evidence in support of their interests. Upon request, the investigating authorities facilitate meetings between opposing interested parties so that conflicting views and counterarguments may be presented, while ensuring the confidentiality of information and the procedural fairness of the investigation. Attendance at such meetings is voluntary, and no adverse inference may be drawn from a party's failure to attend. Interested parties are likewise entitled to submit oral evidence where adequate justification exists.

In Jordan, the National Production Protection Directorate within the Ministry of Industry and Trade is the authority responsible for implementing the Anti-Dumping Agreement and the related rules governing subsidies and injury. Applications are examined in accordance with the statutory requirements relating to the representativeness of domestic producers, the existence of evidence, injury, and causation. The applicant initially applies to the Directorate, whose Director receives the applicant and provides preliminary guidance regarding the complaint. The applicant is then provided with the prescribed anti-dumping application form and instructed to complete it in accordance with the official application guidelines. An application fee of 250 Jordanian Dinars is payable upon submission, while an additional fee of 750 Jordanian Dinars becomes payable once the investigation is initiated. The application must also include the official anti-dumping or subsidy complaint form, or a duly executed power of attorney authorizing the signatory, together with written declarations of support from domestic producers endorsing the complaint.

Among the Directorate's responsibilities is the examination of complaints concerning increased imports, dumped imports, or subsidized imports. Upon receipt of a complaint, the Directorate reviews the application to verify that all required documentation has been submitted and notifies the complainant of any deficiencies requiring completion. Once the review has been completed and the Ministry approves the initiation of an investigation, the complainant industry and all interested parties are formally notified, and notice of the investigation is published in two local newspapers.

The investigation includes the examination of all evidence submitted with the complaint and the analysis of information provided by domestic producers, importers, and other relevant parties in order to determine whether increased imports have caused material injury or threatened material injury to the domestic industry. Decisions issued during the investigation are subject to judicial review before the Administrative Court [3].

Despite the important role performed by the investigating authorities in combating dumping in Jordan, the legislature has not conferred upon them the status of judicial police officers, a designation that would facilitate site inspections, the collection of evidence, and access to relevant information without unnecessary

obstruction. This contrasts with the position of officials within the Competition Directorate, who are expressly granted such authority under Article (13) of the Jordanian Competition Law, which provides that an employee of the Directorate authorized in writing by the Minister shall, while performing their duties and within the limits of their jurisdiction, have the status of a judicial police officer.

The investigating authorities may ultimately conclude that no dumping has occurred, in which case the dumping margin will be negative. Under such circumstances, the investigation must be terminated because no harmful trade practice exists. As a general rule, anti-dumping investigations are justified only where there has been a breach of the obligations arising under the General Agreement on Tariffs and Trade 1994. Accordingly, where the investigating authority determines that no harmful practice exists, that the evidence is insufficient, that the representativeness requirements have not been met, or that no causal relationship exists between the alleged dumping and the injury claimed, the investigation must be terminated.

The Anti-Dumping Agreement likewise provides that where the investigating authority concludes that insufficient evidence exists to justify proceeding with the case, the application shall be rejected and the investigation terminated immediately. The investigation must also be terminated promptly where the authorities determine that the dumping margin is *de minimis* or that the volume of dumped imports, whether actual or potential, or the resulting injury is negligible.

Under the Jordanian Anti-Dumping and Subsidies Regulation, the Minister is vested with the authority to determine whether an investigation should continue or be terminated in light of the preliminary determination. Accordingly, the Minister may terminate the investigation where the preliminary findings establish the absence of dumping, injury, or a causal relationship.

In this regard, the Ministry of Industry and Trade achieved a significant outcome by securing an exemption for Jordanian textile products from the anti-dumping duties imposed by the Moroccan investigating authority on imports of carpets and other textile floor coverings. The Ministry submitted comprehensive legal arguments, technical evidence, and supporting analyses to the Moroccan investigating authority during the anti-dumping investigation initiated on 31 December 2020, ultimately resulting in the exemption of Jordanian exports from the proposed measures (Alhasan and Awaisheh, 2024).

Conversely, where the investigating authorities conclude that dumping exists after evaluating the evidence and the submissions of interested parties, the investigation proceeds to the next stage. If any interested party refuses to provide necessary information, fails to do so within a reasonable period, or otherwise significantly impedes the investigation, the investigating authorities may make preliminary or final determinations, whether affirmative or negative, on the basis of the facts available. Accordingly, failure to provide the required information within the prescribed time may permit the investigating authority to proceed to the preliminary determination stage, which may ultimately result in the adoption of provisional anti-dumping measures.

Finally, Article (57) of the Jordanian Anti-Dumping and Subsidies Regulation requires the competent authority to publish notice of its preliminary determination and to notify the World Trade Organization accordingly [6].

4.3 Procedures for Combating Trade Dumping

Both the WTO Anti-Dumping Agreement and the Jordanian Anti-Dumping and Subsidies Regulation seek to strike an appropriate balance between the interests of the importing State, whose domestic market is affected by dumped imports, and those of the exporter subject to the anti-dumping investigation. To achieve this objective, they provide a range of procedural measures designed to address dumping while safeguarding the procedural rights of all interested parties. These measures are discussed below.

Provisional Measures.

During the course of an anti-dumping investigation, the competent authority may adopt provisional measures where any delay in their imposition is likely to cause significant injury to the domestic industry. Such provisional measures may take the form of provisional anti-dumping duties, provisional security, or suspension of customs assessment.

Article (7)(2) of the Anti-Dumping Agreement establishes the conditions governing the application of provisional measures. These measures may be imposed only where the investigating authority has reached

an affirmative preliminary determination that dumping exists and that such dumping has caused injury to the domestic industry. Furthermore, the authority must determine that provisional measures are necessary to prevent injury during the continuation of the investigation (Alsaraireh, Alrfoua, et al., 2026). In addition, no provisional measures may be imposed until sixty days have elapsed from the initiation of the investigation. With respect to provisional anti-dumping duties, their amount is determined on the basis of the provisional dumping margin, namely the difference between the export price and the normal value of the product (Alayaydeh et al., 2025). Accordingly, the provisional duty must not exceed the provisionally established dumping margin and remains applicable only for the period prescribed by law.

A provisional security, on the other hand, consists of a cash deposit or bank guarantee furnished by the importer under investigation in an amount equivalent to the provisional anti-dumping duty. The suspension of customs assessment is intended to facilitate the determination of both the ordinary customs duty and the estimated anti-dumping duty by suspending the final customs assessment applicable to the product under investigation.

Article (13)(A) and (B) of the Jordanian National Production Protection Law regulates the adoption of urgent measures against imported products during the investigation period. The provision requires a preliminary determination that harmful practices exist, that injury has resulted therefrom, and that failure to adopt urgent measures would cause irreparable harm to domestic producers. A preliminary determination is sufficient for this purpose, while the nature, duration, and scope of such urgent measures are governed by the regulations issued pursuant to the Law .

Similarly, Article (64)(A) of the Jordanian Anti-Dumping and Subsidies Regulation provides that “an urgent measure may take the form of an anti-dumping duty, a cash security, or a bank guarantee submitted to the Customs Department, provided that its amount does not exceed either the dumping margin or the amount of the subsidy.”

Price Undertakings.

Price undertakings constitute voluntary commitments offered by exporters, either on their own initiative or at the request of the importing State, whereby the exporter undertakes to revise its export prices or suspend exports to the importing country concerned. Such undertakings are accepted only where the investigating authority is satisfied that they are sufficient to eliminate the injury caused by dumping. The acceptance of a price undertaking does not terminate the investigation, as the authorities retain the power to continue the investigation and monitor compliance with the undertaking. The Anti-Dumping Agreement further provides that “price undertakings may be requested or accepted only after the investigating authority has reached an affirmative preliminary determination of dumping” (Naseir et al., 2026).

Price undertakings need not be accepted where the investigating authorities consider their acceptance impracticable, for example where the number of actual or potential exporters is excessively large or where other considerations, including public policy concerns, justify their rejection.

Where the investigating authorities subsequently reach a negative final determination regarding dumping, the price undertaking automatically lapses (Awaisheh, Al-Abbadi, et al., 2025). An exception exists where the negative determination results primarily from the existence of the price undertaking itself, in which case the authorities may require the undertaking to remain in force for an appropriate period consistent with the provisions of the Anti-Dumping Agreement.

Although investigating authorities may propose the adoption of price undertakings, exporters cannot be compelled to accept them. Once accepted, exporters are required to submit periodic information demonstrating compliance with the undertaking and to permit verification of the relevant information. Failure to comply constitutes a breach of the undertaking. In such circumstances, or where the undertaking is withdrawn, the investigating authority may immediately impose provisional anti-dumping measures and subsequently levy definitive anti-dumping duties retroactively on products released for free circulation from the date on which the undertaking was breached, provided that the retroactive period does not exceed ninety days preceding the application of provisional measures (Awaisheh, Alsaraireh, et al., 2025).

The Jordanian legislature adopts a different approach. In the event of a breach of a price undertaking, the Minister is granted discretionary authority either to terminate or suspend the undertaking or to impose urgent measures, such as provisional anti-dumping duties. Unlike the Anti-Dumping Agreement, however, the

Jordanian Regulation does not expressly authorize the subsequent imposition of definitive anti-dumping duties in such circumstances.

It is noteworthy that the Jordanian Anti-Dumping and Subsidies Regulation does not define the concept of price undertakings. This raises practical questions concerning the criteria governing their acceptance or rejection by the investigating authority and the basis upon which recommendations are submitted to the Minister. Consequently, there is a need for the Regulation to include a clear legal definition and a comprehensive explanation of the concept of price undertakings.

Imposition of Anti-Dumping Duties.

Where the investigating authority establishes the existence of dumping, material injury, and a causal relationship between them, anti-dumping measures must be adopted through the imposition of anti-dumping duties on the imported product at the customs point of entry. Such duties may not exceed the established dumping margin. Definitive anti-dumping duties remain in force for a maximum period of five years. Prior to the expiry of that period, a review must be conducted within a reasonable time to determine whether the injury or its underlying cause has ceased. Where either or both no longer exist, the anti-dumping duty must be terminated immediately. Like safeguard measures and countervailing duties, anti-dumping duties operate by increasing the price of the imported product by an amount equivalent to the dumping margin calculated by the National Production Protection Directorate. This enables domestic producers to compete on fairer terms by offering products at prices comparable to those of imported goods, thereby enhancing their ability to remain in the market.

The Jordanian legislature further provides that anti-dumping duties must be limited to the amount necessary to prevent or eliminate the injury suffered by the domestic industry. Consequently, such duties may not exceed the dumping margin and may, where appropriate, be imposed at a level below the dumping margin if that lesser amount is sufficient to remove the injury .

The Jordanian Anti-Dumping and Subsidies Regulation also identifies specific circumstances in which definitive anti-dumping duties may be imposed retroactively in relation to imports released during the period in which provisional measures were in force. These circumstances include the following:

1610961028. Where actual material injury has occurred, rather than merely a threat of injury or material retardation in the establishment of a domestic industry. Accordingly, anti-dumping duties cannot be imposed retroactively where the injury remains merely prospective and has not yet materialized.

9. Where only a threat of injury exists, provided that it is established that failure to adopt provisional measures would inevitably have resulted in actual material injury. In such circumstances, the existence of a sufficiently imminent threat of injury justifies retroactive action.

Conversely, where the injury remains merely threatened and consists solely of material retardation in the establishment of a domestic industry without actual injury having yet occurred, the Jordanian legislature prohibits the retroactive imposition of anti-dumping duties unless a subsequent determination confirms the occurrence of actual injury or an imminent threat thereof. In such cases, any security furnished during the provisional measures period must be refunded within thirty days of the issuance of the final determination. This express statutory time limit distinguishes the Jordanian legislation from the Anti-Dumping Agreement, which merely requires reimbursement to occur without delay.

Finally, the relationship between definitive anti-dumping duties and provisional measures is governed by the principle of proportionality. Where the definitive duty exceeds the provisional duty previously paid, or the amount secured through a guarantee, the difference may not be collected. Conversely, where the definitive duty is lower than the provisional amount, the excess must be refunded or the provisional duty recalculated accordingly. Where the final determination is negative, any cash deposits furnished during the application of provisional measures must be refunded, and any guarantees released accordingly [1].

4.4 Compensation Mechanisms for Parties Injured by Dumping

Recognizing trade dumping as a form of unfair competition under the law necessarily raises the question of the civil liability incurred by the party responsible for the dumping. As the commission of dumping constitutes a wrongful act, any person who suffers injury as a consequence thereof should, in principle, be entitled to claim compensation in accordance with the general rules governing civil liability.

The legal consequences of dumping extend beyond the application of anti-dumping measures. While a State injured by dumping may impose anti-dumping duties, the proceeds of such duties accrue to the State Treasury, and the injured private party derives no direct financial benefit from them, except to the extent that governmental support measures mitigate the effects of dumping. Anti-dumping duties are imposed only where it has been established that dumped imports have caused material injury to the domestic industry or pose a genuine threat thereof. Although a mere threat of injury may not, by itself, justify a claim for damages, it would be inconsistent with general principles of civil liability to deny an injured party the right to seek compensation where actual material injury has been sustained as a result of dumping (Al-Kasassbeh et al., 2024).

Neither the WTO Anti-Dumping Agreement nor the Jordanian anti-dumping legislation contains provisions governing the civil liability arising from dumping. Both legal instruments are primarily concerned with preventive and remedial trade measures designed to eliminate the effects of dumping. Consequently, the legal basis for compensating parties injured by dumping – particularly domestic producers – must be sought in the general rules governing unfair competition and tort liability.

Where trade dumping is characterized as an act of unfair competition, the resulting civil liability is tortious rather than contractual in nature. Accordingly, domestic producers who suffer injury as a consequence of dumping are entitled to seek compensation for both actual losses (*damnum emergens*) and loss of profits (*lucrum cessans*). Such liability may, however, be excluded where the defendant establishes the absence of a causal relationship between the dumping and the alleged injury by proving that the damage resulted from force majeure, the conduct of the injured party, or the act of a third party rather than from the dumping itself.

The award of civil damages to injured parties also serves an important deterrent function, distinguishing it from anti-dumping duties, whose practical effect is generally prospective rather than compensatory. This distinction is illustrated by the decision of the Indian Ministry of Commerce dated 7 July 2011, imposing anti-dumping duties on imports originating from Saudi Arabia, South Korea, and the United States. Despite the imposition of those duties, the Ministry acknowledged that the domestic industry continued to incur losses. This example demonstrates that anti-dumping duties alone may not fully remedy the economic harm suffered by domestic producers, thereby underscoring the continuing importance of civil compensation as a complementary legal remedy.

5 Conclusion

This study examined the legal framework governing trade dumping in Jordan and reached the following findings and recommendations.

5.1 Findings

1. International trade agreements have sought to liberalize international trade by reducing trade barriers and opening markets to foreign products through the principles of market access and tariff transparency. In implementing these principles, the domestic legislation of World Trade Organization Members has sought to balance trade liberalization with each State's sovereign right to protect its domestic industries and ensure fair competition in accordance with the Anti-Dumping Agreement.
2. Trade dumping constitutes a form of unfair competition aimed at gaining control over foreign markets by eliminating domestic competitors, thereby facilitating subsequent control over market prices. Accordingly, States are entitled to combat dumping through the legal mechanisms established under the Anti-Dumping Agreement and incorporated into their domestic legal systems.
3. A product is considered dumped where its export price is lower than its normal value, with the difference between the two constituting the dumping margin. The normal value is generally determined by reference to the price at which the product is sold for consumption in the exporting country in the ordinary course of trade. A finding of dumping requires that the calculated dumping margin exceed 2%.
4. A finding of trade dumping requires the establishment of three cumulative elements: the existence of dumping, material injury, and a causal relationship between the dumped imports and the injury sustained. These elements may be established by any legally admissible means of proof.
5. The 1994 Anti-Dumping Agreement grants importing States broad discretionary authority in several respects, including the decision to initiate anti-dumping investigations, the selection of appropriate

remedial measures – whether provisional measures, price undertakings, or anti-dumping duties – and the determination of the duration of such measures.

6. Provisional measures serve to provide immediate protection against the harmful effects of dumping and prevent further injury during the investigation. Price undertakings, although voluntary in nature and capable of suspending or terminating the investigation, must be sufficient to eliminate the injurious effects of dumping. However, the Jordanian Anti-Dumping and Subsidies Regulation does not provide a statutory definition of price undertakings. Definitive anti-dumping duties, for their part, may not exceed the established dumping margin.
7. An anti-dumping investigation must be terminated where insufficient evidence exists to establish dumping or the resulting injury, where the dumping margin is *de minimis*, where the volume of dumped imports or the resulting injury is negligible, or where no causal relationship exists between the dumped imports and the alleged injury.
8. The legal framework governing dumping is based upon the concept of material injury, whether actual, threatened, or consisting of material retardation in the establishment of a domestic industry. It does not recognize non-material (moral) injury, notwithstanding its potential significance, particularly given the direct impact of commercial reputation, financial standing, and business credibility on commercial activity .
9. Legal scholarship and judicial decisions have consistently recognized trade dumping as a form of unfair competition that causes injury to domestic producers and domestic industries. Consequently, the civil liability arising from dumping is tortious rather than contractual, thereby entitling injured domestic producers to claim compensation for both actual losses and loss of anticipated profits.
10. Employees of domestic producers have not been included within the definition of the domestic industry or among the categories of interested parties, despite the fact that they constitute an important group directly affected by dumping through factory closures and employment losses.
11. The Hashemite Kingdom of Jordan has established a comprehensive legislative framework for protecting domestic production through the National Production Protection Law and the Anti-Dumping and Subsidies Regulation, while also establishing the National Production Protection Directorate within the Ministry of Industry and Trade to administer trade remedy measures against unfair foreign competition. Despite the Directorate's important role, the Jordanian legislature has not conferred upon its officials the status of judicial police officers, although such authority has been granted to officials of the Competition Directorate.

5.2 Recommendations

Since a substantial part of the issues addressed in this study concerns economic policy, it is recommended that, in order to reduce the exposure of Jordanian markets to competing foreign products, production inputs and raw materials used in domestic manufacturing should be exempted from taxes and duties, and their importation should be supported in order to reduce production costs. As Jordan is classified as a developing country within the World Trade Organization, it benefits from a degree of flexibility in providing support to domestic industries without being subject to punitive measures. Such policies would enhance the price competitiveness and quality of Jordanian products, thereby reducing the likelihood of Jordanian markets being flooded with foreign products. From a legal perspective, the protection of domestic products against dumping should be strengthened through the application of the comprehensive principles governing unfair competition, including the effective enforcement of the rules of civil liability. This should include regulating the right of parties injured by dumping to claim compensation, recognizing compensation for non-material (moral) damage, including employees of domestic producers within the definition of the domestic industry or among the categories of interested parties, and conferring judicial police authority upon the officials of the National Production Protection Directorate responsible for conducting anti-dumping investigations.

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