**Law No. (39) of 2018 On ratification of the Statute of the Economic Judicial Authority of the Gulf Cooperation Council[[1]](#footnote-1)**

We, Hamad bin Isa Al Khalifa King of the Kingdom of Bahrain

Having reviewed the Constitution;

And the Legislative Decree No. (7) of 2002 approving the Unified Economic Agreement between the countries of the Gulf Cooperation Council;

And the Statute of the Economic Judicial Authority of the Gulf Cooperation Council, approved by the Supreme Council of the Gulf Cooperation Council at its sixteenth consultative meeting held in Jeddah on 31 May, 2016.

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

**Article One**

The Statute of the Judicial Authority of the Gulf Cooperation Council, approved by the Supreme Council of the Gulf Cooperation Council at its sixteenth consultative meeting held in Jeddah on 31 May 2016, accompanying to this Law is ratified

**Article Two**

The Prime Minister and the ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**Issued at Riffa Palace:**

**On:  17 Dhu al-Qi'dah 1439 A.H.**

**Corresponding to: 30 July 2018**

**The Statute of the Economic Judicial Authority of the Gulf Cooperation Council**

The Supreme Council of the Gulf Cooperation Council:

In accordance with article (37) of the Agreement between the GCC States, approved by the Supreme Council at its twenty-second session (December 2001) and approved by the Member States, which stipulates the creation of a competent Judicial Authority whenever it is necessary to consider Lawsuits arising from the Implementation of the agreement’s provisions or decisions issued in application to its provisions.

In light of the economic achievements that have taken place since the establishment of the Council, and the advanced stages of economic integration reached by the Council States after the establishment of the Customs Union in 2002, the declaration of the Gulf Common Market in 2008, the Monetary Union Agreement in 2008, and the approximation of its economic, financial and monetary policy, trade and industrial legislations and customs regulations applied,

And in view of the importance of settling the economic lawsuits and its impact on the proper implementation of the agreements between the Council States and the decisions of the Supreme Council regarding economic integration amongst them and the achievement of the Gulf economic citizenship.

Has Decided,

To approve the Statute of the Economic Judicial Authority of the Gulf Cooperation Council in accordance with the following:

**Chapter One**

**Definitions and General Provisions**

**Article (1)**

The following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise;

1- Cooperation Council: The Gulf Cooperation Council.

2- Member States: Member States of the Cooperation Council.

3- Supreme Council: The supreme authority of the Cooperation Council and consists of the Presidents of the Member States.

4- Financial and Economic Cooperation Committee: The committee formed by the ministers of finance and economy of the GCC countries.

5- General Secretariat: The General Secretariat of the Cooperation Council.

6- Secretary-General: The Secretary General of the Cooperation Council.

7- Authority: The Economic Judicial Authority of the Cooperation Council.

8- Chamber: The Judicial Chamber composed of an odd number of judges chosen by the Authority to hear certain lawsuits.

9- Statute: The Statute of the Authority.

10- Rules of procedure: The rules of procedure of the Authority.

11- Economic Agreement: The Economic Agreement between Cooperation Council Countries (December 2001).

**Article (2)**

1- According to this Statute, a judicial authority called the Economic Judicial Authority of the Cooperation Council shall be established, which shall be independent in its decisions and judgements, and shall meet whenever the need arises to rule on the lawsuits brought before it.

2- The General Secretariat shall undertake the administrative work of the Authority of Judges from the Member States.

**Article (3)**

The Authority shall have a secretariat consisting of a secretary of the hearing and a number of employees, who shall be appointed by a decision of the Secretary General, in accordance with the regulations in force at the General Secretariat.

**Article (4)**

The Authority shall be composed of twelve judges, each country shall appoint two judges, whose appointment and remuneration shall be determined by a decision of the Supreme Council, and the term of office of the members of the Authority shall be four years, renewable.

Its first session shall be held within three months of the decision of the Supreme Council to appoint the judges, to choose a President and a vice-president by direct and secret ballot. The first session shall be presided by the eldest judge up until the President and the vice-president is chosen, and each judge shall enjoy one vote.

Lawsuits brought before the Authority, through one or more Chambers established by the Authority, shall be considered from an odd number of at least three judges, and the decision of the establishment of the Chamber shall determine the head of the Chamber and its members as determined by the rules of procedure.

The meeting of the authority shall take place at the General Secretariat, in the presence of at least two-thirds of its members, including the President or the vice-president, and it may meet, if necessary, in any of the Member States.

**Article (5)**

The persons appointed to serve as judges in the Authority shall meet the following conditions:

1- Be a citizen of the Gulf Cooperation Council countries

2- Be a judge in his country.

3- His experience in judicial work should not be less than fifteen years.

**Article (6)**

1- Before taking office, the judges shall take the following oath in a public hearing before the President of the Supreme Council:

((I swear by Almighty God to rule with justice and perform my duties honestly and truthfully)).

2- The oath shall be recorded in a special register drawn up for this purpose and deposited at the General Secretariat.

**Article (7)**

1- Lawsuits for non-implementation of the provisions of the Economic Convention or the unified laws or of the decisions taken in application to its provisions, are brought before the General Secretariat in accordance with the procedures stipulated for in Article (27) of the Economic Convention.

2- The General Secretariat Shall inform the relevant Member States of the Subject matter of the lawsuit immediately upon receiving it, and before referring it to the Economic Judicial Authority.

3- It is not permitted to file a Lawsuit directly before the Economic Judicial Authority.

**Article (8)**

Taking into account Article (7) of this Statute, the Authority shall have exclusive jurisdiction over other national judicial authorities to hear lawsuits arising from the non-implementation of the provisions of the Economic Agreement, unified laws or decisions issued in application of the provisions of the Economic Agreement, in which all parties are official authorities.

In cases other than those provided for in the first paragraph, the parties of the dispute may refer the dispute to the National Justice in the event of a failure to consider the dispute in accordance with the procedures provided for in Article (7).

**Chapter Two**

**Duties and immunity of judges, actions prohibited to them and the termination of their service**

**Article (9)**

A judge may not, during his term of office:

1- Assume political or administrative positions, or engage in commercial or professional activities, or any other activities incompatible with the requirements of his office.

2- Examine any lawsuit in which he was previously a representative, consultant, lawyer or expert to one of the parties, or which was previously presented to him, in his capacity as an arbitrator or member of a national or international court or investigation committee, or in which he had an interest or had expressed an opinion in any way whatsoever.

**Article (10)**

In cases other than resignation or Discharge, judges, whose term of office expires, shall continue with lawsuits where pleading have been concluded and reserved for delivery of judgment.

**Article (11)**

The judges of the Authority are irremovable and the position of judge shall be considered vacant in any of the following cases:

1- Death

2- Resignation

3- Discharge

**Article (12)**

1- If one of the judges of the Authority wishes to resign, he shall notify in writing the President of the Authority, who shall inform the Secretary General, and the position shall be considered vacant by such notification.

The President of the Authority shall notify his resignation directly to the Secretary- General; in this case, the Authority shall meet within one month at the invitation of the Vice-President to choose its President.

2- If one of the judges of the Authority loses a condition among other conditions that shall be fulfilled to hold his position in his country, or due to his incapacity or inability to perform the duties of his position, he shall be relieved of his position by a decision of the Supreme Council upon a reasoned recommendation of the Authority.

3-If the position of one of the judges of the Authority becomes vacant before the end of his term of office; his successor shall be appointed in the same procedures and for the remainder of the term of office of his predecessor, within a period not exceeding thirty days.

**Article (13)**

The judges of the Authority with the same nationalities as the nationalities of the parties of the lawsuit, shall not be allowed to participate in the examination of the lawsuit, provided that this does not make it impossible for the Chamber to meet and examine the lawsuit, in this case, the lawsuit shall be considered before all the judges of the Authority.

**Chapter Three**

**Authority Functions**

**Article (14)**

With due consideration of Article (7) of this Statute, the Authority shall consider the arising lawsuits from the non-implementation of the Economic Agreement, the unified laws or decisions taken in application to its provisions.

**Article (15)**

The authority shall rule on the lawsuits brought before it in a manner that does not contradict with the provisions of the Islamic Sharia, and shall apply progressively in this regard:

1- The Statute of the Cooperation Council, the agreements of the Cooperation Council or the decisions issued by the Supreme Council.

2- Unified laws or decisions issued in application to the provisions of the economic agreement.

3- Bilateral or multilateral agreements to which the parties to the Lawsuit are parties of, in a manner that does not contradict with the provisions of the economic agreement, unified laws or decisions issued in application to their provisions.

**Chapter Four**

**Litigation procedures before the Authority**

**Article (16)**

1- Without prejudice to the provision of Article (27) of the Economic Agreement, the General Secretariat shall transmit the lawsuits to the Authority.

2- The rules of procedure of the Authority shall indicate the necessary procedures for the registration and conduct of lawsuits, as well as the registration, form of applications and the date of their filing, and shall determine the procedure to be followed for the receipt of documents, data and memorandums, as well as the modalities for announcing the statement of the claim, memorandums and documents and the judgment rendered thereon, the amount of fees, the appointment of experts and a statement of their fees, and any other necessary judicial procedures.

**Article (17)**

1- The Arabic language shall be the official language of the Authority.

2- The Chamber may, if necessary, allow the parties of the lawsuit to produce memorandums and documents in a foreign language, provided that an approved Arabic translation is attached to them, and the Arabic translation is considered reliable.

**Article (18)**

1- The hearings of the Chamber shall be public and it may hold confidential hearings by itself or at the request of the parties of the lawsuit, or if one of them requests so and no objection is raised by the other parties.

2- Where the parties do not agree on the publicity or confidentiality of the hearing, the Authority may take whatever action it deems appropriate, and its decision shall be binding on the parties.

**Article (19)**

1-Each party shall be brought before the Chamber in person or through a representative on his behalf, and he or his representative may be assisted by any consultants, experts or lawyers he deems appropriate, after due consideration of the lawyering laws of the Member States.

2- The representatives, consultants, experts and lawyers shall enjoy the rights and guarantees that ensures the freedom to perform their duties and shall comply with the conditions and limitations as stipulated for in the rules of procedure.

**Article (20)**

1- The authority may conduct such investigation as it deems necessary and may entrust such investigation to some of its judges.

2- The Authority may entrust an expert or a consultancy firm, or any other entity, to provide expertise or express an opinion on any subject relating to the lawsuit in question.

3- The Chamber may carry out a field inspection, and it shall notify the Member States or authorities concerned to carry out this procedure in accordance with the rules of procedure.

4- The rules of procedure of the Authority shall indicate the mechanism for conducting the investigation, the assignment of experts, the determination of their fees, the procedures for field inspections and the manner of coordination with the Member States for this purpose.

**Article (21)**

In considering the lawsuit, the Chamber may take the following measures:

1- Shorten the dates and procedures and determine the earliest session to examine the lawsuits.

2- Issue provisional or protective orders in issues where there is a fear of irreparable damage, in order to protect threatened positions and rights, on the basis of a request made upon a motion.

3- The parties to the case shall be informed of the measures taken, as well as the General Secretariat to inform the Member States of what has been done.

**Article (22)**

1- The defendant may bring a subsidiary lawsuit against the claimant and precede him in accordance with what is determined by the rules of procedure.

2- In order for this lawsuit to be accepted, it shall be directly related to the original lawsuit and fall within the jurisdiction of the Authority.

**Article (23)**

The parties may submit an agreement to reconcile the lawsuit at any stage it was at before the judgment is issued, and the Chamber shall prove the agreement in the records of the hearing, and the reconciliation agreement shall be considered a judgment ending the lawsuit.

**Article (24)**

The claimant may withdraw the lawsuit at any stage, provided that this is done before the judgment is issued, unless an objection is raised by one of the parties to the lawsuit.

**Article (25)**

If one of the Member States considers that it has an existing interest which may be affected by the decision of the Chamber in a lawsuit brought before it, the State may submit a request to the Chamber for intervention before the closure of the pleading, and the Chamber shall decide on the request.

**Chapter Five**

**Promulgating and implementing judgments**

**Article (26)**

The deliberations of the Chamber shall be confidential between the judges collectively, and only the judges who heard the pleading may participate. The judges who participated in the deliberation shall attend the reading of the judgment, and if one of them is prevented from attending, he shall have signed the draft judgment.

**Article (27)**

1- The judgment shall be delivered in a public hearing on a date determined by the Chamber.

2- The Chamber shall deliver its judgments and decisions by a majority vote of the judges who have considered the lawsuit.

3- The judgment shall include the day and date of its delivery, the subject of the lawsuit and its parties, their claims, a summary of their defence, the names of the judges who participated and their signatures, and the grounds on which the judgment was based.

4- The draft judgment signed by the Chamber shall be deposited in the file of the lawsuit as soon as the judgment is delivered, and the original copy of the judgment shall be signed by the President and the Secretary, copies shall be given to the parties of the lawsuits and circulated to the Member States.

**Article (28)**

The Chamber is solely competent to interpret the judgments it issues, and any party to the lawsuit may request the authority to interpret any ambiguity in the operative part of the judgment its reasons, which essentially relates to the Judgment, and the judgment issued as the interpretation is considered complementary to the original judgment.

**Article (29)**

If the Chamber omits to rule on certain substantive requests, it shall, on the basis of a request from an interested party, consider and rule on the request after giving notice to the litigant, and the judgment issued thereon shall be considered complementary to the original judgment.

**Article (30)**

The Chamber is solely competent, at the request of one of the parties or on its own initiative, to rectify material errors in its judgments. The President of the Authority or the Chamber that delivered the judgments shall make such rectification on the original copy of the judgment which shall be signed by him and the secretary.

**Article (31)**

The judgments of the authority shall be final and binding to the parties of the lawsuit, and as authentic as national judgments and shall be enforced in the same manner as judgments issued by national courts.

**Article (32)**

The Chamber shall decide by its own initiative on the fees of the lawsuit when delivering the judgment which puts an end to the dispute before it, and the fees of the lawsuit shall be decided against the convicted party. If there is more than one convicted party, it may be ordered that the fees be divided between them equally or in proportion to the interest of each of them, as estimated by the Authority.

**Article (33)**

If one of the Member States fails to implement the judgment issued against it, the matter shall be referred to the Supreme Council upon the recommendation of the Financial and Economic Cooperation Committee to decide what it deems appropriate.

**Chapter Six**

**Requesting a review of judgments**

**Article (34)**

It is permissible to request a review of the judgments issued by the Authority or the Chamber in the following cases:

1- If the judgment involves a violation of a basic rule in the economic agreement, in this Statute, or in the litigation procedures.

2- If the judgment decides on a matter that the litigants did not claim for, or for more than what they claimed.

3- If the opponent has committed fraud, forgery or swindle that could influence the judgment.

4- If, after the judgment has been delivered, the petitioner has obtained conclusive documents in the Lawsuit that his opponent has prevented them from being submitted.

5- If the judgment is contradictory in its operative part or between its operative part and its reasons in such a way that disturbs its essence.

**Article (25)**

The claim for review shall be submitted to the Authority or Chamber that has issued the contested judgment, together with a statement containing a declaration of the contested judgment and the reason for contest, within six months of:

- The date of issuance of the judgment in the cases provided for in Clauses (1), (2) and (5) of Article (24) of this Statute.

- Appearance of the reason in the cases provided for in Clauses (3) and (4) of Article (34) of this Statute and before the expiry of three years from the date of the judgment.

**Article (36)**

The authority or Chamber, as the case may be, shall first decide on the admissibility of the review and, if accepted, it shall set a session to plead the merits of the Lawsuit.

It shall be permissible, at the request of the petitioner, and after the admissibility of the petition has been decided, to stay the execution of the contested judgment until the authority or Chamber, as the case may be, decides on the subject of the contest.

**Chapter Seven**

**Final Provisions**

**Article (37)**

1- The Authority shall enjoy diplomatic privileges and immunities in accordance with the Statute of the Cooperation Council and the Agreement on the Privileges and Immunities of the Cooperation Council for the Arab States of the Gulf, signed in (1984), provided that the President of the Authority, his vice-president, and the other judges shall enjoy the privileges and immunities provided for diplomatic envoys.

2- Judicial immunity shall continue after the termination of the functions of the judges of the Authority in relation to the work they have performed in their official capacity, including their statements and writings.

3- Member States are required to respect the impartiality and independence of the judges, not to influence any of them in any way during their term of office, and not to hold them accountable after the end of their term of office for actions taken during their term.

**Article (38)**

This Statute can be amended on the basis of a request by one of the Member States or the Secretary-General, and on the basis of a recommendation from the Financial and Economic Cooperation Committee, and the amendment shall be subject to the approval of the Supreme Council and shall come into force in accordance with the same procedures required for the enforcement of this Statute.

**Article (39)**

Member States shall take the necessary measures to ratify this Statute within a maximum of one year from the date of its approval by the Supreme Council.

**Article (40)**

The Authority shall suggest a draft of the rules of procedure within six months of the promulgation of the Supreme Council's decision to appoint judges and shall transmit it to the General Secretariat for submission to the Ministerial Council for adoption.

**Article (41)**

This Statute shall come into force three months after its ratification by all Member States.

1. This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-1)