

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation concerning a review of the safeguard measures applicable to imports of certain steel products

(2020/C 51/11)

On 31 January 2019, the European Commission ('the Commission') imposed definitive safeguard measures on certain steel products (the 'Definitive Safeguard Regulation')⁽¹⁾.

Recital (161) of the Definitive Safeguard Regulation sets out that the Commission, on the basis of Union interest considerations, may have to review certain elements of the safeguard measures in order to take account of recent developments or changed circumstances. Furthermore, such a review should be conducted on a regular basis, and at least at the end of each year of imposition of measures.

In line with that consideration, on 17 May 2019, the Commission initiated a first review of the safeguard measures.⁽²⁾ That review was concluded on 26 September 2019⁽³⁾.

In order to take account of possible developments and changed circumstances before the end of the second year of imposition of measures, the Commission has decided to initiate a second review of the safeguard measures.

1. Product under review

The product under review consists of certain steel products which are listed in the Annex to this Notice.

2. Scope of the review

The Commission intends to carry out this review following the structure used in the framework of the previous review:

A. Level and allocation of tariff-rate quota for a number of specific product categories

The Commission will investigate the use of the tariff-rate quota since the entry into force of the last changes resulting from the first review and the comments made by the parties in that respect. On that basis, it will determine whether any adjustment resulting from changed circumstances is warranted.

B. Crowding-out of traditional trade flows

With its last review, the Commission introduced adjustments in order to maintain traditional trade flows. The Commission intends to examine whether those adjustments work adequately or require further refinements.

C. Potential detrimental effects in achieving the integration objectives pursued with preferential trading partners

The Commission will investigate whether the functioning of the existing steel safeguard measures has caused any substantial risks to the stabilization or economic development of certain preferential trading partners to an extent that is detrimental to the integration objectives of their agreements with the EU.

⁽¹⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27).

⁽²⁾ OJ C 169, 17.5.2019, p. 9.

⁽³⁾ Commission Implementing Regulation (EU) 2019/1590 of 26 September 2019 amending Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 248, 27.9.2019, p. 28).

D. *Update of the list of developing WTO member countries excluded from the scope of the measures based on their most recent level of imports*

Under EU Regulation 2015/478 ⁽⁴⁾, safeguard measures should not be applied on imports originating in a developing country WTO member as long as its share in the overall of imports of the product subject to measures does not exceed 3%, provided that such developing countries collectively account for not more than 9% of total Union imports of the product concerned. In line with recital (192) of the Definitive Safeguard Regulation, the Commission should review whether imports from a developing WTO member exceeds the 3% threshold and should eventually be included in the scope of the safeguard measures. The Commission intends to carry out such an assessment and, if needed, update the list of developing countries that are WTO members and that should be included in, or excluded from, the scope of the measures.

E. *Other changes of circumstances that may require an adjustment to the level of allocation of the tariff-rate quota*

Interested parties are also invited to raise any other issues not falling under sections A-D above to the extent that they concern lasting changes of circumstances as compared to the situation prevailing during the original investigation – whose effects may need to be reviewed and may justify, *inter alia*, an adjustment to the level or allocation of the tariff-rate quota in specific product categories. Interested parties wishing to raise additional issues are requested to provide sufficient evidence substantiating their claims, as well as specific proposals how to address any developments affecting a product category.

3. Procedure

In light of the above, the Commission hereby initiates a review of the existing steel safeguard measures, limited to the scope of issues specified above.

3.1. Written submissions

In order to obtain all relevant information deemed necessary for the investigation, interested parties are hereby invited to make their views known, submit information and provide supporting evidence to the Commission. This information and supporting evidence must reach the Commission within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Interested parties making a submission are requested to clearly structure their submissions and state in their correspondence (i) which of the above review issue(s) and (ii) which product category(ies) is (are) concerned by their submission.

3.2. Possibility to comment on other parties' submissions

In order to guarantee the rights of defence, interested parties should have the possibility to comment on the information submitted by other interested parties. When doing so, interested parties may only address the issues raised in the other interested parties' submissions and may not raise new issues.

Such comments must reach the Commission within 7 days from the moment the submissions mentioned in paragraph 3.1 are made available for inspection by interested parties. The Commission may also issue specific instructions on the structure of the rebuttals at a later stage in the proceeding. In such case, the Commission would inform interested parties via a Note to the file in Tron accordingly.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

Given the need to complete the review in a short timeframe – see Section 6. below – and the fact that interested parties will be given the possibility to comment on other parties' submissions, which will ensure sufficient opportunities to defend their interests, the Commission will not organise hearings for the purpose of this investigation, unless exceptional circumstances so require.

⁽⁴⁾ OJ L83, 27.3.2015, p. 16.

3.3. *Submission of information and extension to time limits specified in this Notice*

As a rule, interested parties may only submit information within the timeframes specified in this Notice. Any extension to the time limits provided for in this Notice can only be requested in exceptional circumstances and will only be granted if duly justified. Duly justified exceptional extensions to the deadline to make submission will normally be limited to 3 additional days.

3.4. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence proceeding shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽⁶⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 8 of EU Regulation 2015/478 ⁽⁶⁾ and Article 5 of EU Regulation 2015/755 ⁽⁷⁾, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence and must reach the Commission at the same time of the 'Limited' version.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including scanned powers of attorney. By using TRON.tdi or e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H, unit H5
Office: CHAR 03/66
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
TRON.tdi: <https://webgate.ec.europa.eu/tron/tdi>

Email address: TRADE-SAFE009-REVIEW@ec.europa.eu

⁽⁶⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 8 of Regulation (EU) 2015/478, Article 5 of Regulation (EU) 2015/755 and Article 3.2 of the WTO Agreement on Safeguards. It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

⁽⁶⁾ OJ L83, 27.3.2015, p. 16.

⁽⁷⁾ OJ L123, 19.5.2015, p. 33.

4. **Schedule of the review**

In order to avoid any uncertainty and undue disruption of the steel safeguard system currently in place, the current review shall be concluded in the shortest timeframe and, whenever possible, before 30 June 2020.

5. **Non-Cooperation**

In cases where any interested party does not provide the necessary information within the time limits, or significantly impedes the investigation, findings may be made on the basis of facts available, in accordance with Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755. Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

6. **Hearing Officer**

The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

Interested parties may request an intervention of the Hearing Officer. In principle, these interventions shall be limited to the issues that have arisen during the current review proceeding.

A request for an intervention of the Hearing Officer should be made in writing and should specify the reasons for the request. In principle, the timeframes set out in Section 3.1 to Section 3.3 of this Notice for submissions to the Commission apply *mutatis mutandis* to requests for intervention to the Hearing Officer. Where such requests are submitted outside the relevant timeframes, the Hearing Officer may also examine the reasons for such late requests, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's Internet: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>.

7. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁸⁾.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's Internet: <http://trade.ec.europa.eu/doclib/html/157639.htm>

⁽⁸⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L295, 21.11.2018, p. 39).

ANNEX

List of product categories subject to definitive safeguard measures

Product Number	Product category
1	Non Alloy and Other Alloy Hot Rolled Sheets and Strips
2	Non Alloy and Other Alloy Cold Rolled Sheets
3.A	Electrical Sheets (other than GOES)
3.B	
4.A	Metallic Coated Sheets
4.B	
5	Organic Coated Sheets
6	Tin Mill products
7	Non Alloy and Other Alloy Quarto Plates
8	Stainless Hot Rolled Sheets and Strips
9	Stainless Cold Rolled Sheets and Strips
10	Stainless Hot Rolled Quarto Plates
12	Non Alloy and Other Alloy Merchant Bars and Light Sections
13	Rebars
14	Stainless Bars and Light Sections
15	Stainless Wire Rod
16	Non Alloy and Other Alloy Wire Rod
17	Angles, Shapes and Sections of Iron or Non Alloy Steel
18	Sheet Piling
19	Railway Material
20	Gas pipes
21	Hollow sections
22	Seamless Stainless Tubes and Pipes
24	Other Seamless Tubes
25	Large welded tubes
27	Non-alloy and other alloy cold finished bars
28	Non Alloy Wire