COMMISSION IMPLEMENTING REGULATION (EU) 2023/1050

of 30 May 2023

imposing a definitive anti-dumping duty on imports of rebars originating in the Republic of Belarus following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ([1]) ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigation and measures in force

(1) By Regulation (EU) 2017/1019 ([2]), the European Commission ('the Commission') imposed anti-dumping duties on imports of certain concrete reinforcement bars and rods ('rebars') originating in the Republic of Belarus ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.

(2) The anti-dumping duty currently in force on imports from the Republic of Belarus ('Belarus' or 'the country concerned') is 10,6 %.

1.2. Request for an expiry review

(3) Following the publication of a Notice of impending expiry ([3]), the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.

(4) The request for expiry review ('the request') was lodged on 16 March 2022 by the European Steel Association ('Eurofer' or 'the applicant') on behalf of the Union industry of rebars in the sense of Article 5(4) of the basic Regulation representing more than 25 % of the total Union production. The request was based on the grounds that the expiry of the measures would be likely to result in continuation of dumping and recurrence of injury to the Union industry.

1.3. Initiation of an expiry review

(5) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 15 June 2022 the Commission initiated an expiry review with regard to imports into the Union of rebars originating in Belarus on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ([4]) ('the Notice of Initiation').

([1]) OJ L 176, 30.6.2016, p. 21.

([2]) Commission Implementing Regulation (EU) 2017/1019 of 16 June 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain concrete reinforcement bars and rods originating in the Republic of Belarus (OJ L 155, 17.6.2017, p. 6).

([3]) Notice of impending expiry of the anti-dumping measures (OJ C 372, 16.9.2021, p. 9).

([4]) Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of rebars originating in the Republic of Belarus (OJ C 231, 15.6.2022, p. 21).

1.4. **Review investigation period and period considered**

(6) The investigation of continuation or recurrence of dumping covered the period from 1 January 2021 to 31 December 2021 ('the review investigation period' or 'RIP'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period ('the period considered').

1.5. **Interested parties**

(7) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicants, other known Union producers, the known exporting producer and the authorities in Belarus, known importers, users and traders about the initiation of the expiry and invited them to participate.

(8) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.6. **Representative country**

(9) In accordance with Article 2(7) of the basic Regulation, since Belarus is not a member of the WTO and is listed in Annex I to Regulation (EU) 2015/755 of the European Parliament and of the Council ([5]), the normal value must be determined on the basis of the price or constructed value in an appropriate representative country.

(10) With the view of seeking cooperation of exporting producers in an appropriate representative country, pursuant to Article 2(7) of the basic Regulation the Commission contacted potential producers of rebars located in Bosnia-Herzegovina, South Korea, Dominican Republic, Switzerland, Norway, Türkiye, the United States (USA) and South Africa. It received a reply from only one producer, located in the USA.

(11) In the absence of cooperation from any producers located in another potential representative country, the Commission decided to determine the normal value on the basis of the information received from this producer in the USA.

(12) In accordance with Article 2(7) of the basic Regulation, parties were informed and given 10 days to comment on the choice of the USA as appropriate representative country. No comments were received from interested parties.

1.7. **Sampling**

(13) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

1.7.1. *Sampling of Union producers*

(14) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of volume of production and sales of the like product in the Union during the review investigation period, whilst taking into account geographical spread. This sample consisted of three Union producers, accounting for more than 17 % of the estimated total volume of production and sales of the like product in the Union. In accordance with Article 17(2) of the basic Regulation, the Commission invited interested parties to comment on the provisional sample. No comments were received, therefore the provisional sampled was confirmed.

([5]) Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33).

1.7.2. *Sampling of importers*

(15) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation. No unrelated importer provided the requested information and agreed to be included in the sample.

1.7.3. *Sampling of producers in Belarus*

(16) In order to decide whether sampling was necessary and, if so, to select a sample, the Commission asked all producers in Belarus to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Republic of Belarus to the European Union to identify and/or contact other producers, if any, that could be interested in participating in the investigation.

(17) Only one producer of rebars from Belarus, Byelorussian Steel Works ('BMZ'), came forward. Therefore, sampling was not necessary.

1.8. **Replies to the questionnaire**

(18) The Commission sent questionnaires to the three sampled Union producers, the applicant, BMZ and the cooperating producer in the representative country. The questionnaires were also made available online ([6]) on the day of initiation.

(19) Questionnaire replies were received from the three sampled Union producers, the applicant and the producer in the USA.

(20) BMZ did not provide a questionnaire reply and was therefore deemed not to be cooperating with the Commission in this expiry review investigation.

(21) Accordingly, in the absence of cooperation from the Belarusianproducer, the Commission applied Article 18 of the basic Regulation and based its findings in the expiry review investigation on facts available.

1.9. **On spot verification**

(22) The Commission sought and verified all the information deemed necessary for the determination of likelihood of continuation or recurrence of dumping and injury and of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

— SN Maia – Siderurgia Nacional S.A., Portugal

— CMC Poland SP. z o.o, Poland

— Riva Acier S.A.S., France

Union Producers Association

— Eurofer, Belgium

Producer in an appropriate representative country

— CMC, Irving, Texas, USA

([6]) https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2607.

1.10. **Subsequent procedure**

(23) On 17 April 2023, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.

(24) Only the applicant provided comments which supported the Commission's findings and conclusions.

2. **PRODUCT UNDER REVIEW AND LIKE PRODUCT**

2.1. **Product under review**

(25) The product under review is the same as in the original investigation, namely certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, whether or not twisted after rolling, containing indentations, ribs, grooves or other deformations produced during the rolling process, originating in Belarus and currently falling under CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10 and ex 7214 99 95 ('the product under review'). High fatigue performance iron or steel concrete reinforcing bars and rods are excluded. Other long products, such as round bars, are excluded.

2.2. **Like product**

(26) As established in the original investigation, this expiry review investigation confirmed that the following products have the same basic physical, chemical and technical characteristics as well as the same basic uses:

— the product under review,

— the product produced and sold on the domestic market of the representative country, and

— the product produced and sold in the Union by the Union industry.

(27) These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. **LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING**

(28) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the measures in force would be likely to lead to a continuation or recurrence of dumping from Belarus.

3.1. **Preliminary remarks**

(29) According to Eurostat Comext database, during the RIP, imports from Belarus totalled around 206 200 tonnes with a market share of about 1,9 %. The main importing Member States were: Estonia, Latvia, Lithuania and Poland. Compared to the original investigation, imports and market share were more than halved (i.e. 488 700 tonnes and 5,0 % market share).

(30) As indicated in recital (20), the only known Belarusian manufacturer did not cooperate with the investigation. Therefore, the Commission informed the authorities of Belarus that due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings with regard to Belarus. The Commission did not receive any comments.

(31) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular Eurostat, the database established according to Article 14(6) of the basic Regulation ('the Article 14(6) database'), Global Trade Atlas ('GTA') and the request.

(32) Import volume and price from Belarus were determined based on information extracted from the Article 14(6) database.

3.2. **Procedure for the determination of the normal value under Article 2(7) of the basic Regulation**

(33) As noted in Section 1.6 above, in accordance with Article 2(7) of the basic Regulation, since Belarus is not a member of the WTO and is listed in Annex I to Regulation (EU) 2015/755, the normal value should be determined on the basis of the price or constructed value in an appropriate representative country.

(34) As the Commission received a reply from only one producer, located in the USA, it decided to determine the normal value on the basis of the information received from this producer in the USA, that is, on the basis of actual prices of that cooperating producer.

3.3. **Normal value**

(35) First, the Commission examined whether, in accordance with Article 2(2) of the basic Regulation, the total volume of the sales of the like product by the cooperating producer to independent customers in the USA was representative. The total volume of the sales in the USA was compared to the total import volume from Belarus into the Union, as reported in the Article 14(6) database. On that basis, the Commission found that the like product was sold in representative quantities on the USA market.

(36) The Commission subsequently examined for the cooperating producer in the USA whether each type of the like product sold domestically could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. The sales transactions were considered profitable where the unit price was equal or above the cost of production. The cost of production of each product type produced by the producer in the USA during the RIP was therefore determined.

(37) Since the volume sold at a net sales price equal to or above the calculated cost of production (costs of manufacturing plus SG&A costs), represented more than 80 % of the total domestic sales volume, the normal value was based on the actual domestic price of the cooperating producer in the USA.

3.4. **Export price**

(38) As indicated in recital (32), export prices from Belarus were established based on Article 14(6) database import values, which were adjusted to ex-works level. For that purpose, the transport costs that were deducted were based on information provided by the applicant in the request.

3.5. **Comparison**

(39) The Commission compared the normal value and the export prices on an ex-works basis.

3.6. **Dumping margin**

(40) The comparison showed a countrywide dumping margin for the Belarusian exports expressed as a percentage of the Union customs value of 41,1 %.

4. **LIKELIHOOD OF CONTINUATION OF DUMPING**

(41) Further to the finding of the existence of dumping during the review investigation period, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures be repealed. The following additional elements were analysed: the production capacity and spare capacity in Belarus, the relation between export prices to third countries and the price level in the Union, and the attractiveness of the Union market. It is recalled that due to the non-cooperation from the Belarusian exporting producer and the government of Belarus, the analysis was based on facts available in accordance with Article 18 of the basic Regulation, in particular the information provided by the applicant in the request for review and the statistical database Global Trade Atlas ('GTA').

4.1. **Production capacity and spare capacity in Belarus**

(42) The production capacity and spare capacity in Belarus were established on the basis of the information provided in the request.

(43) According to the data provided in the request, cross checked with public sources, the production capacity for 2021 in Belarus was estimated at more than 2,6 million tonnes of rebars with a possibility to be increased by 300 thousand additional tonnes, that is 3 million tonnes in total. ([7]) According to the available data, Belarusian sales amounted to 1,7 million tonnes, of which 700 thousand were consumed domestically and around 1 million were exported. ([8]) The spare capacity was thus estimated to be more than 900 000 tonnes, which represented more than 8 % of the Union consumption during the RIP. This spare capacity could be used to produce the product under review for exports to the Union if measures were allowed to lapse.

4.2. **Attractiveness of the Union market**

(44) Based on the information provided in the request, the rebars industry in Belarus is export oriented as around 85 % of Belarus' steel production capacity is destined for export. According to the GTA database, the Union market was the main export market for Belarus. Export prices from Belarus to third countries (551 EUR/tonne) were found on average 10 euro per tonne lower compared with the average export sales prices to the Union market and 15 % lower than the average sales prices of the Union producers on the Union market (651 EUR/tonne). Taking into account these price levels, exporting to the Union would be potentially more attractive for Belarusian exporters than exporting to most other markets. Moreover, a large number of export countries (i.e. the USA, Canada, the UK, Türkiye, Ukraine, Malaysia, Mexico, Morocco, the Gulf countries, Egypt, and other countries) became increasingly unavailable to Belarus, due to domestic oversupply and trade measures against Belarusian imports.

(45) The Union market was also attractive for the Belarusian producer in view of its geographical proximity and its size, with a total consumption of around 11 million tonnes.

(46) Therefore, in terms size, prices and proximity, the Union market remained attractive for the Belarusian exporting producer vis-à-vis other markets..

4.3. **Impact of sanctions against Belarus**

(47) The Commission noted that due to the military aggression by the Russian Federation against Ukraine, the Union imposed successive packages of sanctions against Russia and Belarus which also affected steel products and/or the steel companies producing and exporting the product under review after the review investigation period. Since the imposition of sanctions in March 2022, imports from Belarus stopped as from June 2022. However, the current situation cannot be considered of a lasting nature. Indeed, given that those sanctions are linked to the military aggression and the underlying geopolitical situation, their scope, modulation, and/or duration are unpredictable. Furthermore, anti-dumping measures have a lifetime of five years. Considering the abovementioned uncertainties and the fact that the Council may further amend the precise scope and duration of sanctions at any moment, the Commission found that they cannot have a bearing in its conclusions in this investigation. In particular, the Commission found that despite of the current sanctions, measures were still necessary within the meaning of Article 11(1) and (2) of the basic Regulation.

4.4. **Conclusion on the likelihood of continuation of dumping**

(48) The investigation showed that the imports from Belarus continued to enter the Union market at dumped prices during the RIP.

(49) In addition, the spare capacity in Belarus was significant in comparison with the Union consumption during the RIP. Moreover, the attractiveness of the Union market in terms of size and prices pointed to the likelihood that Belarusian exports would be directed towards the Union market, should the measures lapse, and spare capacity would also be used to increase production and exports to the Union.

([7]) Exporting producer: https://eng.belsteel.com/about/rolling-production.php
([8]) CRU group database, https://www.crugroup.com/

(50) Consequently, the Commission concluded that there was a likelihood that the expiry of the anti-dumping measures would result in a significant increase of dumped imports of the product under review from Belarus to the Union.

(51) In the light of the above, the Commission concluded that the expiry of the anti-dumping measures would likely to lead to a continuation of dumping.

5. **INJURY**

5.1. **Definition of the Union industry and Union production**

(52) The like product was manufactured by around 25 producers in the Union during the period considered. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

(53) The total Union production during the RIP was established at around 11 200 000 tonnes. The Commission established the figure on the basis of the reply to the macroeconomic questionnaire provided by the applicant. As indicated in recital (14) above, three Union producers were selected in the sample, representing more than 17 % of the total Union production of the like product.

5.2. **Union consumption**

(54) The Commission established the Union consumption on the basis of the total sales volume of the Union industry on the Union market, plus total imports into the Union. Sales of the Union industry in the Union market were obtained from the applicant and adjusted where applicable in accordance with verified data provided in the replies of the sampled Union producers for the RIP. As regards imports, the Commission relied on the Article 14(6) database.

(55) On this basis Union consumption developed as follows:

Table 1

Union consumption

	2018	2019	2020	Review Investigation period
Total Union consumption (tonnes)	10 297 042	10 821 698	10 411 261	11 116 688
Index (2018 = 100)	*100*	*105*	*101*	*108*

Source: Article 14(6) database and questionnaire replies.

(56) Union consumption increased between years 2018 and 2019 by 5 %, slightly decreased in 2020 to further increase in the RIP. Fluctuations in the consumption during 2020 and the RIP were the result of the outbreak of the COVID-19 resulting in the reduction of activity of economic operators, resulting in a decrease of consumption, followed by the resumption of economic activities.

(57) Union consumption increased overall by 8 % over the period considered.

5.3. **Imports from the country concerned**

5.3.1. *Volume and market share of the imports from the country concerned*

(58) The Commission established the volume of imports on the basis of the Article 14(6) database. The market share of the imports was established on the basis of the share of these imports in the total Union consumption as set out in section 5.2.

(59) Imports into the Union from the country concerned developed as follows:

Table 2

Import volume and market share

	2018	2019	2020	Review Investigation period
Volume of imports from Belarus (tonnes)	[72 000 – 80 000]	[80 000 – 90 000]	[125 000 – 140 000]	[200 000 – 210 000]
Index (2018 = 100)	*100*	*107*	*172*	*268*
Market share (%)	0,6 – 0,8	0,7 – 0,9	1 – 1,5	1,8 – 2,1
Index (2018 = 100)	*100*	*102*	*170*	*248*

Source: Article 14(6) database and questionnaire replies.

(60) Imports of the product under review from Belarus more than doubled over the period considered, from 72 000 – 80 000 tonnes in 2018 to 200 000 – 210 000 tonnes in the RIP. The market share of the imports from Belarus showed a similar development as the volume of imports and increased significantly every year, from 0,6 % – 0,8 % in 2018 to 1,8 % – 2,1 % in the RIP.

5.3.2. *Average import prices from Belarus*

(61) The Commission established the prices of imports on the basis of Article 14(6) database.

(62) The weighted average price of imports into the Union from Belarus developed as follows:

Table 3

Import prices

	2018	2019	2020	Review Investigation period
Belarus (EUR/tonne)	420 – 440	400 – 420	345 – 365	540 – 570
Index (2018 = 100)	*100*	*93*	*82*	*128*

Source: Article 14(6) database.

(63) The average prices of imports decreased from 420 – 440 EUR/tonne in 2018 to 345 – 365 EUR/tonne in 2020, but subsequently increased to 550 – 570 EUR/tonne in the RIP. Overall, the increase between 2018 and the RIP was 28 %, representing a price increase of 120 – 130 EUR per tonne. This overall price increase was in line with the general rebar price trend in the Union market.

(64) However, the average import price from Belarus, at CIF level, during the entire period considered was lower than Union producers' unit cost as described below in Section 5.5.3.1 below.

5.3.3. *Price undercutting*

(65) The Commission determined the price undercutting during the RIP by comparing the weighted average import price on a cost, insurance, freight ('CIF') basis, adjusted for post-importation costs ([9]) (including the anti-dumping duty) with the weighted average sales price, adjusted at an ex-works level, of the sampled Union producers charged to unrelated customers in the Union.

(66) The result of the comparison was expressed as a percentage of the sampled Union producers' turnover during the RIP and showed that the Belarus import prices undercut the prices of the Union industry by 2,5 % – 3 %. Excluding the anti-dumping duty, the Commission established an undercutting at a level of 11,8 % – 12 %.

5.4. **Imports from third countries other than Belarus**

(67) The imports of rebars from third countries other than Belarus were mainly from Norway, Russia and Türkiye.

(68) The aggregated volume of imports into the Union as well as the market share and price trends for imports of rebars from other third countries developed as follows:

Table 4

Import volume and market share from other third countries

Country		2018	2019	2020	Review Investigation period
Norway	Volume (tonnes)	91 685	91 068	150 285	148 780
	Index (2018 = 100)	*100*	*99*	*164*	*162*
	Market share (%)	0,9	0,8	1,4	1,3
	Average price (EUR/tonne)	538	492	448	705
	Index (2018 = 100)	*100*	*92*	*83*	*131*
Türkiye	Volume (tonnes)	212 854	142 755	38 735	63 558
	Index (2018 = 100)	*100*	*67*	*18*	*30*
	Market share (%)	2,1	1,3	0,4	0,6
	Average price (EUR/tonne)	481	458	381	488
	Index (2018 = 100)	*100*	*95*	*79*	*102*
Russia	Volume (tonnes)	254 438	125 522	25 269	37 237
	Index (2018 = 100)	*100*	*49*	*10*	*15*
	Market share (%)	2,5	1,2	0,2	0,3

([9]) Post importation cost were established at a level of 2 % in the original investigation.

	Average price (EUR/tonne)	503	464	414	625
	Index (2018 = 100)	*100*	*92*	*82*	*124*
Other third countries	Volume (tonnes)	190 092	129 870	44 444	206 013
	Index (2018 = 100)	*100*	*68*	*23*	*108*
	Market share (%)	1,8	1,2	0,4	1,9
	Average price (EUR/tonne)	812	476	441	691
	Index (2018 = 100)	*100*	*59*	*54*	*85*
Total of all third countries excluding Belarus	Volume (tonnes)	749 069	489 216	258 732	455 588
	Index (2018 = 100)	*100*	*65*	*35*	*61*
	Market share (%)	7,3	4,5	2,5	4,1
	Average price (EUR/tonne)	579	471	434	662
	Index (2018 = 100)	*100*	*81*	*75*	*114*

Source: Article 14(6) database and questionnaire replies.

(69) During the RIP, the market share of imports from third countries other than Belarus represented 4,1 % of the Union consumption. The import volume decreased substantially in 2020 and increased during the RIP, but did not reach the level of 2019, resulting in an overall decrease in their market share of 3,2 percentage points in the period considered. The average import price increased by 14 % during the period considered. During the RIP, the average import price from third countries other than Belarus was higher compared to the Union industry's average price (+ 2 %) and higher compared to the average import price from Belarus (+ 17 % – 20 %).

5.5. **Economic situation of the Union industry**

5.5.1. *General remarks*

(70) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

(71) As mentioned in recital (14), sampling was used for the assessment of the economic situation of the Union industry.

(72) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of the macroeconomic data provided by the Union producers' association and data relating to all Union producers contained in the verified questionnaire replies from the sampled Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

(73) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.

(74) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

5.5.2. *Macroeconomic indicators*

5.5.2.1. Production, production capacity and capacity utilisation

(75) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 5

Production, production capacity and capacity utilisation

	2018	2019	2020	Review Investigation period
Production volume (tonnes)	11 029 000	11 814 000	11 204 000	11 201 000
Index (2018 = 100)	*100*	*107*	*102*	*102*
Production capacity (tonnes)	16 468 495	17 472 690	17 576 838	17 350 801
Index (2018 = 100)	*100*	*106*	*107*	*105*
Capacity utilisation (%)	67	68	64	65
Index (2018 = 100)	*100*	*101*	*95*	*96*

Source: Verified data provided by the Union producers' association.

(76) Overall, the production volume of the Union industry increased by 2 % during the period considered. The production volume increased by 7 % between 2018 and 2019. During the COVID-19 pandemic in 2020, the production decreased by 5 % in comparison to 2019 and remained the same in the RIP.

(77) The production capacity of the Union industry increased by 5 % during the period considered. The capacity utilisation decreased from 67 % in 2018 to 65 % in the RIP.

5.5.2.2. Sales volume and market share

(78) The Union industry's sales volume and market share developed over the period considered as follows:

Table 6

Sales volume and market share

	2018	2019	2020	Review Investigation period
Total Sales volume on the Union market (tonnes)	9 517 192	10 293 817	10 054 658	10 507 529
Index (2018 = 100)	*100*	*108*	*106*	*110*

Market share (%)	92	95	96	94
Index (2018 = 100)	*100*	*103*	*105*	*102*

Source: Article14(6) database and verified data provided by the Union producers' association.

(79) The sales volume of the Union industry on the Union market increased by 10 % during the period considered. It increased by 8 % between 2018 and 2019 and then slightly dropped by 2 % in 2020, to further increase by 4 % during the RIP.

(80) The market share of the Union industry slightly increased by 2 % during the period considered. It increased by 5 % between 2018 and 2020, but decreased during the RIP.

5.5.2.3. Growth

(81) The growth in consumption in the Union was 8 % during the period considered. The Union industry benefited from this increase in consumption and even slightly increased its market share by 2 % during the period considered.

5.5.2.4. Employment and productivity

(82) Employment and productivity developed over the period considered as follows:

Table 7

Employment and productivity

	2018	2019	2020	Review Investigation period
Number of employees	5 507	6 159	5 999	5 557
Index (2018 = 100)	*100*	*112*	*109*	*101*
Productivity (tonne/employee)	2 002	1 918	1 867	2 015
Index (2018 = 100)	*100*	*96*	*93*	*101*

Source: Verified data provided by the Union producers' association.

(83) The number of employees fluctuated during the period considered. It increased from 2018 to 2019 by 12 % and then gradually decreased in 2020 and the RIP to a level slightly above the 2018 level. Productivity decreased from 2018 to 2020 by 7 % and increased by 8 % from 2020 to the RIP. During the period considered, productivity increased by 1 %.

5.5.2.5. Magnitude of the dumping margin and recovery from past dumping

(84) The dumping margin established during the review investigation period was significantly above the *de minimis* level, while the level of imports from Belarus during the review investigation period was 1,9 % of Union consumption.

5.5.3. *Microeconomic indicators*

5.5.3.1. Prices and factors affecting prices

(85) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices and cost of production in the Union

	2018	2019	2020	Review Investigation period
Average unit sales price in the Union (EUR/tonne)	508	469	424	651
Index (2018 = 100)	*100*	*92*	*83*	*128*
Unit cost of production	477	438	410	578
Index (2018 = 100)	*100*	*92*	*86*	*121*

Source: Verified questionnaire replies of the sampled Union producers.

(86) The Union industry's average unit sales price to unrelated customers decreased by 17 % between 2018 and 2020, reflecting the decrease of the unit cost of production. In the RIP, the price increased by 45 % in relation to 2020. The price increase was driven by an increase in the unit cost of production and an increase in demand following the recovery after the COVID-19 pandemic.

(87) Current anti-dumping duties allowed the Union industry to remain competitive with the current level of prices, since, as explained in recital (64), during the entire period considered Union producers' unit costs were higher than the average import price from Belarus.

5.5.3.2. Labour costs

(88) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 9

Average labour costs per employee

	2018	2019	2020	Review Investigation period
Average labour costs per employee (EUR)	41 477	41 434	40 137	42 622
Index (2018 = 100)	*100*	*100*	*97*	*103*

Source: Verified questionnaire replies of the sampled Union producers.

(89) The average labour cost per employee of the Union industry increased by 3 % during the period considered, with a temporary decrease by 3 % in 2020, mainly because of production shutdowns due to the COVID-19 pandemic.

5.5.3.3. Inventories

(90) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 10

Inventories

	2018	2019	2020	Review Investigation period
Closing stocks (tonnes)	186 048	181 490	170 626	193 376
Index (2018 = 100)	*100*	*98*	*92*	*104*
Closing stocks as a percentage of production	10,2	9,6	9,6	9,7
Index (2018 = 100)	*100*	*94*	*93*	*95*

Source: Verified questionnaire replies of the sampled Union producers.

(91) Inventories increased by 4 % during the period considered.

5.5.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

(92) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2018	2019	2020	Review Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	8,4	5,0	4,9	15,3
Index (2018 = 100)	*100*	*60*	*58*	*183*
Cash flow (EUR)	77 870 905	63 476 067	41 354 068	109 174 968
Index (2018 = 100)	*100*	*82*	*53*	*140*
Investments (EUR)	21 227 319	15 647 296	17 870 081	18 838 367
Index (2018 = 100)	*100*	*74*	*84*	*89*
Return on investments (%)	102	69	51	215
Index (2018 = 100)	*100*	*68*	*50*	*211*

Source: Verified questionnaire replies of the sampled Union producers.

(93) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability of the Union industry decreased between 2018 and 2020 from 8,4 % to 4,9 %, followed by a sharp increase between 2020 and the RIP to reach 15,3 %. During the RIP the increase in demand, explained by the post COVID-19 economic recovery, allowed the industry to increase its prices at higher rate than the increase of cost of production, which resulted in an increased profitability. The anti-dumping duties in place allowed the Union industry to return to a healthy business situation. Throughout the period considered the profitability of the sampled Union producers was higher than the target profit established during the original investigation (4,8 %).

(94) The investigation showed that the RIP was characterised by exceptional circumstances, linked to the outbreak of the COVID-19 pandemic, followed by a fast economic recovery. In particular in 2020, the Union rebar market saw a great perturbation due to COVID, with exceptional volatilities. During the first half of 2020 production was temporarily stopped given the lack of orders. At a later stage, in the second half of 2020 and in the RIP, the profitability of Union rebar producers improved, as demand continued to recover faster than expected. In this regard, the improvement in Union producers' profitability during the RIP was likely of a temporary nature, as it was mainly due to an exceptionally fast and strong increase of demand which led to higher price levels.

(95) The net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow increased by 40 % fuelled by the profitability but at a lower rate, reflecting again the positive effect of the anti-dumping duties and exceptional circumstances in the RIP described in recital (94).

(96) The level of investment decreased by 11 % over the period considered.

(97) The return on investments is the profit in percentage of the net book value of investments. It decreased between 2018 and 2020 from 102 % to 51 % and increased sharply between 2020 and the RIP. Overall, the return on investments more than doubled during the period considered.

5.6. **Conclusion on injury**

(98) Most injury indicators, such as Union sales volume, market share, employment, profitability and cash flow developed positively during the period considered. Though the trend of the indicators such as closing stocks and investments was negative during this period, their absolute levels are satisfactory and did thus not indicate a sign of material injury.

(99) On basis of the above, the Commission concluded that the Union industry has recovered from previous injury and did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the RIP.

6. **LIKELIHOOD OF RECURRENCE OF INJURY**

(100) The Commission concluded in recital (99) that the Union industry did not suffer material injury during the RIP. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury caused by the dumped imports from Belarus if the measures were allowed to lapse.

(101) In order to establish whether there is a likelihood of recurrence of injury originally caused by the dumped imports from the country concerned, the Commission examined: (i) the production capacity and spare capacity in Belarus; and (ii) likely price levels of imports from Belarus and their impact on the Union industry's situation, should the measures be allowed to lapse.

6.1. **Production capacity and spare capacity in Belarus**

(102) As indicated in recital (49) above, the spare capacity in Belarus was estimated to be more than 900 000 tonnes, which represented more than 8 % of the Union consumption during the RIP. This spare capacity could be used to supply the Union market if the current measures would be allowed to lapse.

6.2. **Attractiveness of the Union market, likely price levels of imports from Belarus and their impact on the Union industry's situation should the measures lapse**

(103) As established in recitals (44) to (46), in terms of size, prices and proximity, the Union market remained attractive to Belarusian exporting producers.

(104) The Commission analysed the price level of Belarusian imports into the Union. The weighted average Belarus import prices, in the absence of anti-dumping duties, were significantly lower than the Union industry prices during the entire period considered. During the RIP imports from Belarus ([10]) were 13 % to 15 % lower than Union industry prices. Furthermore, as explained in recitals (64) and (87), the price level of Belarusian imports was even lower than the Union production cost. Consequently, it is likely that, should the measures be allowed to lapse, the Union market would become even more attractive for Belarus.

(105) Likewise, in order to assess the impact of future imports on the situation of the Union industry, the Commission also considered that price levels of the Belarusian exports to third markets would be a reasonable indicator of future price levels to the Union market.

(106) As set out in recital (44) above, the Commission analysed the price level of Belarusian exports to third markets and found these export prices were significantly lower when compared with the Union industry prices (15 %). Therefore, the Union market, in terms of prices, remains very attractive for Belarusian producers.

(107) Considering the above, and if confronted with an increase of low priced imports from Belarus, the Union producers, in an attempt to keep sales volumes and market shares, would be forced to reduce their prices. This would have an impact on the industry's overall profitability which would deteriorate.

(108) On the other hand, if the Union industry would keep its current price levels, this would have an almost immediate negative impact on its sale and production volume as well as its market share. Moreover, a decrease in production volume would results in an increase of the item costs of production due to reduced benefits of economy of scale. This would further deteriorate the Union industry's profitability. With a loss of profitability, the Union industry would not be able to carry out necessary investments. Ultimately, this would also lead to loss of employment and risk of closure of production lines.

(109) The product under review is affected by the packages of sanctions against Russia and Belarus, however, as mentioned in recital (47), the current situation cannot be considered of a lasting nature. The Commission found that they cannot have a bearing in its conclusions in this investigation.

6.3. **Conclusion on likelihood of recurrence of injury**

(110) On this basis, it was concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from Belarus at injurious prices and material injury would be likely to recur.

7. **UNION INTEREST**

(111) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

([10]) Should 2 % post importation cost be included price difference would be 11,8 % – 12 % as set out in recital (66).

7.1. **Interest of the Union industry**

(112) As stated in recital (99), Union industry has recovered from the injury caused by past dumping. If existing measures were allowed to lapse, the Union industry would likely be faced with increased unfair competition from Belarus producers most likely putting a halt to the on-going recovery of the Union industry.

(113) The Commission therefore concluded that the continuation of the measures would be in the interest of the Union industry

7.2. **Interest of unrelated importers and traders.**

(114) As mentioned in recital (15), no importers came forward following the publication of the Notice of initiation and during the investigation. Although it could not be ruled out that the imposition of the measures had a negative impact on their activity, importers were not dependent on Belarus and could source the product under review from other countries, such as Norway and Türkiye. Therefore, the Commission concluded that from the importers' perspective, there were no compelling reasons not to extend the existing measures.

7.3. **Interest of users**

(115) No user came forward following the publication of the Notice of initiation and during the investigation. Therefore, there were no indications that the conclusion reached in the original investigation ([11]) were no longer valid and that the maintenance of the measures would have a negative impact on the users outweighing the positive impact of the measures.

7.4. **Conclusion on Union interest**

(116) On the basis of the above, the Commission concluded that there were no compelling reasons of the Union interest against the maintenance of the existing measures on imports of rebars originating in Belarus.

8. **ANTI-DUMPING MEASURES**

(117) On the basis of the conclusions reached by the Commission on continuation or recurrence of dumping, recurrence of injury and Union interest, the anti-dumping measures on rebars from Belarus should be maintained.

(118) In view of Article 109 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ([12]), when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.

(119) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

---

([11]) Overall, there were no compelling reasons against the imposition of measures on imports of the product concerned from Belarus

([12]) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, whether or not twisted after rolling, containing indentations, ribs, grooves or other deformations produced during the rolling process, currently falling under CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10 and ex 7214 99 95 (TARIC codes 7214 10 00 10, 7214 20 00 20, 7214 30 00 10, 7214 91 10 10, 7214 91 90 10, 7214 99 10 10, 7214 99 95 10) and originating in Belarus. High fatigue performance iron or steel concrete reinforcing bars and rods are excluded. Other long products, such as round bars, are excluded.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 shall be 10,6 %.

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN