

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/365****of 16 February 2023****terminating the expiry review investigation concerning imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Ukraine**

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 <sup>(1)</sup> ('the basic Regulation'), and in particular Articles 9(1) and 11(2) thereof,

Whereas:

**1. PROCEDURE****1.1. Initiation**

- (1) Following a request for a review pursuant to Article 11(2) of the basic Regulation the Commission decided to initiate an expiry review investigation regarding the anti-dumping measures in force on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel ('HRF') originating in the Federative Republic of Brazil ('Brazil'), the Islamic Republic of Iran ('Iran'), the Russian Federation ('Russia') and Ukraine ('the countries concerned'). It published a Notice of Initiation in the *Official Journal of the European Union* on 5 October 2022 (the 'Notice of Initiation') <sup>(2)</sup>.
- (2) The request for the review was submitted on 4 July 2022 by the European Steel Association EUROFER ('the applicant') on behalf of the Union industry of certain hot-rolled flat products of iron, non-alloy or other alloy steel ('HRF') in the sense of Article 5(4) of the basic Regulation.
- (3) The request contained sufficient evidence that the expiry of the measures would be likely to result in recurrence and continuation of dumping and recurrence of injury to the Union industry.

**1.2. Interested parties**

- (4) 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 applicant, the known Union producers and associations, as well as the authorities of the countries concerned about the initiation of the review investigation and invited them to participate.

**2. PRODUCT UNDER INVESTIGATION**

- (5) The product subject to this review is certain flat-rolled products of iron, non-alloy steel or other alloy steel, whether or not in coils (including 'cut-to-length' and 'narrow strip' products), not further worked than hot-rolled, not clad, plated or coated ('HRF' or 'product under review').

The following products are not covered by this review:

- (i) products of stainless steel and grain-oriented silicon electrical steel;
- (ii) products of tool steel and high-speed steel;
- (iii) products, not in coils, without patterns in relief, of a thickness exceeding 10 mm and of a width of 600 mm or more; and

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> OJ C 384, 5.10.2022, p. 3.

- (iv) products, not in coils, without patterns in relief, of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more.

The product under review is currently falling under CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 10, 7208 52 99, 7208 53 10, 7208 53 90, 7208 54 00, 7211 13 00, 7211 14 00, 7211 19 00, ex 7225 19 10 (TARIC code 7225 19 10 90), 7225 30 90, ex 7225 40 60 (TARIC code 7225 40 60 90), 7225 40 90, ex 7226 19 10 (TARIC codes 7226 19 10 91, 7226 19 10 95), 7226 91 91 and 7226 91 99. These CN and TARIC codes are given for information only, without prejudice to a subsequent change in the tariff classification.

### 3. WITHDRAWAL OF THE COMPLAINT

- (6) On 23 November 2022 the applicant withdrew its request for an expiry review investigation as far as Ukraine is concerned.
- (7) In its withdrawal the applicant considered that, given the developments that have taken place since the request was lodged (Q1/2022) and, especially, since the expiry review was subsequently initiated, circumstances with regard to Ukraine have changed to such an extent that it is no longer appropriate to pursue an expiry review against HRF imports from Ukraine. Notably, the applicant referred to the destruction of a major part of HRF capacities in Ukraine as well as of the Ukrainian energy infrastructure. The applicant further noted that military conflict, or at least the consequences thereof as regards Ukraine, would be of a lasting nature. In particular, steel capacities in Ukraine are not expected to return to normal operations in the short-medium term and it is therefore not likely that Ukrainian HRF exports would be able to contribute to a recurrence of injury to the Union industry any time soon.

### 4. CONCLUSION AND DISCLOSURE

- (8) In accordance with Article 9(1) of the basic Regulation, the investigation may be terminated, unless such termination would not be in the Union interest.
- (9) The investigation had not brought to light any considerations demonstrating that such termination would not be in the Union interest.
- (10) The Commission therefore considered that the review investigation should be terminated as far as imports from Ukraine are concerned. The Commission will continue the review investigation with regard to imports from Brazil, Iran and Russia.
- (11) Since the measures are not prolonged as regards Ukraine, any duties collected from the date of the initiation of the expiry review investigation on goods that were customs-cleared as regards imports of the product under review originating in Ukraine shall be repaid, provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. The Commission noted that, pursuant to Regulation (EU) 2022/870 of the European Parliament and of the Council<sup>(7)</sup>, anti-dumping duties on imports originating in Ukraine as of 4 June 2022 should not be collected at any point in time. Therefore, in this case, no duty is due to be reimbursed because, prior to the date of initiation of the expiry review investigation, the European Union already suspended the collection of anti-dumping duties on Ukrainian imports, including on HRF.
- (12) On 21 December 2022 the Commission disclosed to all interested parties its intention to terminate the expiry review investigation as far as Ukraine is concerned and granted them an opportunity to submit comments.
- (13) The Commission received no comments that would lead to the conclusion that such termination would not be in the Union interest.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

<sup>(7)</sup> Regulation (EU) 2022/870 of the European Parliament and of the Council of 30 May 2022 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 152, 3.6.2022, p. 103).

HAS ADOPTED THIS REGULATION:

*Article 1*

The expiry review investigation in so far it concerns anti-dumping measures applicable to imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Ukraine is terminated.

*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, 16 February 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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