PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice concerning the potential combined effects of anti-dumping or anti-subsidy measures with the safeguard measures on certain steel products
(2019/C 146/06)

By Regulation (EU) 2019/159 (1), the Commission imposed safeguard measures with respect to certain steel products for a period of three years. The safeguard measures take the form of tariff-rate quotas applicable for specified periods, in excess of which a safeguard duty of 25% must be paid.

Anti-dumping or anti-subsidy measures are currently also in place for some of these steel product categories. The list of all the regulations imposing those measures currently in force is enclosed in the Annex to this Notice. Consequently, for these product categories, once the tariff-rate quotas established under the safeguard measures are exhausted, both the safeguard duty and the anti-dumping or countervailing duty would become payable on the same imports.

The Commission already noted in Regulation (EU) 2019/159 (recital (186)) that a cumulation of anti-dumping/anti-subsidy measures with safeguards may lead to a greater effect than desirable, and that this issue would be examined in due course. In particular, the Commission considered that, in order to avoid the imposition of ‘double remedies’ whenever the tariff-rate quota is exhausted, the Commission may consider necessary to suspend or reduce the level of the existing anti-dumping and countervailing duties to ensure that the combined effect of these measures does not exceed the highest level of the safeguard or anti-dumping/countervailing duties in place.

1. Combined effect of anti-dumping or countervailing and safeguard duties

Regulation (EU) 2015/477 (2) acknowledges that the combination of anti-dumping or anti-subsidy measures and safeguard measures on the same product could have an effect greater than that intended in terms of the Union’s trade defence policy and objectives, and could place an undesirably onerous burden on certain exporting producers seeking to export to the Union. As a result, specific provisions were introduced in order to enable the Commission, where appropriate, to take action to ensure that a combination of anti-dumping or anti-subsidy measures with safeguard measures on the same product does not have such an effect.

As concerns the measures imposed by Regulation (EU) 2019/159, whilst there is some uncertainty as to if and when the respective tariff-rate quotas would be exhausted, it is possible that imports of those steel product categories which are subject to anti-dumping or anti-subsidy measures would also become subject to the payment of a safeguard duty.

The Commission considers that there are grounds to conclude that the combination of these measures could indeed have an effect greater than that intended or desirable in terms of the Union’s trade defence policy and objectives, as laid down in Regulation (EU) 2015/477. The Commission, therefore, considers that it may be appropriate to amend the existing anti-dumping and anti-subsidy measures mentioned in the Annex during the relevant period where anti-dumping/anti-subsidy measures and safeguard duties may apply.

In order to ensure legal certainty for the economic operators concerned, the Commission considers it necessary to specify, for these cases, the anti-dumping or the countervailing duty that should apply in the event that the safeguard tariff-rate quotas are exhausted.

In particular, in cases where both an anti-dumping or a countervailing duty and a safeguard duty would normally be payable and where the anti-dumping or countervailing duty is less than, or equal to, the amount of the safeguard duty, the Commission considers appropriate that no anti-dumping or countervailing duty should be payable during the relevant period. Where the anti-dumping or countervailing duty is greater than the amount of the safeguard duty, the Commission considers appropriate that only that part of the anti-dumping or countervailing duty which is in excess of the amount of the safeguard duty should be payable during the relevant period.

2. Procedure

2.1. Written submissions

All interested parties including exporting producers, importers and users of the products concerned and their associations are invited to make known their views in writing on the above considerations, in a free format and by email, within 14 days of the date of publication of this Notice in the Official Journal of the European Union.

By using email, 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:


Interested parties must indicate their name, address, telephone, and a valid email address and should ensure that the provided email address is a functioning official business address which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by 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 registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

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2.2. 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 (\(3\)).

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 website: http://trade.ec.europa.eu/doclib/html/157639.htm

ANNEX

List of the regulations imposing anti-dumping and anti-subsidy measures on the products that are subject to the safeguard measure

1. Commission Implementing Regulation (EU) 2017/1795 of 5 October 2017 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Brazil, Iran, Russia and Ukraine and terminating the investigation on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Serbia (OJ L 258, 6.10.2017, p. 24);


7. Commission Implementing Regulation (EU) 2017/336 of 27 February 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China (OJ L 50, 28.2.2017, p. 18);


13. Commission Implementing Regulation (EU) 2015/110 of 26 January 2015 imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia and terminating the proceeding for imports of certain welded tubes and pipes of iron or non-alloy steel originating in Ukraine following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 20, 27.1.2015, p. 6);

15. Commission Implementing Regulation (EU) 2018/1469 of 1 October 2018 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 246, 2.10.2018, p. 20);

16. Commission Implementing Regulation (EU) 2017/804 of 11 May 2017 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross-section, of an external diameter exceeding 406.4 mm, originating in the People’s Republic of China (OJ L 121, 12.5.2017, p. 3);
