

Republic of Slovenia
Prime Minister Janez Janša

Government Communication Office
Gregorčičeva ulica 25
1000 Ljubljana

Riegel, 12. July 2021

Dear Prime Minister Janša,

Hereby we would like to congratulate Slovenia on assuming the Presidency of the Council of the European Union. And look forward with hope to a progressive upturn in the EU in the coming months.

However, we would like to bring to the attention of the Slovenian Presidency of the Council of the EU a current case of violation of applicable EU law. Like the inappropriate and dangerous extension of the EU Safeguard measures to certain steel products in June 2021, the European Commission is attempting to further deprive the European downstream industry, which is suffering from extreme steel and stainless steel shortages, of urgently needed products.

On July 2, 2021, the EC Directorate-General for Trade published a draft decision regarding case R722: Expiry review of the anti-dumping measures applicable to imports of stainless steel cold-rolled flat products originating in the People's Republic of China and Taiwan - Definitive Disclosure via TRON (Trade.G5/PDB/t21.005040).

The responsible parties at the European Commission have added CN codes of four stainless steel products to this document that were not included in the original anti-dumping case against China and Taiwan. This violates applicable EU anti-dumping regulations. An Expiry Review may not be modified, only continued, or terminated, according to Regulation (EU) 2016/1036.

- Original investigation: (EU) 2015/1429 of 26 August 2015
- Initiation Expiry Review: (2020/C 280/06) of August 25, 2020

Added CN codes that were not included in the original 2015 measure: 7219 90 20, 7219 90 80, 7220 90 20 and 7220 90 80.

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We made this clear in a hearing and written statement to the appropriate parties in the European Commission. Unfortunately, in the more than disconcerting hearing with EC staff, we had to note that flimsy reasons were given for the additional CN codes. These also do not comply with the applicable EU anti-dumping regulations. Among others, that this would have prevented circumvention of measures and that the CN codes would not have existed before the imposition of the AD measure. We will leave aside the questionable and disrespectful behavior towards our company in this hearing.

We cannot accept the allegation that there is circumvention of the existing measures, as these places all importers of these products under general suspicion. In addition, the figures of the EU show something different. And we can prove that these CN codes were already used by the EU before 2014.

With our letter to you, we would like to express our concern that the European market is to be closed even further at the behest of a few powerful individual EU states, large European steel corporations and their lobbyist group EUROFER.

Already, for many companies in the downstream industry and in the trades, there is hardly any steel, cement, aluminium, plastics or other important raw materials to procure. Small and medium-sized enterprises are particularly suffering from this EU-wide crisis.

Maybe you have already noticed during the Safeguard investigation that we have been fighting for the European industry and have pointed out the prevailing problems many times. Unfortunately, we are also just a single company with limited resources.

Slovenia, as well as some other countries, have realized that Safeguard cannot continue as it is. Now the next anti-dumping measure is to be extended and even illegally changed. Without the EC realizing what further damage it will do to the European Union.

Hopefully we could inform you adequately and extensively enough about this case. Of course, we are at your disposal for any further or detailed questions at any time.

Best Regards

Thorsten Gerber