



21 December 2021

(21-9563)

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Committee on Safeguards

Original: English

## NOTIFICATION UNDER ARTICLE 12.1(C) OF THE AGREEMENT ON SAFEGUARDS

EUROPEAN UNION

*Certain Steel Products*

*Supplement*

The following notification, dated and received on 20 December 2021, is being circulated at the request of the delegation of the European Union.

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Pursuant to Article 12.1(c) of the WTO Agreement on Safeguards (Safeguards Agreement), the European Union notifies that a review safeguard investigation has been initiated as follows:

### 1. Specify the date when the investigation was initiated

The European Commission ("the Commission") initiated the review investigation on 17 December 2021.

A copy of the Notice of Initiation<sup>1</sup>, which includes inter alia the scope and the applicable rules of procedure of the investigation, is attached. The Notice has been published in the *Official Journal of the European Union*.<sup>2</sup>

### 2. Specify the product subject to the investigation

The product subject to this investigation is certain steel products (the "product concerned"). See Annex.

### 3. Provide the reasons for the initiation of the investigation

The European Union prolonged the EU steel safeguard measure as of 1 July 2021. (See notifications G/SG/N/8/EU/1/Suppl.2 – G/SG/N/10/EU/1/Suppl.11 – G/SG/N/11/EU/1/Suppl.8; and G/SG/N/8/EU/1/Suppl.2/Corr.1 – G/SG/N/10/EU/1/Suppl.11/Corr.1 – G/SG/N/11/EU/1/Suppl.8/Corr.1.)

In the regulation prolonging the safeguard measure<sup>3</sup>, the Commission indicated "in order to keep in the meantime the operation of the safeguard adapted to market evolution and in line with the interest of all stakeholders, the Commission will undertake a functioning review".

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<sup>1</sup> A copy of the Notice of Initiation has been submitted electronically. To consult this document, please contact Anne Richards ([anne.richards@wto.org](mailto:anne.richards@wto.org)) of the Rules Division.

<sup>2</sup> OJ C 509, 17.12.2021, p. 12.

<sup>3</sup> COMMISSION IMPLEMENTING REGULATION (EU) 2021/1029 of 24 June 2021 amending Commission Implementing Regulation (EU) 2019/159 to prolong the safeguard measure on imports of certain steel products, OJ L 225, 25.6.2021, p.1, recital (85).

The Commission intends to focus the investigation on the following issues in order to examine whether adjustments to the functioning of the measure are justified:

- A. Allocation and management of tariff-rate quotas
- B. Crowding-out of traditional trade flows
- C. Update of the list of developing WTO member countries excluded from the scope of the measures based on their most recent level of imports
- D. Level of liberalisation
- E. Other changes of circumstances that may require an adjustment to the level of allocation of the tariff-rate quota

**4. Provide a point of contact for the investigation and identify the preferred means for corresponding.**

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate G, Unit G5  
Office: CHAR 03/66  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

E-mail address:

[TRADE-SAFE009-REVIEW@ec.europa.eu](mailto:TRADE-SAFE009-REVIEW@ec.europa.eu)

[Enrique.Arrieta@ec.europa.eu](mailto:Enrique.Arrieta@ec.europa.eu)

**5. Provide the deadlines and procedures for importers, exporters and other interested parties to present evidence and their views, including (i) deadlines and procedures for Members and exporters to identify themselves as interested parties, if so required, to participate in the investigation, and (ii) the date of an intended public hearing as provided for in Article 3.1.**

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 **by 10 January 2022 (COB Brussels time)**.

Interested parties 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.

**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 seven days from the moment the submissions 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 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.

### **Instructions for making written submissions 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*".<sup>4</sup> 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<sup>5</sup> and Article 5 of EU Regulation 2015/755<sup>6</sup>, 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.

**Interested parties are strongly encouraged to make all written submissions and requests via TRON.tdi** (<https://tron.trade.ec.europa.eu/tron/TDI>), including scanned powers of attorney where appropriate.

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](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 that 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.

Any submission of views and information after the above deadlines may be disregarded.

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<sup>4</sup> 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).

<sup>5</sup> OJ L83, 27.03.2015, p.16.

<sup>6</sup> OJ L123, 19.5.2015, p.33.

**ANNEX**

| <b>Product category<br/>Number</b> | <b>Product category</b>                                    |
|------------------------------------|------------------------------------------------------------|
| 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                                       |
| 25A                                | Large welded tubes                                         |
| 25B                                |                                                            |
| 26                                 | Other welded pipes                                         |
| 27                                 | Non-alloy and other alloy cold finished bars               |
| 28                                 | Non Alloy Wire                                             |