

11 September 2020

TD0001 – COMMENTS ON THE PROGRESS AND TRANSPARENCY OF THE INVESTIGATION

It has been seven months since the ongoing review investigation was initiated on 10 February 2020. On behalf of Chinese welded tubes and pipes industry, CCOIC hereby submits its concerns and comments on the progress and transparency of the current Transition Review.

It's recalled that upon the initiation of the review investigation, a certain period was given to parties to register interests in the context of the current process. According to the Note to File published to the public case file on April 21, CCOIC is aware that anyone registering an interest after the closing of the registration period is not able to participate fully in the review process, which implies that information or evidence provided by a late registered party may be disregarded in the current investigation.

CCOIC notes that some parties held meetings with the TRID while some parties filed responses to Contributors Questionnaire. However, it's unclear, in the case files, whether all parties registered interests before the Registration Period expired. It's also unclear whether all registered parties are fully cooperating in the review process. Therefore, CCOIC respectfully requests the TRID to publish a list of interested parties and/or contributors, indicating the registration date as well as the cooperative status.

In addition, it's noted that the extensions granted to UK Steel, TATA Steel UK and BSS Pipeline and Heating Solutions for submitting questionnaire responses expired on July 27 and August 31 respectively. However, CCOIC didn't find that any non-confidential version of the submissions filed by the aforementioned UK domestic producers were published to the case files. In this regard, CCOIC respectfully requests the TRID to clarify whether the UK domestic industry filed the questionnaire response on time. If it is the case, CCOIC urges the TRID to publish the non-confidential version of the submissions to the case files to ensure all interested parties having a full opportunity for the defence of their interests.

If it's not the case, CCOIC would like to refer to para. 49 of Chapter 1 of Part 6 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, which provides that "where the TRA determines that an interested party has failed to cooperate with an investigation or has otherwise significantly impeded the progress of an investigation (a "non-cooperative party"), it may disregard the information supplied by that party." Accordingly, CCOIC respectfully requests the TRID to clarify whether the UK domestic producers who failed to file the questionnaire response in a timely manner would be determined to be a non-cooperative party.

Furthermore, CCOIC submits that without the appropriate cooperation from the UK domestic

industry, the TRID may encounter difficulties to conclude an accurate injury assessment. As far as CCOIC is acknowledged, the UK domestic producers are vertically integrated, where tubes section is covered in the full chain of steel and steel products production. Therefore, if the UK industry did not cooperate in the review process by not providing sufficient information in the Domestic Producer Questionnaire, the TRID can barely obtain the information of the performance specific to the tubes section, in particular, specific to the welded tubes and pipes product in the tubes section, from the publicly available data of the company. For instance, in the Annual Report filed by TATA Steel UK Limited (TSUK) to Companies House, it disclosed the overall operating information relating to the entire company rather than the information pertaining to the tubes section, let alone welded tubes and pipes.

In the meantime, CCOIC reminds the TRID that it may be even harder to identify the subject goods without the cooperation from the UK industry. As elaborated in CCOIC's submission of May 27, the subject goods and non-subject goods cannot be distinguished merely by the HS codes indicated in the Notice of Initiation. Hence, if the domestic industry is not cooperative, the TRID may not be able to obtain accurate information of the PUI to assess and determine whether the allegedly dumped goods have caused injury to the UK industry, and whether the repeal of anti-dumping measures would be likely to lead to continuation or recurrence of dumping and injury.

As the Case TD0001 is the very first transition review since a new independent mechanism of trade remedies implemented in UK, CCOIC would welcome any opportunities to hold general discussion with the TRID concerning the conduct of transition review.