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MINISTRY OF COMMERCE OF THE PEOPLE'S REPUBLIC OF CHINA  
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**Non-Confidential**

**Comments regarding the transitional review of the  
anti-dumping duties  
on certain pre- and post-stressing wire and strands  
(PSC wire and strands) originating in China(TD0003 )  
Submission of GOC**

The Government of the People's Republic of China ("GOC") would like to extend its compliments to the UK Trade Remedies Investigations Directorate ("TRID").

GOC appreciates that in the Statement of Essential Facts of TD0003: PSC wire and strands published on 01 Apr., TRID has indicated the inclination to revoke the current PSC wire and strands measure. In addition, GOC would like to reiterate its concerns and requests regarding the on-going transition reviews.

**1. The maintenance or application of the EU measures by the UK lacks legal basis.**

First, the Brexit provides no international law basis for the UK to maintain or continue to apply the EU's measures. The very act of exit from the EU by the UK released the UK from all relevant rights and obligations as a former member state of the institution.

Secondly, the EU stated that all its trade measures measures in force no longer applied to the UK after the Brexit transition period as the EU's Notice clearly admits that *"all anti-dumping and anti-subsidy measures in force apply from 1 January 2021 only to imports into the twenty-seven Member States of the European Union,"*.

Thus, Brexit allows for no claim for the UK to maintain or continue to apply the EU's measures which had no longer applied to the UK. The unilateral act or legislation does not grant the UK the right to apply the EU's measures.

**2. The continued application of the EU measures by the UK without WTO-compliant investigation after the Brexit transition period is inconsistent with the ADA.**

First, the application of the EU measures without WTO-compliant investigation is inconsistent with Article 1 and 5 of the ADA.

Secondly, the on-going application of the EU measures to the imports to the UK lacks factual basis and is inconsistent with Articles 2, 3, 4 and 6 of the ADA. The EU existing measures are imposed based on the information and data from the 28 member countries, which are very different from the UK market.

In addition and also as a result of the above problems, that the same duty amounts as the EU measures have been applied to the imports into the UK is inconsistent with Articles 9.1 and 9.3 of the ADA.

### **3. The initiation and on-going transition reviews are inconsistent with the ADA.**

First, the so-called "transition review" is inconsistent with Article 11 of the ADA and hence should be conducted as a new investigation.

Secondly, the failure to disclose the information received in the call for evidence and the application to initiate the case is inconsistent with Articles 6.1 and 6.2 of the ADA. It seriously infringes the right of interested parties to defend themselves.

Thirdly, TRID failed to demonstrate the initiation complied with Article 5.4 of the ADA. Whether the application has been made by the domestic industry is in doubt due to the lack of disclosure of the information on the production and sales of producers.

### **4. Conclusion**

The Chinese side welcomes the UK's decision to revoke PSC wire and strands measure and holds that the whole exercise would have been saved if the UK had forsaken all the EU measures as required by Brexit and that it had conducted the investigation as a proceeding de novo in accordance with its obligations under the WTO rules.

The Chinese side would like to reiterate its request the all the on-going reviews be terminated or rectified for compliance with the WTO rules and that all measures in force emanating from the EU measures be terminated with duties levied since the end of the Brixit transition period refunded to the payers.