

23/11/2021

Trade Remedies Authority  
4th Floor, North Gate House  
21-23 Valpy Street  
Reading, Berkshire  
RG1 1A

## Statement of Reasons for Non-Publication of Confidential Information

Dear Sir/Madam,

Following discussions between the Trade Remedies Authority, British Steel and Celsa Steel, with regards to the publication of confidential information submitted by these parties as part of case TD0007: Wire Rod from China, we are writing to provide our collective reasoning for why further summarisation of confidential information is not possible and no further information, other than that already provided in non-confidential versions, should be made available on the public file.

Regulation 45 of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 sets out the requirements for the submission and publication of information from interested parties for anti-dumping and subsidy cases. Paragraph (1)(d)(ii) allows that in “exceptional circumstances” a statement of reasons can be provided in lieu of a non-confidential summary of the information an interested party has requested be treated confidentially.

Paragraph (6)(b) states that “a *“statement of reasons”* means a statement setting out the reasons of a person supplying information to the TRA as to why the TRA should treat that information as confidential and why summarisation of that information in accordance with this regulation is not possible.” As such, we submit the following as a statement of reasons as to why a summarisation of confidential information is not possible in this instance:

Non-confidential versions of verification reports cannot contain any information which is not already in the public domain or which can allow any reader to gain commercial advantage through better understanding of cost structure, pricing, volumes or market position from the individual company’s data, however presented. All company specific data submitted to the TRA is commercially sensitive and should be treated as such, and it is for this reason that data is entirely redacted from the non-confidential submissions. For competitors, even trends provided from ranges or indexation can be of interest and value.

Moreover, the amalgamation of data from two or more UK producers is not a suitable alternative. With so few producers in the UK participating in this and other reviews, it would be extremely easy for one UK producer to deduce commercially sensitive information about their domestic competitors from amalgamated data sets.

In addition, it should be noted that there is a potential for the detailed non-confidential versions to be construed as the participants indulging in anti-competitive behavior if it is possible through the provision of that commercially sensitive data for breaches of competition law to take place. This can happen when there are few domestic suppliers to the market, as is the case in this transition review and the vast majority of others relating to steel products. For both competition law compliance and respect for individual company’s commercial sensitivities, we believe it is necessary to redact all data tables.

Kind regards,



British Steel



Celsa Steel



UK Steel