



TRANSITION REVIEW No. TD0010

Anti-dumping duties on HFP Rebar from PRC

Note to Public File

Statement of Reasons for Non-Publication of Confidential Information

16 June 2022

Following the publication of its Notice of Initiation on 29 April 2021, the Trade Remedies Authority (TRA) has been conducting a review of the anti-dumping measure transitioned under the Notice of Determination issued by the Department of International Trade on 31 December 2020, in respect of HFP Rebar originating in the People's Republic of China.

As stated in the non-confidential version of the verification report for Celsa Steel (UK) Limited (Celsa), certain company information supplied by Celsa, which is of relevance to this case, was already in the possession of the TRA in advance of verification. This had been obtained during the case TD0007 – Wire Rod from PRC. In the interest of streamlining our processes and reducing the burden on our interested parties where practicable, we agreed with Celsa that we would duplicate and utilise that relevant information in the verification process of this case. We received confirmation from Celsa that this information remained current, was accurate, and was identical to the information they would otherwise have submitted to this case. With Celsa's agreement, we thereafter treated this information as if it had been submitted and verified in this case. More detail regarding this information can be found in the verification report on the public file.

This information was the subject of a Statement of Reasons setting out why it was not possible for a non-confidential summary of confidential information to be provided. This took the form of a letter from UK Steel to which Celsa was a co-signatory.

The purpose of this note is to record that Celsa has confirmed the Statement of Reasons continues to apply to this information for the purposes of this review. A copy of the Statement of Reasons is attached accordingly.

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.

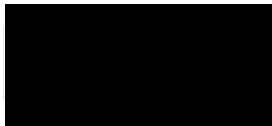
Paragraph (6)(b) states that “a *“statement of reasons” means a statement setting out the reasons of a person supplying information to the TRA as to why the TRA should treat that information as confidential and why summarisation of that information in accordance with this regulation is not possible.*”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

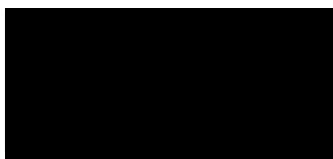
In addition, it should be noted that there is a potential for the detailed non-confidential versions to be construed as the participants indulging in anti-competitive behavior if it is possible through the provision of that commercially sensitive data for breaches of competition law to take place. This 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,



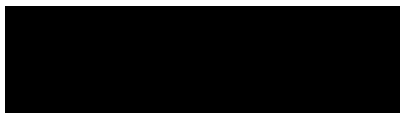
[Redacted]

[Redacted] British Steel



[Redacted]

[Redacted] Celsa Steel



[Redacted]

[Redacted] UK Steel