

Trade Remedies Authority  
North Gate House  
21-23 Valpy Street  
Reading  
RG1 1AF

17 January 2022

**VIA ELECTRONIC FILING**

**PUBLIC**

Dear sir/madam

**Case TD0011: Certain cold rolled flat steel products exported from the People's Republic of China and the Russian Federation**

On behalf of Tata Steel UK Ltd (**Tata**), we submit comments with respect to the transition review of anti-dumping measures in “*Case TD0011: Certain cold rolled flat steel products exported from the People's Republic of China and the Russian Federation.*” This submission sets forth the consequences of non-cooperation by exporting parties and briefly rebuts the questionnaire response filed by Severstal. Another major foreign exporter, NLMK who registered to the case, did not respond to the questionnaire or submit itself to verification.

**I. Because all exporting parties (except one) have failed to co-operate with the TRA, it is appropriate for the TRA to draw adverse inferences about relevant factual determinations with respect to them**

The TRA should make an adverse inference on all key factual issues in instances of non-cooperation where relevant evidence on those issues has been deliberately withheld by a party who has failed to act to the best of their ability. In other words, the TRA has the power to infer that the non-cooperating party has withheld that evidence because it is unhelpful to their case.

This power is contained in regulation 40(1) which states that ‘*Subject to any contrary provision made in this Part, the TRA may do anything it considers appropriate in connection with the exercise of any of its functions in accordance with these Regulations.*’ Given that there is no ‘*contrary*’ provision in the Regulations which precludes making an adverse inference of this

kind, the TRA has the power to do so in cases where it is ‘*appropriate*’. Where parties have not co-operated by deliberately withholding information, it is not only entirely ‘*appropriate*’ but essentially required for the TRA to make an adverse inference which could lead to a less favourable result for that party. The guidance also supports this interpretation of regulation 40(1):

*“If an interested party does not cooperate and we believe relevant information is being withheld from us, this could lead to a result which is less favourable to the party in question – for instance, it may affect the duty rate that applies to them.”<sup>1</sup>*

TRA’s powers are consistent with the practices of other countries. For example, the United States’ law and regulations specifically provide for application of “adverse inferences” in circumstances such as those confronting TRA in this review. *See* 19 U.S.C. § 1677e. Section 1677e(b)(1) sets forth the U.S. standard for applying adverse inferences:

#### **(b)ADVERSE INFERENCES**

##### **(1) IN GENERAL**

If the {Department of Commerce} finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the {Department of Commerce}, the {Department of Commerce}, in reaching the applicable determination under this subtitle<sup>2</sup>—

(A) may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available; and

(B) is not required to determine, or make any adjustments to, ...weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

The U.S. Department of Commerce has applied adverse inferences to Severstal, NLMK and other Russian parties in numerous proceedings for failing to respond to questionnaires and participate to the best of its ability, including *Certain Cold-Rolled Carbon Steel Flat Products from the Russian Federation*.<sup>3</sup>

---

<sup>1</sup> Department for International Trade, Guidance, An Introduction to our Investigations Process, <https://www.gov.uk/government/publications/the-uk-trade-remedies-investigations-process/an-introduction-to-our-investigations-process#non-cooperation>

<sup>2</sup> This provision of U.S. law specifies that if an interested party (A) *withholds information requested* by the Department, (B) *fails to provide such information by the deadline for submission* of the information, or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) *provides information that cannot be verified*, the Department shall use, subject to sections 782(d) of the Act, facts otherwise available in reaching the applicable determination.

<sup>3</sup> *Notice of the Final Determination Sales at Less Than Fair Value and Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From the Russian Federation*, 67 Fed. Reg. 62121, 62123 (Oct. 3, 2002) (applying adverse facts available (“AFA”) to Severstal and the Government of Russia for failing to respond to the DOC’s questionnaires). *See also.*, *Certain Carbon and Alloy Steel Wire Rod From the Russian Federation and the United Arab Emirates: Affirmative Preliminary Determinations of Sales at Less Than Fair Value, and Affirmative Preliminary Determination of Critical Circumstances for Imports of Certain Carbon and Alloy Steel Wire Rod From the Russian Federation*, 82 Fed. Reg. 42794, 42795 (Sept. 12, 2017), and accompanying *Issues & Decision Memorandum*, at 4-5 (Sept. 5, 2017) (noting that “it is the Department’s practice to consider in employing adverse facts available, the extent to which a party may benefit from its own lack of cooperation” when applying adverse

Similarly, the European Commission is authorised to treat non-cooperating producers less favourably, as confirmed by the settled case law of the European Court of Justice (ECJ).<sup>4</sup> Indeed, as pointed out by the ECJ, “*any other approach would risk undermining the efficiency of the EU trade-defence measures each time the EU institutions are faced with non-cooperation*”.

Moreover, like the United States, the ECJ confirmed the correctness and appropriateness of this approach with respect to Russian steel producers specifically, including PAO Severstal and NLMK.<sup>5</sup> As such, there is strong international precedent for such an approach.

In the present case – the choice by all overseas exporting parties not to cooperate has been both pervasive and severe as critical information to the case has been withheld by all exporting parties (except for one, Severstal). It is thus entirely ‘*appropriate*’ (indeed if not required) for the TRA to draw an adverse inference, namely that the information has been withheld because it undermines their case.

As previously described in its submission of 30 September 2021, the TRA must assess whether the application of the anti-dumping amount is necessary ‘*or*’ sufficient to offset the dumping of the relevant goods.<sup>6</sup> As Tata has previously argued, the measures are sufficient to offset dumping and thus there is no need to consider necessity. However, if the TRA decides that it must consider both sufficiency and necessity (contrary to the legal test), then it is incumbent upon the TRA to make certain factual findings on the ‘necessity’ of the measure. In order to assess the necessity of the measure the TRA can: (i) calculate a dumping margin; and (ii) undertake an assessment of whether dumping is likely to re-occur were the measures removed. The guidance is clear that the factors which may be examined to assess the likelihood of continued dumping include the following<sup>7</sup>:

- Capacity Utilisation – substantial spare capacity (or plans to increase it) would indicate the resumption of dumping were measures removed
- Actual Production Levels – substantial production levels would indicate the resumption of dumping were measures removed

---

inference against NLMK Ural for failure to respond to the U.S. Department of Commerce’s (“DOC”) questionnaire); *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 73 Fed. Reg. 24541, 24542 (May 5, 2008) (finding that a respondent’s failure to participate in the administrative review constitutes a failure to cooperate to best of its ability and warrants an adverse inference under section 776(b) of the Act).

<sup>4</sup> C-371/14, *Finanzgericht Hamburg*, paras. 68-69 (available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62013CJ0687>)

<sup>5</sup> E.g., T-753/16, *PAO Severstal v. Commission*, para. 54 (available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=246455&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=718739>); T-752/16, *NLMK v. Commission*, para. 46 (available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=246454&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=719352>).

<sup>6</sup> Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (the **Regulations**). All references to any regulation will be references to the Regulations.

<sup>7</sup> Trade Remedies Investigations Directorate Dumping, Subsidisation and Safeguarding Guidance, Transition Reviews, <https://www.gov.uk/guidance/trade-remedies-investigations-directorate-trid-dumping-and-subsidisation-investigations-guidance/transition-reviews-anti-dumping-and-countervailing-measures> .

- Exports to Third Markets – dumping in third country markets would indicate the resumption of dumping were measures removed
- Conditions in the Overseas Exporter’s Home Market - low demand and low prices would indicate the resumption of dumping were measures removed
- Inventories – high inventories indicate the resumption of dumping were measures removed

In order to make factual determinations on these issues, it is imperative that overseas exporters co-operate with the TRA to submit accurate and verifiable evidence on these questions to establish their production capacity, production levels, domestic sales volumes and prices, inventory and so on.

All the overseas exporters (except for one) have failed to co-operate on supplying evidence pertinent to these issues (and others). The nature of the failure is not a relatively trivial one, for example failing to miss a deadline by a day without agreeing to an extension, but is instead the most serious form non-cooperation can take, namely the total absence of participation in the investigation. With the exception of Russian exporter Severstal, no overseas exporter has submitted a questionnaire or subjected themselves to verification to test the robustness of their evidence. Instead, by the failure of all overseas exporters to participate (except for one), important information on the key issues (above), that must be considered in assessing the necessity of the measure, has been deliberately withheld from the TRA.

Given the pervasiveness and severity of non-cooperation, it is entirely ‘*appropriate*’ (in accordance with Regulation 40(1)) for the TRA to draw an adverse inference about the key factual issues pertinent to the ‘necessity’ test with respect to all overseas exporters (except for Severstal). That is to say that the failure to participate and withhold evidence must be because that evidence held by the overseas exporters severely undermines their case, namely:

- CRS overseas exporters have substantial spare capacity which submission of a questionnaire and verification would prove
- CRS overseas exporters have high production levels which submission of a questionnaire and verification would prove
- Prices and demand are low for most CRS overseas exporters which submission of a questionnaire and verification would prove
- CRS overseas exporters have built up inventories which submission of a questionnaire and verification would prove
- CRS overseas exporters are subjected to anti-dumping orders (or are dumping) in many third countries which submission of a questionnaire and verification would prove

The TRA should draw such adverse inferences and reach such factual determinations in their Statement of Essentials Facts and their eventual Recommendation to the Secretary of State.

**II. Because all exporting parties (except one) have failed to co-operate with the TRA, the best facts available on the key issues are those submitted by Tata and UK Steel**

In any case, even if the TRA does not believe it has the power to draw an adverse inference of this kind (which Tata respectfully submits is wrong in law), the best facts available on the pertinent legal issues are those provided by Tata and UK Steel.

*A. The measures are sufficient to offset dumping*

Tata and UK Steel, key and very experienced parties in the UK steel industry, have provided extensive evidence and proved that the measures are sufficient to offset dumping (namely that the measures have nearly eliminated or eliminated the export of the relevant goods from China and Russia to the UK during the period of investigation). This is uncontested by Severstal as well as the trade associations and officials of the non-UK interested parties.<sup>8</sup>

*B. The measures are necessary to offset dumping*

Tata and UK Steel also have provided solid evidence and proved that the measures are necessary to offset dumping, as the factors listed in the guidance and above strongly suggest dumping would likely resume were the measures revoked (these key factors include production capacity, production levels, conditions in the domestic market, dumping measures in third countries, inventories etc.).<sup>9</sup>

For Russia, with the exception of Severstal (whose evidence only applies to itself and whose reliability is contestable, see below), no overseas exporter has provided *any* evidence on these key factors<sup>10</sup> listed in the guidance and neither has any Russia trade association nor ministry.

UK Steel has provided evidence for China. However, no overseas exporter has provided *any* contrary evidence on these key factors and *neither* has any Chinese trade association or ministry with *one* exception – conditions in the Chinese domestic market (*e.g* the VAT issue) which UK Steel has already rebutted.<sup>11</sup> In any case – conditions in the Chinese domestic market – is only one key factor to be considered. There remains no *evidence or data* by any Chinese interested party on the public record on production levels, production capacity, anti-dumping orders in third countries, and inventories in China.

*C. Whether injury would occur if the measures were no longer applied*

---

<sup>8</sup> For Russia please see Tata's Submission dated 30 September 2021 and uploaded to the public file on 17 November 2021 (in particular see Section IV), for China please see UK Steel's submission dated July 2021 and uploaded on 26 August 2021 (in particular see Section 2.1).

<sup>9</sup> For Russia please see Tata's Submission dated 30 September 2021 and uploaded to the public file on 17 November 2021 (in particular see Section II), for China please see UK Steel's submission dated July 2021 and uploaded on 26 August 2021 (in particular see Sections 2 and 4).

<sup>10</sup> NLMK did provide figures on some of these factors in its Pre-Sampling Questionnaire uploaded to the public file on 26 May 2021. However, as we discuss in Section III, below, given the failure of NLMK to co-operate in the questionnaire and verification process (a serious form of non-cooperation), it is entirely correct and appropriate that the TRA should disregard all information supplied by NLMK, including its Pre-Sampling Questionnaire uploaded to the public file on 26 May 2021, using its powers under regulation 49(1).

<sup>11</sup>. Please see the UK Steel submission uploaded to the public file on 24 November 2021 (in particular Section 1).

Tata and UK Steel have evidenced and proved that the CRS industry in the UK would be further injured if the measures were no longer to apply.<sup>12</sup>

The indisputable reality is that no non-UK party has provided contrary evidence on this issue except to simply claim that the injury would not be worsened by the resumption of dumping because there are other injury factors. However, UK Steel already has rebutted this point.<sup>13</sup>

#### *D. Conclusion*

In the absence of co-operation by overseas exporters (except one) and the absence of evidence from other non-UK interested parties on key issues regarding the necessity of the measure and injury (with two exceptions, above, both rebutted by UK Steel), the best, indeed only, facts available are those submitted by Tata and UK Steel.

### **III. The TRA should disregard the evidence of NLMK because it has not co-operated**

NLMK failed to submit a questionnaire and refused to subject itself to verification without any reason being provided on the public record.

*Under regulation 49(1), “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.... it may disregard the information supplied by that party.”*

NLMK has completely and deliberately failed to co-operate with the TRA by refusing to submit a questionnaire or participate in the verification process. This is not a minor instance of non-cooperation, but the most serious kind – a defiance to TRA seen in a total lack of participation in filing a questionnaire or being subject to the verification process to test the reliability of the NLMK’s evidence including whether its internal cost structure was the result of market forces or whether those costs were, in fact, the result of non-commercial factors. Given the extreme and serious nature of non-cooperation, it is entirely right that the TRA should disregard all information supplied by NLMK, including its submission uploaded to the public file on 29 October 2021, using its powers under regulation 49(1).<sup>14</sup>

### **IV. Severstal’s evidence is limited as it only applies to itself (and no other Russian producers), is flawed and, in any case, also suggests the resumption of dumping were the measures to be revoked**

---

<sup>12</sup> Please see the Questionnaire from Tata Steel uploaded to the public file on 17 November 2021 (in particular see Section E); see also UK Steel’s submission dated July 2021 and uploaded on 26 August 2021 (in particular see Section 3).

<sup>13</sup> Please see the UK Steel submission uploaded to the public file on 24 November 2021 (in particular Sections 2 and 3).

<sup>14</sup> In no sense could it be argued that NLMK has acted to the best of their ability or that it would be unreasonably burdensome for them to co-operate in this regard as it is one of Russia’s largest steel companies and a frequent and robust participant in trade matters around the world.

First, Severstal's evidence applies only to itself and thus cannot be used to infer anything about the production levels, production capacity, domestic pricing and demand for products, inventories etc. for any other companies or Russia more broadly.

Second, there are a number of elements to Severstal's questionnaire which indicate that the response is unreliable. These include the following factors:

- Severstal asserts, without any sufficient support, that it will not sell to the UK in significant quantities were the measure to be lifted, without giving a reason why.<sup>15</sup> The only pseudo reason posited is that the EU will serve the needs of the UK because it is closer to the UK and has lower transport costs.<sup>16</sup> However, we know that before the imposition of the measure, Russia as a whole exported large quantities of CRS to the UK (approximately one fifth to one quarter of all CRS imports into the UK came from Russia from 2012 to 2015).<sup>17</sup> There is no reason to conclude that Russian exporters, including Severstal, will not swamp the market (at dumped prices) if measures were lifted contrary to the assertion of Severstal.
- Severstal acknowledges that the sales of its CRS are subject to various trade remedy orders, including anti-dumping orders. However, Severstal states that that the goods presently subject to review in the UK are '*not affected by these measures*'.<sup>18</sup> This is not true of a number of products. As just one example, Pakistan has an anti-dumping order out against CRS from Russia (which Severstal alludes to)<sup>19</sup>, which includes customs code 7209.1790 (Flat- rolled products of iron or non- alloy steel, in coils, not further worked than cold- rolled (cold- reduced), of a thickness of 0.5 mm or more but not exceeding 1 mm, other).<sup>20</sup> The present UK dumping order also relates to 7209.1790 (Flat-rolled products of iron or non-alloy steel, in coils, not further worked than cold-rolled (cold-reduced) of a thickness of 0,5 mm or more but not exceeding 1 mm, other).<sup>21</sup> Severstal's claim is thus outright wrong.
- The capacity figures proffered by Severstal offer differ from those in the respected industry journal *Metal Expert*. Severstal claims that its capacity utilisation was 89% during the period of investigation.<sup>22</sup> However the figures contained in the well-respected *Metal Expert* suggest that Severstal had a capacity utilisation of only [**Confidential – IP/Commercially Sensitive**].<sup>23</sup> It is unclear if Severstal's self-serving figure is accurate.

---

<sup>15</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Section E.2).

<sup>16</sup> Ibid., Section B1.1.

<sup>17</sup> Please see UK Steel's submission dated July 2021 and uploaded on 26 August 2021 (in particular see Section 2.1).

<sup>18</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Section B1.2).

<sup>19</sup> Government of Pakistan, Notice of Final Determination and Imposition of Definitive Antidumping Duty on Dumped Imports of Cold Rolled Coils/Sheets/Strips into Pakistan Originating in and/ or Exported from Canada and the Russian Federation, <https://ntc.gov.pk/wp-content/uploads/2020/03/Notice-CRC-FD-55.pdf> .

<sup>20</sup> Please see the Pakistan Customs Tariff Schedule, <https://download1.fbr.gov.pk/Docs/2021101313103646911PakistanCustomsTariff-Ch1-97.pdf> or <https://www.fbr.gov.pk/categ/customs-tariff/51149/70853/131188> .

<sup>21</sup> Please see the UK Integrated Online Tariff, <https://www.trade-tariff.service.gov.uk/headings/7209>.

<sup>22</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex D5).

<sup>23</sup> Please see Exhibit 1.

All these points (and more) cast doubt on Severstal's evidence. Tata thus seriously questions the TRA's statement in its verification report that: "*We have a reasonable level of assurance that the information relating to dumping-likelihood factors that we have been provided by the interested party is verifiable and verified. It can therefore be treated as is complete, relevant and accurate and can be used for the purposes of this transition review.*"<sup>24</sup>

Third – even if the TRA does somehow accept Severstal's evidence, though contrary to fact, several of the key factors, discussed above, suggest that Severstal absolutely would dump CRS in the UK were the measures lifted. These include:

- Actual Production Levels remained roughly stable from 2017/18 to the POI. Although, the data does not show the absolute numbers, we know it is substantial using data from Metal Expert ([**Confidential – IP/Commercially Sensitive**]).<sup>25</sup> Given total CRS consumed in the UK stands at [**Confidential – IP/Commercially Sensitive**], Severstal's production dwarfs the UK market – this *increases* the likelihood of dumping
- Capacity Utilisation also *declined* and stood at 89% during the POI which, even if taken at face value, suggests 11% spare capacity. In absolute terms this is substantial given the large production volumes of Severstal. This implies that total capacity was [**Confidential – IP/Commercially Sensitive**] tonnes<sup>26</sup> and that spare capacity was [**Confidential – IP/Commercially Sensitive**] during the POI (around a third of the UK market) – this again *increases* the likelihood of dumping.
- Exports to Third Markets (third-country anti-dumping orders) - Severstal also has anti-dumping orders against it from third countries which we know affect at least some (if not most) of the products currently subject to review.<sup>27</sup> This not only demonstrates Severstal is fully capable of dumping but may also encourage it to dump in the UK (given it has been shut out of so many markets). This is reflected in Severstal's own revenue data for the export of goods subject to review which shows a dramatic decline from an index of 100 in 2017/18 to an index of 25 during the POI.<sup>28</sup> This also is reflected in Severstal's own profit margin for export sales of the goods subject to review which declined by 18% from 2017/18 to the period of investigation.<sup>29</sup> There will undoubtedly be an immense pressure on Severstal to fight aggressively for new CRS markets abroad. The UK will be especially vulnerable if the measures are lifted - this again *increases* the likelihood of dumping.
- Conditions in the Overseas Exporter's Home Market – Please see the points Tata has previously made about the stagnation of domestic consumption and demand in the

---

<sup>24</sup> Please see the TRA Verification Report for Severstal uploaded to the public file on 16 December 2021.

<sup>25</sup> Please see Tata's Submission dated 30 September 2021 and uploaded to the public file on 17 November 2021 (in particular see Section IV.B).

<sup>26</sup> The calculation of total capacity is done as follows [**Confidential – IP/Commercially Sensitive**].

<sup>27</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex B1.2).

<sup>28</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex D1).

<sup>29</sup> Please see Severstal's Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex D11).



Russian CRS market (which is also being eaten up by imports into Russia). These problems will eventually affect Severstal if it has not done so already - this again *increases* the likelihood of dumping.<sup>30</sup>

- Investment – Severstal’s investment figures rise from 100 in 2017/2018 to 3,250 in the period of investigation which will presumably increase Severstal’s capacity in the future as the new capital equipment is brought into production - this again *increases* the likelihood of dumping.<sup>31</sup>
- Other Factors - Please also see the points Tata has previously made on the Russian Export tax which would affect Severstal as well - this again *increases* the likelihood of dumping.<sup>32</sup>
- Inventory – The volume of opening stock held by the company also showed a rise from 2017/18 to 2019/20 (from 100 to 111), before falling in the POI (to 85). This suggests there has been a tendency for stock to rise which increases the likelihood of dumping and injury.<sup>33</sup>

Finally, Tata notes that the TRA spent only 4 working days on the entire verification process for Severstal, one of which was dedicated to a systems walkthrough rather than to actually verifying the data provided by the company. In Tata’s view, the amount of time spent by the TRA on this process is unproportionate to the scope of the verification exercise generally and for Severstal specifically due to the complexity of this company’s structure. While Tata does not in any way doubt the ability of the TRA to carry out rigorous verification of an exporting producer, Tata questions whether such a complex and challenging exercise can be completed in less than a week. Tata wishes to emphasize that investigating authorities worldwide (e.g., the European Commission and the U.S. Department of Commerce) tend to spend at least several weeks on an on-site verification of Severstal and companies of similar size and structure. Given the current travel conditions, Tata understands the difficulties around carrying out an on-site verification in Russia. However, in Tata’s opinion, this warrants an even more scrupulous remote verification exercise. As a result, Tata has serious concerns related to the correctness of information submitted by Severstal as accepted by the TRA.

Given these factors, Tata submits that there is a strong and undeniable likelihood that Severstal, and other Russian producers who refused to participate in this review, would dump its CRS in the UK if the measures were lifted, thereby injuring UK producers such as Tata.

## **V. Conclusion**

---

<sup>30</sup> Please see Tata’s Submission dated 30 September 2021 and uploaded to the public file on 17 November 2021 (in particular see Section IV.C).

<sup>31</sup> Please see Severstal’s Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex D9).

<sup>32</sup> Please see Tata’s Submission dated 30 September 2021 and uploaded to the public file on 17 November 2021 (in particular see Section IV.F).

<sup>33</sup> Please see Severstal’s Questionnaire uploaded to the public file on 22 September 2021 (in particular Annex D6).

In sum, first, all overseas exporters (except for Severstal) have completely failed to co-operate in the transition review by deliberately withholding critical evidence from the TRA. The TRA has no choice but to use its power (under regulation 40(1)) to make an adverse inference, namely to infer that the non-cooperating party has withheld that evidence because it is unhelpful to their case (*e.g.* CRS subject overseas exporters have substantial spare capacity which submission of a questionnaire and verification would prove (had they chosen to respond), CRS overseas exporters have high production levels which submission of a questionnaire and verification would prove (had they chosen to respond) *etc.*)

Second, in the absence of co-operation by exporting parties (except one) and the absence of evidence from any other non-UK interested party parties on relevant issues regarding the necessity of the measure and injury (with two exceptions, above, both rebutted by UK Steel), the best facts available are those submitted by Tata and UK Steel.

Third, given the failure of NLMK to co-operate in the questionnaire and verification process (a serious form of non-cooperation), it is entirely correct and appropriate that the TRA should disregard all information supplied by NLMK, including its submission uploaded to the public file on 29 October 2021, using its powers under regulation 49(1).

Fourth, Severstal's evidence only applies to itself (and no other Russian producer), is flawed and, in any case, also suggests the likelihood of the resumption of dumping were the measures to be revoked.

Tata Steel UK Ltd. reserves the right to make further submissions.

Respectfully submitted,