



Registration Form

For all Interested Parties and contributors

Transition review of anti-dumping measures

Case TD0026: certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the Russian Federation, Ukraine, Federative Republic of Brazil & Islamic Republic of Iran

Period of Investigation:

1 April 2021 – 31 March 2022

Injury Period:

1 April 2018 – 31 March 2022

Deadline for response:

11 July 2022

Case Team Contact:

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Completed on behalf of:

The Ministry of Economic Development of the Russian Federation

Party type (select):

- Contributor
- Government of relevant foreign country or territory (*Interested Party*)
- Trade or business association representing overseas exporters or UK importers of the good(s) subject to review (*Interested Party*)
- Trade or business association representing UK producers of like goods or directly competitive goods (*Interested Party*)
- UK Producer
- Importer
- Overseas Exporter



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Section A – Your organisation’s interest in the case

To register your organisation’s interest in this case, please complete the text boxes below. You should use this form if you are an interested party or contributor including foreign government. For a definition of **goods subject to review**, please refer to the Notice of Initiation.

Please describe your role with regards to the **goods subject to review**:

The Ministry of Economic Development of the Russian Federation (‘the Ministry’) is the public authority. One of the key functions of the Ministry is to develop effective state policy and regulation in the field of foreign economic activity. To fulfill it the Ministry needs to create favorable conditions for Russian economic operators’ foreign trade activities.

Please describe your interest in this case:

Goals of the Ministry include securing non-discriminatory and favourable conditions for Russian exporters on foreign markets and ensuring due compliance of all procedures in their respect with the rules of the World Trade Organization (WTO).



Section B – Additional information

A. Unclear subject of the review

As it follows from the heading of the Notice of Initiation, as well as the template of the present registration form and from other documents issued in the context of the initiated review, the present review is a “Transition Review” of anti-dumping measures on certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the Russian Federation, Ukraine, Federative Republic of Brazil & Islamic Republic of Iran. Thus, the language of the said documents suggests that the present review is a transition review which is regulated in the UK legal system under paragraph 98 (6) of The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (Regulation 2019).

According to paragraph 98 (6) of the Regulation 2019 “A transition review in respect of an anti-dumping amount applicable to goods is a review to consider whether—

(a) the continuing application of that amount is necessary or sufficient to offset the dumping of the relevant goods in the United Kingdom; and

(b) there would be injury to the UK industry in those goods if an anti-dumping amount were no longer to apply to those goods.”

However, according to the Notice of Initiation, the matters the UK Trade Remedies Authority (hereinafter Authority) will consider during this review will include:

- whether the dumping of the goods subject to review would be likely to continue or recur if the anti-dumping amount were no longer applied to those goods; and
- whether injury to the UK industry in the relevant goods would be likely to continue or recur if the anti-dumping amount were no longer applied to those goods.

Even though the Notice of Initiation includes a reservation that the review will not necessarily be limited by the said matters, these matters are the only ones explaining the scope of the present review. In such situation, the said difference between the scope of the review as explained in the notice of initiation and the scope which could be expected based on the applicable legislation. This difference leaves interested parties no sufficient clarity as to:

- what are the exact legal grounds of the review (should it be paragraph 98 (6) of Regulation 2019, Article 11.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (hereinafter – ADA) or any provision of the UK legislation relevant thereto, or some other legal provision);
- what exactly do the Authority intends to do within the current review (e.g. will the Authority make any reassessment of the dumping margins or conduct a “continuation or recurrence” analysis that is usual for expiry reviews, how comprehensive their analysis will be, etc.).

The Ministry of Economic Development of the Russian Federation (hereinafter – the Ministry) believes that this lack of sufficient clarity hinders effective preparation of the interested parties for the review and deprives them of full opportunity for the defense of their interests.

As for the expected scope of the review, the Ministry draws the attention of the Authority to the following.

The United Kingdom is an independent WTO member after Brexit. The Ministry fails to see any WTO rule permitting the UK to apply a trade remedy measure of another WTO member, in particular the EU. For this reason, should the UK need to apply a trade remedy measure which was in force in it as an EU Member, the UK needs to conduct an anti-dumping analysis equal to an original anti-dumping investigation.



Use the box at the end of this section to provide any other relevant information which you think would be useful to help our investigation.

To recall, according to the Article 1 of the ADA “An anti dumping measure shall be applied only under the circumstances provided for in Article VI of GATT 1994 and pursuant to investigations initiated and conducted in accordance with the provisions of this Agreement.” Therefore the importing WTO Member may impose anti-dumping duties on dumped imports only if it meets following requirements, stipulated in the ADA:

- anti-dumping investigation has been duly conducted in compliance with Article 5 of the ADA,
- has been established that there are dumped imports which cause or threaten to cause material injury to the domestic industry.

Therefore, application of anti-dumping measures on HRFS (certain hot-rolled flat products of iron, non-alloy or other alloy steel) in the UK can be justified only if

- 1) full comprehensive analysis, during which all requirements of the ADA had been met, has been completed;
- 2) as a result of such analysis the Authority has established:
 - a) existence of dumping to the UK in accordance with Article 2 of the ADA;
 - b) presence of material injury or a threat of such injury to the UK HRFS industry in accordance with Article 3 of the AD Agreement;
 - c) the causal link between dumping and injury (or a threat of injury) in accordance with Article 3 of the ADA.

Such a thorough analysis of the situation in the UK HRFS market has not been conducted yet. The measure was originally introduced after investigation of dumping and its effects on the HRFS industry of the EU as a whole.

The determinations and conclusions made during the EU anti-dumping procedures cannot be used for the purposes of current procedure, because the situation in the UK has not been specifically analyzed during the original investigation by the EU (or, at least, the Ministry fails to see any evidence of such analysis).

In light of the aforesaid, the review type chosen by the Authority in order to determine if application of the measure necessary, does not release the UK from the obligation to assess all of the abovementioned factors in relation to the UK HRFS market.

Without such an analysis of dumping, injury and a causal link specific to the UK only any decision to continue application of the measure in the UK territory will be fundamentally inconsistent with Articles 2 and 3 of the ADA.

B. Other factors caused alleged injury for UK industry

We would like to draw the Authority’s attention to the impact of the general economic situation in the UK on the UK steel manufacturers, including pandemic restrictions, Brexit and significant reduction in demand of steel. According to the Tata Steel UK Limited Annual Report 2020-21 “*In the first quarter of the 2020/21 financial year, demand for the Company’s steel products was down by about 20% due to COVID-19 with certain sectors such as automotive experiencing a sharper decline than others, such as packaging , where demand was largely unaffected*”. “*However, the impact of Brexit along with the ongoing pandemic did result in some major challenges particularly in logistics and haulage where demand out stripped supply/ This remains an ongoing challenge and the Company estimates that process and transport costs have increased by around 15% because of Brexit.*”

<https://www.tatasteleurope.com/sites/default/files/Tata%20Steel%20UK%20Limited%20Annual%20Report%202020-21.pdf>



In our opinion, possible continued application of anti-dumping measure on HRFS in the UK, as well as safeguard measure on steel (72 and 73 groups), cause shortages and complicate economic recovery amid COVID-19 pandemic. This can be further illustrated by the fact that *“British manufacturers have called on the government to allow them to import more steel products without paying tariffs because domestic suppliers have failed to meet demand, leaving them facing 25% duties on a key raw material.”*

<https://www.reuters.com/markets/europe/uk-manufacturers-decry-tariffs-say-steelmakers-cannot-meet-demand-2022-06-29/>.

We ask the Authority to take into consideration the interests of the UK steel consumers that have been already suffering from sharp increase of HRFS prices and shortages for a long time.

C. Lack of injury from the Russian imports

The Ministry would like to emphasize that Russian imports into UK do not have opportunity for renewal due to the sanctions and other restrictions imposed by the UK on the Russian exports.

Thus, it can be concluded that there is no background for continuation or recurrence of injury to the British industry because of Russian imports.