



C/2024/7515

17.12.2024

Notice of initiation concerning a functioning review of the safeguard measure applicable to imports of certain steel products

(C/2024/7515)

On 31 January 2019, the European Commission ('the Commission') imposed a definitive safeguard measure on certain steel products (the 'Definitive Safeguard Regulation')⁽¹⁾. The safeguard measure was imposed for an initial period of three years, but was prolonged until 30 June 2024 after a prolongation review investigation⁽²⁾. On 24 June 2024, a second prolongation review of the steel safeguard measure was completed, resulting in its further extension until 30 June 2026⁽³⁾.

The measure currently in force consists of a tariff-rate quota ('TRQ'), based on historical trade flows, which is applicable to imports into the Union of each of the 26 product categories comprising the product concerned. Where the relevant TRQ is exhausted, an out-of-quota duty of 25 % is levied.

1. Request for a functioning review

On 29 November 2024, the Commission received a substantiated request by 13 Member States to initiate a functioning review pursuant to Article 20 of Regulation (EU) 2015/478 of the European Parliament and of the Council⁽⁴⁾ and Article 16 of Regulation (EU) 2015/755 of the European Parliament and of the Council⁽⁵⁾.

The request contains evidence of a change of circumstances since the last review of the measure. In particular, the request contains information regarding the contraction in Union demand for steel, resulting in widening gaps with the current level of duty-free quota volumes. Moreover, China's steel export surges to major regions have pushed exports from other markets to the EU. According to the request, this calls for a reassessment of the allocation and management of the tariff-rate quotas. In view of Article 20 of Regulation (EU) 2015/478 of the European Parliament and of the Council and Article 8 of Commission Implementing Regulation (EU) 2019/159, the Commission considered that the information provided, including the sources and supporting evidence, constitute a sufficient basis to initiate an investigation.

2. Scope and objective of the investigation

The Commission will assess, based on the evidence submitted by interested parties, whether any adjustment to the measure may be warranted to keep its operation adapted to market evolution and in line with the interest of all stakeholders. Such adjustments relate to the following matters: (i) allocation and management of tariff-rate quotas; (ii) crowding out of traditional trade flows; (iii) update of the list of developing WTO Member countries excluded from the scope of the measures based on their most recent level of imports (the year 2024); (iv) the level of liberalisation; and (v) other changes of circumstances that may require an adjustment to the level or allocation of the tariff-rate quota.

3. Product under investigation

The product under investigation consists of certain steel products as listed in the Annex to this Notice.

⁽¹⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27, ELI: http://data.europa.eu/eli/reg_impl/2019/159/oj).

⁽²⁾ Commission Implementing Regulation (EU) 2021/1029 of 24 June 2021 amending Commission Implementing Regulation (EU) 2019/159 to prolong the safeguard measure on imports of certain steel products (OJ L 225 I, 25.6.2021, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2021/1029/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2024/1782 of 24 June 2024 amending Implementing Regulation (EU) 2019/159, including the prolongation of the safeguard measure on imports of certain steel products (OJ L, 2024/1782, 25.6.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1782/oj).

⁽⁴⁾ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16, ELI: <http://data.europa.eu/eli/reg/2015/478/oj>).

⁽⁵⁾ Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33, ELI: <http://data.europa.eu/eli/reg/2015/755/oj>).

4. Procedure

Having determined that there is sufficient evidence at its disposal, the Commission hereby initiates an investigation to determine whether certain adjustments to the measure would be justified.

4.1. Questionnaire for Union producers

Union producers are requested to fill in and submit the questionnaires, through their respective Union associations where appropriate, by 10 January 2025. A template of the relevant questionnaire is available at: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2772>.

4.2. Questionnaire for Union users

Union users are requested to fill in and submit the questionnaires, through their respective Union associations where appropriate, by 10 January 2025. A template of the relevant questionnaire is available at: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2772>.

4.3. Written submissions

In order to obtain all relevant information deemed necessary for the investigation, interested parties, i.e. parties that have an objective link between their activities and the product under investigation, are hereby invited to make their views known, submit information and provide supporting evidence to the Commission in writing. All written submissions are to be made via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>). The deadline to submit written submissions is 10 January 2025. See Section 4.6 for further details.

Interested parties are requested to structure their submissions, indicating which product category(ies) is (are) concerned, and whether they relate to the level of TRQs, the allocation of TRQs, or other issues pertaining to quota management.

For the sake of efficiency, and as it has done in previous review investigations, the Commission will automatically extend the status of interested party to all stakeholders that hold such status under the current safeguard measure. However, this provision will not apply to Powers of Attorney ('PoA').

For those companies, associations or third country governments that wish to participate in the proceeding triggered by the publication of this Notice through external legal representatives, presentation of a PoA specific to this proceeding is necessary.

Parties wishing to participate in the proceeding and which are currently not registered as interested parties to the case are invited to explain their interest and links with the case when making a submission via TRON.

4.4. Possibility to comment on other parties' submissions

To guarantee the rights of defence, interested parties should have the possibility to comment on the information submitted by other interested parties. When doing so, interested parties may only address the issues raised in the other interested parties' submissions and may not raise new issues. In a rebuttal, interested parties should indicate specifically which party(-ies) comments they are rebutting, and follow the same structure as mentioned under the above heading.

Such comments must reach the Commission within 10 days from the moment the submissions mentioned in section 4.3 are made available for inspection by interested parties in TRON. The Commission will duly inform interested parties, via TRON, when the rebuttal stage is triggered.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

Given the need to complete the review in a short timeframe – see Section 5 below– and the fact that interested parties will be given the possibility to comment on other parties’ submissions, which will ensure sufficient opportunities to defend their rights, the Commission will not organise hearings for the purpose of this investigation, unless exceptional circumstances so require.

4.5. *Submission of information and extension of time limits specified in this Notice*

As a rule, interested parties may only submit information within the timeframes specified in this Notice. Any extension of the time limits provided for in this Notice can only be requested in exceptional circumstances and will only be granted if duly justified. Duly justified exceptional extensions of the deadline to make a submission will normally be limited to 3 additional days as a maximum.

Interested parties are requested not to provide further information outside the periods set out in this Notice or in any further communication sent by the Commission. In order to properly conclude the investigation on time, any submission, rebuttal or any other written document which does not respect the deadlines specified by the Commission may be disregarded.

4.6. *Instructions for making written submissions and correspondence*

Information submitted to the Commission for the purpose of a trade defence proceeding shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions provided by interested parties for which confidential treatment is requested shall be labelled ‘Sensitive’⁽⁶⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing ‘Sensitive’ information are required to furnish non-confidential summaries of it pursuant to Article 8 of EU Regulation 2015/478 and Article 5 of EU Regulation 2015/755, which will be labelled ‘For inspection by interested parties’. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence and must reach the Commission at the same time of the ‘Sensitive’ version.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including scanned powers of attorney. By using TRON.tdi or e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document ‘CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES’ published on the website of the Directorate-General for Trade: <https://europa.eu/!7tHpY3>. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi, interested parties should consult the communication instructions with interested parties referred to above.

⁽⁶⁾ A ‘Sensitive’ document is a document which is considered confidential pursuant to Article 8 of Regulation (EU) 2015/478, Article 5 of Regulation (EU) 2015/755 and Article 3.2 of the WTO Agreement on Safeguards. It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G, unit G5
Office: CHAR 03/66
1049 Bruxelles/Brussel
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TRON.tdi: <https://tron.trade.ec.europa.eu/tron/TDI>

Email address: TRADE-SAFE009-REVIEW@ec.europa.eu

5. **Schedule of the investigation**

The Commission will conclude the review investigation by 31 March 2025. Any decision resulting from this proceeding may become applicable as of the start of a new quarter (1 April 2025), including with a new TRQ volume.

6. **Non-Cooperation**

In cases where any interested party does not provide the necessary information within the time limits, or significantly impedes the investigation, findings may be made on the basis of facts available, in accordance with Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755. Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

7. **Hearing Officer**

The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

Interested parties may request an intervention of the Hearing Officer. In principle, these interventions shall be limited to the issues that have arisen during the current review proceeding.

A request for an intervention of the Hearing Officer should be made in writing and should specify the reasons for the request. Where such requests are submitted outside the relevant timeframes in Section 4.3 of this Notice, the Hearing Officer may also examine the reasons for such late requests, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: https://policy.trade.ec.europa.eu/contacts/hearing-officer_en.

8. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council (7).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's website: <https://europa.eu/!vr4g9W>.

(7) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

ANNEX

Product category number	Product category
1	Non Alloy and Other Alloy Hot Rolled Sheets and Strips
2	Non Alloy and Other Alloy Cold Rolled Sheets
3.A	Electrical Sheets (other than GOES)
3.B	
4.A	Metallic Coated Sheets
4.B	
5	Organic Coated Sheets
6	Tin Mill products
7	Non Alloy and Other Alloy Quarto Plates
8	Stainless Hot Rolled Sheets and Strips
9	Stainless Cold Rolled Sheets and Strips
10	Stainless Hot Rolled Quarto Plates
12	Non Alloy and Other Alloy Merchant Bars and Light Sections
13	Rebars
14	Stainless Bars and Light Sections
15	Stainless Wire Rod
16	Non Alloy and Other Alloy Wire Rod
17	Angles, Shapes and Sections of Iron or Non Alloy Steel
18	Sheet Piling
19	Railway Material
20	Gas pipes
21	Hollow sections
22	Seamless Stainless Tubes and Pipes
24	Other Seamless Tubes
25A	Large welded tubes
25B	
26	Other welded pipes
27	Non-alloy and other alloy cold finished bars
28	Non Alloy Wire