

# TRADE

## Newsletter

### The three steel anti-dumping investigations initiated on Saturday, 13 February 2016

The European Commission has initiated three new anti-dumping cases against Chinese products; more investigations may follow.

#### Who needs advice

First of all, the Chinese exporters of the mentioned products. An anti-dumping duty will be calculated using at least part of their data; therefore their participation in the investigation is decisive. Second, the importers need advice. If an anti-dumping duty is imposed, it is the importer who pays the duty. Moreover, they usually have the best market knowledge, which helps to defend the case on injury grounds.

#### What needs to be done

Exporters and importers must reply to the sampling questionnaire by 29 February 2016. Otherwise, it will be nearly impossible for them to participate in the investigation. If the exporter or importer is selected for the investigation, it will have to reply to a long list of questions. In addition, officials of the European Commission will audit the data. We assist during the entire investigation with our specialist lawyers and accountants.

Exporters and importers can also comment on the complaint and the investigation (so-called injury and EU interest submission). In many cases, the Chinese industry association takes care of this.

#### Why participate?

Exporters and importers have a strong interest in cooperating with the European Commission. If they do not, they will receive the highest duty.

#### Why choose BEITEN BURKHARDT?

In the last 26 years, we have advised exporting producers, importers and European companies in nearly hundred trade cases. In addition, we have been chosen by the European Commission's

Legal Service and the Council's Legal Service as external lawyers in more than twenty cases. The team leader, Rainer Bierwagen, has been mentioned for more than ten years as one of the leading trade lawyers in the publication "World's Leading Trade Lawyers", entry into which you cannot buy. Our offices in China would together with a Chinese trade specialist and accounting specialists in Beijing assist on all Chinese-specific aspects of the case.

Our team would provide the best available support in terms of technical expertise and influence at the political level.

#### Basic information on the three steel cases

##### 1. Anti-dumping proceeding concerning imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China

(See: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213(02)&from=EN))

The product subject to this investigation is certain flat-rolled products of iron, non-alloy steel or other alloy steel (not including stainless steel), whether or not in coils (including products cut-to-length and 'narrow strip'), not further worked than hot-rolled (hot-rolled flat), not clad, plated or coated, excluding grain-oriented silicon electrical steel. The products are classified within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 99, 7208 53 90, 7208 54 00, 7211 14 00, 7211 19 00, 7225 19 10, 7225 30 10, 7225 30 30, 7225 30 90, 7225 40 12, 7225 40 15, ex 7225 40 60, 7225 40 90, 7226 19 10, ex 7226 20 00, 7226 91 20, 7226 91 91 and 7226 91 99. These CN codes are given for information only. The first six digit codes are the same in China, but the following digits can be different.

Given that the People's Republic of China is considered to be a non-market economy country, the normal value for the imports from the People's Republic of China will be established on the basis of the price in market economy third countries. The United States of America are proposed as analogue country. Exporters and importers can comment on the choice by 23 February 2016. Exporters can also request market economy treatment; however, the chances to obtain market economy treatment for steel products are small.

In view of the potentially large number of exporting producers in the People's Republic of China involved in this proceeding, the



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European Commission will limit the investigation to a sample of the largest exporters and the largest importers. If the exporter and/or importer wishes to influence the investigation, they will have to reply to the sampling questionnaire by 29 February 2016. The questionnaire is in Annex I to the notice of initiation for exporters and Annex II for importers.

### 2. Notice of initiation of an anti-dumping proceeding concerning imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China

(See: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213\(03\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213(03)&from=EN))

The product subject to this investigation is flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more. The products are classified within CN codes 7208 51 20, 7208 51 91, 7208 51 98, 7208 52 91, ex 7208 90 20, ex 7208 90 80, 7225 40 40, ex 7225 40 60 and ex 7225 99 00. These CN codes are given for information only. The first six digit codes are the same in China, but the following digits can be different.

Given that the People's Republic of China is considered to be a non-market economy country, the normal value for the imports from the People's Republic of China will be established on the basis of the price in market economy third countries. The United States of America are proposed as analogue country. Exporters and importers can comment on the choice by 23 February 2016. Exporters can also request market economy treatment; however, the chances to obtain market economy treatment for steel products are small.

In view of the potentially large number of exporting producers in the People's Republic of China involved in this proceeding, the European Commission will limit the investigation to a sample of the largest exporters and the largest importers. If the exporter and/or importer wishes to influence the investigation, they will have to reply to the sampling questionnaire by 29 February 2016. The questionnaire is in Annex I to the notice of initiation for exporters and Annex II for importers.

### 3. Notice of initiation of an anti-dumping proceeding concerning imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross section, of an external diameter exceeding 406,4 mm, originating in the People's Republic of China

(See: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213\(04\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0213(04)&from=EN))

The product subject to this investigation is certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stain-

less steel), of circular cross section, of an external diameter exceeding 406,4 mm. The products are classified within CN codes 7304 19 90, 7304 29 90, 7304 39 98 and 7304 59 99. These CN codes are given for information only. The first six digit codes are the same in China, but the following digits can be different.

Given that the People's Republic of China is considered to be a non-market economy country, the normal value for the imports from the People's Republic of China will be established on the basis of the price in market economy third countries. The United States of America are proposed as analogue country. Exporters and importers can comment on the choice by 23 February 2016. Exporters can also request market economy treatment; however, the chances to obtain market economy treatment for steel products are small.

In view of the potentially large number of exporting producers in the People's Republic of China involved in this proceeding, the European Commission will limit the investigation to a sample of the largest exporters and the largest importers. If the exporter and/or importer wishes to influence the investigation, they will have to reply to the sampling questionnaire by 29 February 2016. The questionnaire is in Annex I to the notice of initiation for exporters and Annex II for importers.



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