C/2023/591

6.11.2023

Notice concerning the creation of certain Tariff Rate Quotas under the steel safeguard measure in connection to the amendment to Regulation (EU) 2020/2170

(C/2023/591)

On 31 January 2019, the European Commission ('the Commission') imposed a definitive safeguard measure on certain steel products (the 'Definitive Safeguard Regulation') ([1]).

On 3 October 2023, the Commission adopted a delegated act as regards the application of Union tariff rate quotas and other import quotas to certain products transferred to Northern Ireland ([2]). According to this act certain steel products originating in the United Kingdom and consigned directly from other parts of the United Kingdom into Northern Ireland should be allowed to benefit from the relevant Union Tariff Rate Quotas ('TRQs') when transferred to Northern Ireland. In the event that the European Parliament and the Council do not submit objections within 2 months, this is, by 3 December 2023, the steel safeguard measure would need to be amended by creating dedicated TRQs for transfers of certain steel product categories, as covered in the delegated act adopted by the Commission, which originate in the United Kingdom and are consigned directly from other parts of the United Kingdom into Northern Ireland.

1. Product scope

The amendment to the steel safeguard measure concerns five product categories: Stainless Hot Rolled Sheets and Strips ([3]) (category 8), Stainless Cold Rolled Sheets and Strips ([4]) (category 9), Rebars ([5]) (category 13), Large Welded Tubes ([6]) (category 25A) and Non-Alloy Wire ([7]) (category 28).

2. Scope of the proceeding

The scope of this proceeding is limited to the creation of five dedicated TRQs for transfers of categories 8, 9, 13, 25A and 28 originating in the United Kingdom and consigned directly from other parts of the United Kingdom into Northern Ireland.

3. Methodology

The Commission considers that the most appropriate methodology to calculate the volume for these new TRQs should be the following:

(a) To use the statistical data available ([8]) for the period 1 January 2021 to 31 December 2022;

(b) To annualize the data to obtain the volume that would constitute the TRQ for a year;

(c) To allocate the volumes quarterly proportionate to the number of days in each quarter.

In light of the above methodology, Annex I to this Notice contains the resulting TRQ volumes per product category and origin on an annual basis.

([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).

([2]) Commission Delegated Regulation of 3 October 2023 amending the Annex to Regulation (EU) 2020/2170 of the European Parliament and of the Council as regards the application of Union tariff rate quotas and other import quotas to certain steel products transferred to Northern Ireland (C(2023) 6691) (not yet published in the Official Journal).

([3]) CN codes (for information): 7219 11 00, 7219 12 10, 7219 12 90, 7219 13 10, 7219 13 90, 7219 14 10, 7219 14 90, 7219 22 10, 7219 22 90, 7219 23 00, 7219 24 00, 7220 11 00, 7220 12 00.

([4]) CN codes (for information): 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20, 7220 90 80.

([5]) CN codes (for information): 7214 20 00, 7214 99 10.

([6]) CN codes (for information): 7305 11 00, 7305 12 00.

([7]) CN codes (for information): 7217 10 10, 7217 10 31, 7217 10 39, 7217 10 50, 7217 10 90, 7217 20 10, 7217 20 30, 7217 20 50, 7217 20 90, 7217 30 41, 7217 30 49, 7217 30 50, 7217 30 90, 7217 90 20, 7217 90 50, 7217 90 90.

([8]) Data available from the electronic system set up on the basis of Articles 55 and 56 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015.

3.1. ***Written submissions***

The Commission invites interested parties to comment exclusively on the proposed new TRQs resulting from the adaptation. The scope of the comments shall be limited to the methodology applied in order to adapt the TRQs.

Any submission, and supporting evidence, must reach the Commission within **10 days** of the date of publication of this Notice in the *Official Journal of the European Union*.

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

As a rule, interested parties may only submit information within the timeframes specified in this Notice. Any extension to 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 to the deadline to make submission will normally be limited to **3 additional days**.

3.3. ***Instructions for making written submissions***

In order to ensure consistency amongst submissions and their swift handling and assessment, the Commission has designed a **Template that parties must use when submitting their comments**. The template is available as Annex II to this Notice.

Information submitted to the Commission for the purpose of 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 'Limited' ([9]). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 8 of Regulation (EU) 2015/478 ([10]) and Article 5 of Regulation (EU) 2015/755 ([11]), 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 'Limited' 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: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf

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.

([9]) A 'Limited' 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).

([10]) OJ L 83, 27.3.2015, p. 16.

([11]) OJ L 123, 19.5.2015, p. 33.

Commission address for correspondence:

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4. **Schedule**

The objective is that the amendment of the EU steel safeguard measure would be in place as of 1 January 2024.

5. **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 may arise during the current proceeding.

A request for an intervention of the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for 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: http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/

6. **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 ([12]).

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: http://trade.ec.europa.eu/doclib/html/157639.htm

([12]) 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).

ANNEX I

VOLUMES OF TARIFF–RATE QUOTAS

Product Number	Product category	CN Codes	Allocation by country (Where Applicable)	Year 6		Additional duty rate
				From 1.1.2024 to 31.3.2024	From 1.4.2024 to 30.6.2024	
8	Stainless Hot Rolled Sheets and Strips	7219 11 00, 7219 12 10, 7219 12 90, 7219 13 10, 7219 13 90, 7219 14 10, 7219 14 90, 7219 22 10, 7219 22 90, 7219 23 00, 7219 24 00, 7220 11 00, 7220 12 00	Other countries	108 314,26	108 314,26	25 %
			United Kingdom (to Northern Ireland from other parts of the United Kingdom)	13,13	13,13	25 %
9	Stainless Cold Rolled Sheets and Strips	7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20, 7220 90 80	Korea, Republic of	49 010,58	49 010,58	25 %
			Taiwan	45 449,15	45 449,15	25 %
			India	30 376,69	30 376,69	25 %
			South Africa	26 432,63	26 432,63	25 %
			United States	24 714,52	24 714,52	25 %
			Turkey	20 565,57	20 565,57	25 %
			Malaysia	13 029,20	13 029,20	25 %
			Other countries	52 263,55	52 263,55	25 %
			United Kingdom (to Northern Ireland from other parts of the United Kingdom)	30,76	30,76	25 %

13	Rebars	7214 20 00, 7214 99 10	Turkey	93 208,76	93 208,76	25 %
			Russian Federation	not applicable	not applicable	25 %
			Ukraine	43 393,39	43 393,39	25 %
			Bosnia and Herzegovina	33 531,95	33 531,95	25 %
			Moldova, Republic of	28 025,13	28 025,13	25 %
			Other countries	136 103,03	136 103,03	25 %
			United Kingdom (to Northern Ireland from other parts of the United Kingdom)	2 127,24	2 127,24	25 %
25.A	Large welded tubes	7305 11 00, 7305 12 00	Other countries	118 743,72	118 743,72	25 %
			United Kingdom (to Northern Ireland from other parts of the United Kingdom)	13,70	13,70	25 %
28	Non Alloy Wire	7217 10 10, 7217 10 31, 7217 10 39, 7217 10 50, 7217 10 90, 7217 20 10, 7217 20 30, 7217 20 50, 7217 20 90, 7217 30 41, 7217 30 49, 7217 30 50, 7217 30 90, 7217 90 20, 7217 90 50, 7217 90 90	Belarus	not applicable	not applicable	25 %
			China	77 963,72	77 963,72	25 %
			Russian Federation	not applicable	not applicable	25 %
			Turkey	50 733,63	50 733,63	25 %
			Ukraine	38 259,97	38 259,97	25 %
			Other countries	48 776,62	48 776,62	25 %
			United Kingdom (to Northern Ireland from other parts of the United Kingdom)	187,47	187,47	25 %

ANNEX II

TEMPLATE FOR SUBMISSIONS

1. In case you have any comments regarding the methodology explained in Section 3 of the Notice, please explain, **in the Box below and in a maximum of two pages**, the reasons therefor and provide an alternative methodology. If you wish to provide the Commission with an alternative methodology to calculate the TRQ volumes, please attach the resulting revised calculations **in a separate Excel file**.

2. I attach a separate Excel calculations file (tick the box where appropriate)

A) Reasons for an alternative methodology:

B) Alternative methodology: