

MOFCOM Announcement No. 22 of 2022 on the final determination of the expiry review of the anti-dumping measures against Grain Oriented Flat-rolled Electrical Steel originating from Japan, South Korea, and the EU

<http://gpj.mofcom.gov.cn/article/cs/202207/20220703335084.shtml>

On 23 July 2016, the Ministry of Commerce published the Announcement No. 33 of 2016, deciding to impose anti-dumping measures on the imports of Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU for 5 years as of 23 July 2016. The dumping margins are 39.0% - 45.7% for Japanese companies, 37.3% for South Korean companies, and 46.3% for EU companies. On 5 June 2018, the Ministry of Commerce published the Announcement No. 11 of 2018, deciding to accept the application of price commitment from POSCO and to implement this price commitment as of 9 June 2018. From the date of implementation, the anti-dumping measures shall be terminated on the Grain Oriented Flat-rolled Electrical Steel from POSCO.

On 29 January 2021, the Ministry of Commerce published the Announcement No. 3 of 2021, in accordance with which, after the end of the Brexit transition period on 31 December 2020, the trade remedy measures previously implemented for the EU will continue to apply to the EU and the UK, with the implementation period unchanged; after that date, the UK will no longer be treated as a member state of the EU in the trade remedy investigation and review cases newly initiated against the EU.

On 23 July 2021, following the application of China's industry of Grain Oriented Flat-rolled Electrical Steel, the Ministry of Commerce published the Announcement No. 16 of 2021, and decided, as of 23 July 2021, to initiate an expiry review of the anti-dumping measures against the imports of Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU. The applicant did not apply for expiry review of the anti-dumping measures against the import of Grain Oriented Flat-rolled Electrical Steel originating from the UK. As of 23 July 2021, the anti-dumping measures against the import of Grain Oriented Flat-rolled Electrical Steel originating from the UK shall be terminated.

The Ministry of Commerce conducted an investigation in the possibility that the dumping and damage of the imported Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU to the domestic Grain Oriented Flat-rolled Electrical Steel industry will continue or reoccur if the anti-dumping measures were terminated, and made final determination of the expiry review (see annex) in accordance with Article 48 of *Anti-Dumping Regulation of the People's Republic of China* (hereafter referred to as *Anti-Dumping Regulation*). The relevant matters are hereby announced as follows:

I. Determination of the final review

The Ministry of Commerce determined that if the anti-dumping measures were terminated, the dumping of the imported Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU to China will continue or reoccur, and the damage to the domestic Grain Oriented Flat-rolled Electrical Steel industry will continue or reoccur.

II. Anti-dumping measures

In accordance with the provisions of Article 50 of *Anti-Dumping Regulation*, and based on the investigation result, the Ministry of Commerce submitted the proposal to continue the implementation of the anti-dumping measures to the Tariff Committee of the State Council. According to the proposal of the Ministry of Commerce, the Tariff Committee of the State Council decided, as of 23 July 2022, to continue to impose anti-dumping measures on the imports of Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU for 5 years.

The scope of products subject to anti-dumping duties is the products to which the original anti-dumping measures apply, which is consistent with the scope of products in the Ministry of Commerce Announcement No. 33 of 2016. Details are as follows:

Name of the investigated product: Grain Oriented Flat-rolled Electrical Steel, "GOES."

Detailed description: The silicon content of Grain Oriented Flat-rolled Electrical Steel shall be at least 0.6% by weight, the carbon content shall not exceed 0.08%, and the aluminum content may not exceed 1.0%. The proportion of other elements does not make it have the characteristics of other alloy steels; The thickness does not exceed 0.56 mm; In roll shape, it can be any width; If it is in plate shape, its width is at least ten times of its thickness.

The product is included in the *Import and Export Tariff of the People's Republic of China (2022)*: 72251100 and 72261100.

The continued imposition of tariff rates remain the same with the provisions of the Ministry of Commerce Announcement No. 33 of 2016.

During the investigation, NIPPON STEEL CORPORATION submitted an application to the investigating authority, claiming that Nippon Steel & Sumitomo Metal Corporation changed name to NIPPON STEEL CORPORATION on 1 April 2019, and requesting the investigating authority to use the changed company name instead of the original name in the final determination of the expiry review. After review, the investigating authority decided to accept the company's application for name change and agreed that Nippon Steel Corporation would inherit the 45.7% anti-

dumping margin and other rights and obligations applied to Nippon Steel & Sumitomo Metal Corporation in the original anti-dumping measures. Grain Oriented Flat-rolled Electrical Steel exported to China under the name of Nippon Steel & Sumitomo Metal Corporation shall be subject to the 45.7% anti-dumping margin applicable to “other Japanese companies” in the original anti-dumping measures.

Details are as follows:

Japanese companies:

1. JFE Steel Corporation	39.0%
2. NIPPON STEEL CORPORATION	45.7%
3. All others	45.7%

South Korean companies:

1. The anti-dumping margin for POSCO is 37.3%. The Ministry of Commerce decided to continue to implement the price commitment on the imported investigated products by POSCO as of 23 July 2022 in accordance with the Ministry of Commerce Announcement No. 11 of 2018. Unless suspended in advance, the price commitment shall be valid until the date of termination of this anti-dumping measure. During the implementation of the price commitment, the Grain Oriented Flat-rolled Electrical Steel imported from POSCO will not be subject to anti-dumping duties. In case of violation of the price commitment or other circumstances of terminating the price commitment, anti-dumping duties shall be levied at the above margin.

2. All others	46.3%
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EU companies:	46.3%
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III. Collection of anti-dumping measures

As of 23 July 2022, importers who import Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU shall pay applicable anti-dumping duties to the Customs of the People’s Republic of China. Anti-dumping duties shall be assessed ad valorem, with the taxable value being the price CIF on the basis of the transaction price examined and ratified by the Customs; the formula for imposition is : level of anti-dumping duty = customs dutiable value X rate of anti-dumping duty. Sectoral import VAT shall be assessed ad valorem, with the taxable value being the price CIF with is on the basis of the transaction price examined and ratified by the Customs, plus duties and anti-dumping duties.

IV. Administrative review and administrative litigation

In accordance with the provisions of Article 53 of the *Anti-dumping Regulation of the People's Republic of China*, those who do not accept the final determination of the expiry review may lawfully apply for administrative review, and may also lawfully lodge a case with the People's Court.

The notice should be taken into force as of 23 July 2022.

Annex: The determination of the Ministry of Commerce on the final review of the anti-dumping measures against Grain Oriented Flat-rolled Electrical Steel originating in Japan, South Korea, and the EU

Ministry of Commerce
22 July 2022