



Notice of initiation of a safeguard investigation concerning imports of manganese and silicon-based alloying elements

(C/2024/7541)

The European Commission ('the Commission') has received a request from some Member States to initiate a safeguard investigation. The analysis of the information provided shows that there is sufficient evidence that the trend in imports of certain silicon and manganese based alloying elements and the conditions in which they take place appear to call for safeguard measures. The Commission has therefore decided to initiate a safeguard investigation, pursuant to Article 5 of Regulation (EU) 2015/478 of the European Parliament and of the Council ⁽¹⁾ and Article 3 of Regulation (EU) 2015/755 of the European Parliament and of the Council ⁽²⁾.

1. PRODUCT UNDER INVESTIGATION

The product subject to this investigation is manganese and silicon-based alloying elements (the 'products concerned'). The product concerned, together with the HS/CN codes within which it is currently classified, are listed in the Annex to this Notice. Those HS/CN codes are given for information purposes only.

2. INCREASE IN IMPORTS AND INJURY

The analysis of the information provided in the request indicates that total imports of the product concerned ⁽³⁾ increased from 1,3 million tonnes in 2020 to 1,6 million tonnes in the mid 2024. In addition, the total imports of the products concerned significantly increased in relative terms as well, i.e. from 126 % to 298 % in terms of production and from 71 % to 83 % in terms of consumption. The increase in imports appears to be the result of unforeseen developments such as increased production capacity in third countries and the attractiveness of the Union market. With existing spare capacity of more than 21 million tonnes and planned capacity increases of over 13 million tonnes worldwide, overcapacity for the product concerned will reach unprecedented levels, which cannot be absorbed, in particular, in the context of declining consumption in the Union. In addition, access to many markets is being closed as a result of trade defence measures adopted by a number of third countries in recent years in the context of global overcapacity. Other measures affecting access to important markets are expected to be taken in the near future.

There is also sufficient evidence showing that the volume and the prices of these imports, significantly undercutting Union prices, have caused or are threatening to cause serious injury to Union producers, based on the economic indicators specified in Article 9 of Regulation (EU) 2015/478 and Article 6 of Regulation (EU) 2015/755. In particular, the evidence shows that imports of the products concerned have had, among other consequences, a negative impact on the market share of the Union producers. In addition, import prices were lower than the Union industry's sales prices throughout the period. This has put significant pressure on the Union industry's sales prices resulting in a negative or a low level of profit. The Union industry remains vulnerable to a further increase in imports and given the overall overcapacity in the global ferro-alloys market, the additional capacity increases planned worldwide, and the growing number of trade defence measures taken by third countries on manganese and silicon-based alloys. This further increase in imports is likely to be imminent. The investigation will examine the situation of the product concerned, also based on the most recent developments, such as any trade diversion resulting from the closure of third country markets due to trade defence measures.

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ Imports from Ukraine are excluded from the scope of this investigation in accordance with Regulation (EU) 2024/1392 of the European Parliament and of the Council of 14 May 2024 (OJ L, 2024/1392, 29.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1392/oj>).

3. PROCEDURE

Having determined, after informing the Member States, that there is sufficient evidence to justify the initiation of an investigation, the Commission hereby initiates an investigation pursuant to Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755.

The investigation will determine whether, as a result of unforeseen developments, the product concerned is being imported into the Union in such increased quantities and/or under such terms or conditions as to cause, or threaten to cause, serious injury to the Union producers of like or directly competing products.

3.1. Written submissions, questionnaire replies and correspondence

In order to obtain the information it deems necessary for its investigation, the Commission will publish questionnaires, available at: <https://tron.trade.ec.europa.eu/investigations/case-view?caselid=2770>. The completed questionnaires must reach the Commission within 21 days from the date of the date of publication of this Notice.

All interested parties including exporting producers, importers and users of the product concerned and their associations are invited to make known their views in writing, submit information and to provide supporting evidence. Representations in a free format should be submitted within 21 days of the date of publication of this Notice in the *Official Journal of the European Union*. Interested parties may make themselves known by contacting the Commission, preferably by email, immediately but no later than 15 days after the publication of this Notice in the Official Journal of the European Union.

Any submission of views and information after the above deadlines may be disregarded.

3.2. Instructions for making written submissions, for sending completed questionnaires and correspondence

Information submitted to the Commission 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 a) the Commission 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, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ⁽⁴⁾. 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 Regulation (EU) 2015/478 and Article 5 of Regulation (EU) 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 as 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.

⁽⁴⁾ 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).

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.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G, Unit G5
Office: CHAR 03/76
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi: <https://tron.trade.ec.europa.eu/tron/tdi>

Email address: TRADE-SAFEGUARD-ALLOYS@ec.europa.eu

3.3. Hearings

Pursuant to Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755, all interested parties may also apply to be heard by the Commission within 21 days of the date of publication of this Notice in the *Official Journal of the European Union*.

4. INSPECTION OF INFORMATION

Interested parties who have made known their views or submitted information or requested to be heard in accordance with Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755, and representatives of the exporting countries, may, upon written request, inspect all information made available to the Commission in connection with the investigation other than internal documents prepared by the authorities of the Union or its Member States, provided that that information is relevant to the presentation of their case and not confidential within the meaning of Article 8 of Regulation (EU) 2015/478 or Article 5 of Regulation (EU) 2015/755, and that it is used by the Commission in the investigation. Interested parties which have come forward may communicate their views on the information in question to the Commission and those views may be taken into consideration where they are supported by sufficient evidence.

5. NON-COOPERATION

In cases where any interested party refuses access to or 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(6) of Regulation (EU) 2015/478 and Article 3(5) 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.

6. 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 set out in Section 3.1 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.

7. SCHEDULE OF THE INVESTIGATION

If the Commission determines that measures are necessary, the Commission shall take the necessary decisions in accordance with Chapter V of Regulations (EU) 2015/478 and (EU) 2015/755 respectively, no later than nine months from the date of initiation, unless exceptional circumstances exist, in which case that time limit may be extended by a maximum period of two months. If the time limit is extended, the Commission will publish a Notice in the *Official Journal of the European Union* setting forth the duration of the extension and a summary of the reasons.

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 ⁽²⁾.

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/lvr4g9W>.

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⁽²⁾ 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

Products concerned

Product concerned	HS/CN Codes
Silicon	2804 69
Ferro-manganese	7202 11, 7202 19
Ferro-silicon	7202 21, 7202 29
Ferro-silico-manganese	7202 30
Ferro-silico-magnesium	7202 99 30
Calcium-silicon	ex 7202 99 80, ex 2850 00 60