



2024/3193

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/3193

of 19 December 2024

imposing a definitive anti-dumping duty on imports of seamless pipes and tubes originating in Russia following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

- (1) By Regulation (EC) No 2320/97 ⁽²⁾ the Council imposed anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel, originating in, inter alia, Russia. By Commission Decision 2000/70/EC ⁽³⁾, an undertaking was accepted from an exporter in Russia. By Council Regulation (EC) No 1322/2004 ⁽⁴⁾, it was decided to no longer apply the measures in force on imports from, inter alia, Russia as a matter of prudence in connection with an anti-competitive behaviour of certain Union producers in the past (see recital (9) of that Regulation).
- (2) By Regulation (EC) No 954/2006 ⁽⁵⁾ the Council imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes originating in, inter alia, Russia, repealed Regulation (EC) No 2320/97 and Council Regulation (EC) No 348/2000 ⁽⁶⁾, terminated the interim and expiry reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and terminated the interim reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Russia.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21, ELI: <http://data.europa.eu/eli/reg/2016/1036/oj>.

⁽²⁾ Council Regulation (EC) No 2320/97 of 17 November 1997 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic, repealing Regulation (EEC) No 1189/93 and terminating the proceeding in respect of such imports originating in the Republic of Croatia (OJ L 322, 25.11.1997, p. 1, ELI: <http://data.europa.eu/eli/reg/1997/2320/oj>).

⁽³⁾ Commission Decision 2000/70/EC of 22 December 1999 accepting an undertaking offered in connection with the interim review of the anti-dumping duty applicable to imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia (OJ L 23, 28.1.2000, p. 78, ELI: [http://data.europa.eu/eli/dec/2000/70\(1\)/oj](http://data.europa.eu/eli/dec/2000/70(1)/oj)).

⁽⁴⁾ Council Regulation (EC) No 1322/2004 of 16 July 2004 amending Regulation (EC) No 2320/97 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Russia and Romania (OJ L 246, 20.7.2004, p. 10, ELI: <http://data.europa.eu/eli/reg/2004/1322/oj>).

⁽⁵⁾ Council Regulation (EC) No 954/2006 of 27 June 2006 imposing definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine, repealing Council Regulations (EC) No 2320/97 and (EC) No 348/2000, terminating the interim and expiry reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and terminating the interim reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and in Croatia and Ukraine (OJ L 175, 29.6.2006, p. 4, ELI: <http://data.europa.eu/eli/reg/2006/954/oj>).

⁽⁶⁾ Council Regulation (EC) No 348/2000 of 14 February 2000 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine and collecting definitively the provisional duty imposed (OJ L 45, 17.2.2000, p. 1, ELI: <http://data.europa.eu/eli/reg/2000/348/oj>).

- (3) By Implementing Regulation (EU) No 585/2012 ⁽⁷⁾ the Council, following an expiry review, imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes originating, inter alia, in Russia.
- (4) Following a partial interim review investigations in accordance with Article 11(3) of the basic Regulation, the Council, by Implementing Regulation (EU) No 795/2012 ⁽⁸⁾ and Implementing Regulation (EU) No 1269/2012 ⁽⁹⁾ respectively, amended the definitive measures imposed by Council Implementing Regulation (EU) No 585/2012 with regard to a number of Russian exporting producers.
- (5) By Implementing Regulation (EU) 2018/1469 ⁽¹⁰⁾, the Commission, following an expiry review, imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes, originating, inter alia, in Russia ('the previous expiry review').
- (6) By Implementing Regulation (EU) 2019/159 ⁽¹¹⁾, the Commission imposed definitive safeguard measures against imports of certain steel products, including seamless stainless tubes and pipes and other seamless pipes.
- (7) By Implementing Regulation (EU) 2021/1029 ⁽¹²⁾, the Commission amended Commission Implementing Regulation (EU) 2019/159 to prolong the safeguard measure on imports of certain steel products, including seamless stainless tubes and pipes and other seamless pipes.
- (8) By Regulation (EU) 2022/428 ⁽¹³⁾, the Council imposed restrictive measures to imports of a number of products originating in or have been exported from Russia, prohibiting imports of the product concerned.
- (9) By Implementing Regulation (EU) 2024/1782 ⁽¹⁴⁾, the Commission amended Commission Implementing Regulation (EU) 2019/159, including the prolongation of the safeguard measure on imports of certain steel products, including seamless stainless pipes and tubes and other seamless pipes.
- (10) The anti-dumping duties currently in force on imports of certain seamless pipes and tubes range from 24,1 % to 35,8 % for imports originating in Russia.

⁽⁷⁾ Council Implementing Regulation (EU) No 585/2012 of 26 June 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009, and terminating the expiry review proceeding concerning imports of certain seamless pipes and tubes, of iron or steel, originating in Croatia (OJ L 174, 4.7.2012, p. 5, ELI: <http://data.europa.eu/eli/reg/2012/585/oj>).

⁽⁸⁾ Council Implementing Regulation (EU) No 795/2012 of 28 August 2012 amending Implementing Regulation (EU) No 585/2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 238, 4.9.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/795/oj>).

⁽⁹⁾ Council Implementing Regulation (EU) No 1269/2012 of 21 December 2012 amending Implementing Regulation (EU) No 585/2012 imposing a definitive anti-dumping duty on imports of certain seamless steel pipes, of iron or steel, originating, inter alia, in Russia, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 357, 28.12.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1269/oj>).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2018/1469 of 1 October 2018 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 246, 2.10.2018, p. 20, ELI: <http://data.europa.eu/eli/reg/2018/1469/oj>).

⁽¹¹⁾ 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/2019/159/oj>).

⁽¹²⁾ 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/2021/1029/oj>).

⁽¹³⁾ Council Regulation (EU) 2022/428 of 15 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 87 I, 15.3.2022, p. 13, ELI: <http://data.europa.eu/eli/reg/2022/428/oj>).

⁽¹⁴⁾ 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/2024/1782/oj>).

1.2. Request for an expiry review

- (11) Following the publication of a notice of impending expiry of the anti-dumping measures in force ⁽¹⁵⁾, the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.
- (12) The request for review was submitted on 30 June 2023 by the European Steel Tube Association ('ESTA' or 'the applicant') on behalf of the Union industry of certain seamless pipes and tubes, of iron or steel in the sense of Article 5(4) of the basic Regulation. The request for review was based on the grounds that the expiry of the measures against imports originating in Russia would be likely to result in a recurrence of dumping and injury to the Union industry.

1.3. Initiation of an expiry review

- (13) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 2 October 2023 the Commission initiated an expiry review with regard to the anti-dumping measures applicable to imports into the Union of certain seamless pipes and tubes, of iron or steel originating in Russia ('the country concerned') on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽¹⁶⁾ ('the Notice of Initiation').

1.4. Review investigation period and period considered

- (14) The investigation of continuation or recurrence of dumping covered the period from 1 July 2022 to 30 June 2023 ('review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2020 to the end of the review investigation period ('the period considered').

1.5. Interested parties

- (15) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the representatives of the exporting country, trade unions, known importers, users, traders, as well as associations known to be concerned about the initiation of the expiry review and invited them to participate.
- (16) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.6. Comments on initiation

- (17) The Russian Federation submitted comments on 8 November 2023. It argued that the request did not contain any evidence of dumping from the Russian exporters or any proof that the revocation of the antidumping duties would lead to injurious imports. It also argued that there was no likelihood of recurrence of injury due to Russian imports.
- (18) As regards the first allegation, the Commission noted that due to sanctions, there were no exports to the Union during the review investigation period. Therefore, in line with Article 11(2) of the basic Regulation, the applicant assessed the likelihood of recurrence of dumping. For this assessment it based itself on Russian export prices to third countries. The Russian Federation criticised the comparison of CIF export prices to third countries with domestic ex-works prices. The Commission noted that using CIF prices instead of ex-works prices is a simplification that is to the benefit of the Russian exporters, as it implied not deducting some costs from observed CIF prices before the comparison. Thus, the Commission disagreed that this simplification put into question the fairness of the comparison, which is meant to show recurrence of dumping, as opposed to a specific dumping amount.

⁽¹⁵⁾ Notice of the impending expiry of certain anti-dumping measures (OJ C 12, 13.1.2023, p. 10).

⁽¹⁶⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain seamless pipes and tubes, of iron or steel originating in Russia (OJ C, C/2023/93, 2.10.2023, p. 1, ELI: <http://data.europa.eu/eli/C/2023/93/oj>).

- (19) As regards the allegation about the no likelihood of recurrence of injury, the Commission noted that based on export prices to Egypt and Türkiye, the applicant established significant price undercutting and underselling margins and on that basis it concluded that Russian imports continued to represent a potential threat to the Union industry if there would be no restrictive trade measures. The claim was therefore rejected.

1.7. Sampling

- (20) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

1.7.1. Sampling of Union producers

- (21) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission had selected the sample on the basis of volume of production and sales of the like product in the Union in the review investigation period, whilst account was also taken of geographical spread. This sample consisted of three Union producers, two of which were related. The sampled producers represented [47 %-53 %] of the estimated volume of production and more than 45 % of the estimated total volume of sales of the like product in the free market in the Union. The Commission invited interested parties to comment on the provisionally selected sample.
- (22) The Commission received one comment, from the applicant, on the provisional sample selection. The applicant suggested that, due to the fact that two of the provisionally sampled Union producers were related, the Commission should replace one of these two related producers with another Union producer which was unrelated to the others⁽¹⁷⁾. The Commission considered that the provisional sample was more representative in terms of production and EU sales volumes. Moreover, the company which had been put forward by the applicant as alternative was until January 2023⁽¹⁸⁾ owned by an investor from the country concerned, i.e. the Russian Federation that, since March 2022, had been sanctioned by the European Union. According to the applicant, that fact had allegedly had an impact on the company's access to its bank accounts, disrupting the company's sales⁽¹⁹⁾. Hence, the economic performance of the proposed company may not have been representative at least during part of the review investigation period.
- (23) The Commission therefore rejected the request of the applicant and confirmed the preliminary sample. No comments were received.
- (24) On 6 June 2024, after submitting questionnaire reply, one of the sampled Union producers, Dalmine S.p.A, informed the Commission that it withdrew its cooperation with the investigation.
- (25) The Commission informed all interested parties that it intended to proceed with the sample of the two remaining sampled Union producers. The two producers, unrelated to each other, represented [33 %-45 %] of the estimated total volume of production and more than 30 % of the estimated total volume of sales of the like product in the free market in the Union. The Commission invited all parties to comment on this reduced sample, but it did not receive any comments.
- (26) The final sample of Union producers thus constituted of the two unrelated Union producers S.C. Silcotub S.A. and Benteler Steel/Tube GmbH.

1.7.2. Sampling of importers

- (27) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.

⁽¹⁷⁾ See Letter from applicant in TRON T23.004619.

⁽¹⁸⁾ <https://eurometal.net/romanian-steel-pipe-group-sold-by-russian-owner-to-serbian-investment-company/>.

⁽¹⁹⁾ <https://balkaninsight.com/2023/09/01/romania-moves-at-slow-pace-to-sanctions-russia-owned-businesses/>.

- (28) No unrelated importer provided the requested information and agreed to be included in the sample. Hence, the Commission decided not to apply sampling for importers.

1.7.3. *Sampling of exporting producers*

- (29) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers in Russia to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Russian Federation to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (30) None of the producers in Russia provided the requested information and agreed to be included in the sample.

1.8. **Replies to the questionnaire.**

- (31) The Commission sent questionnaires to three sampled Union producers. The same questionnaires had also been made available online ⁽²⁰⁾ on the day of initiation.
- (32) Questionnaire replies were received from the three originally sampled Union producers, namely Dalmine SpA, S.C. Silcotub S.A and Benteler Steel/Tube GmbH.

1.9. **Verification**

- (33) The Commission sought and verified all the information deemed necessary for the determination of likelihood of continuation or recurrence of dumping and injury and of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- S.C. Silcotub S.A, Zalau, Romania,
- Benteler Steel/Tube GmbH, Paderborn, Germany

- (34) Moreover, the Commission carried out a remote crosscheck of the macro-indicators submitted by the applicant.

1.10. **Subsequent procedure**

- (35) On 24 October 2024, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.
- (36) In response to the disclosure, the Russian Federation provided comments which are addressed under recitals (72) and (73) below.

2. **PRODUCT UNDER REVIEW, PRODUCT CONCERNED AND LIKE PRODUCT**

2.1. **Product under review**

- (37) The product under review is the same as in the original investigation and previous expiry reviews namely certain seamless pipes and tubes of iron or steel ('SPT'), of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ('the product under review').

⁽²⁰⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2683>.

- (38) The product under review currently falls under CN codes ex 7304 11 00, ex 7304 19 10, ex 7304 19 30, ex 7304 22 00, ex 7304 23 00, ex 7304 24 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 50, ex 7304 39 82, ex 7304 39 83, ex 7304 51 89, ex 7304 59 82 and ex 7304 59 83 ⁽²¹⁾ (TARIC codes 7304 11 00 10, 7304 19 10 20, 7304 19 30 20, 7304 22 00 20, 7304 23 00 20, 7304 24 00 20, 7304 29 10 20, 7304 29 30 20, 7304 31 80 30, 7304 39 50 30, 7304 39 82 30, 7304 39 83 20, 7304 51 89 30, 7304 59 82 30 and 7304 59 83 20).
- (39) The product under review is used in a wide variety of applications, like line pipes to transport liquids, in the construction business for piling, for mechanical uses, gas tubes, boiler tubes and oil and country tubular goods ('OCTG') for drilling, casing and tubing for the oil industry.
- (40) SPT take very different forms at the time of their delivery to the users. They can be e.g. galvanised, threaded, delivered as green tubes (i.e. without any heat treatment), with special ends, different cross-sections, cut-to-size or not. There are no generalised standard sizes for the tubes, which explains why most of the SPT are made upon customers' order. SPT are normally connected by welding. However, in particular cases they can be connected by their thread or be used alone, although they remain weldable. The investigation showed that all SPT share the same basic physical, chemical and technical characteristics and the same basic uses.

2.2. Product concerned

- (41) The product concerned by this investigation is the product under review originating in Russia.

2.3. Like product

- (42) As established in the original investigation as well as in the previous expiry review, this expiry review investigation confirmed that the following products have the same basic physical, chemical and technical characteristics as well as the same basic uses:
- the product concerned when exported to the Union,
 - the product under review produced and sold on the domestic market of Russia,
 - the product under review produced and sold by the exporting producers to the rest of the world, and
 - the product under review produced and sold in the Union by the Union industry.
- (43) These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING

3.1. Preliminary remarks

- (44) The Commission noted that after 24 February 2022, in response to Russia's military aggression against Ukraine, the Union expanded its sanctions and that no exports of seamless pipes and tubes originating in Russia have entered the Union market during the review investigation period. The Commission also noted that during the review investigation period, the product concerned was covered by the safeguard measures on steel implemented in the Union, which was due to expire on 30 June 2024 (Implementing Regulation (EU) 2021/1029).

⁽²¹⁾ As currently defined in Commission Regulation (EU) 2024/2522 of 23 September 2024 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L, 2024/2522, 31.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2522/oj).

- (45) During the review investigation period and following the implementation of sanctions described in the previous recital, imports of product under review from Russia virtually disappeared. According to Eurostat statistics, there were no imports of SPT from Russia in the review investigation period, and the highest level of imports during the period considered was reached in 2021 with approximately three million tonnes. Consequently, imports of SPT from Russia accounted for 0,0 % market share of the total Union market in the review investigation period, down from 0,2 % in 2021.
- (46) As mentioned in recital (30), none of the exporters/producers from Russia cooperated in the investigation. Therefore, the Commission informed the authorities of Russia that due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings about the Russian producers. The Commission did not receive any comments or requests for an intervention of the Hearing Officer in this regard.
- (47) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular information provided in the request, readily available trade statistics and Eurostat data.

3.2. Normal value

- (48) As mentioned in recital (46) above, due to the non-cooperation from exporting producers in Russia, the Commission used facts available to establish the normal value. To this end, the Commission used data provided by the applicant for the review investigation period based on domestic prices for Russia for the most common product (pipes to GOST 8732, 57-159 mm) ⁽²²⁾. On that basis, the normal value was 140 000 RUB/tonne, equivalent to 1 709 EUR/tonne, during the review investigation period ⁽²³⁾.

3.3. Export price and comparison

- (49) There were no exports of the product concerned to the Union during the review investigation period.

3.4. Continuation of dumping

- (50) In view of the absence of exports of the product concerned to the Union during the review investigation period, the Commission analysed the likelihood of recurrence of dumping in the next section.

4. LIKELIHOOD OF RECURRENCE OF DUMPING

- (51) In accordance with Article 11(2) of the basic Regulation, the Commission investigated the likelihood of recurrence of dumping, should the measures be repealed. In this respect, the following additional elements were analysed, the exports to third countries, the production capacity and spare capacity in Russia and the attractiveness of the Union market.

⁽²²⁾ The applicant proposed this approach that they considered conservative for several reasons: (1) the product had outside diameters 57/159 mm, but the applicant considers it valid for the whole hot finished size range (up to 406,4 mm) as this would represent the heart of the dimensional range with the lowest priced items; (2) the product adheres to the standard GOST 8732, Russian norm for seamless hot-rolled steel tubes used for transportation of gas, air, water and oil, as well as general purpose, which it is the most basic quality of seamless hot finished tubes, with assimilation to DIN 1629, 2440, 2448, 17121 in steel grades St 33 or St 37, and to ASTM A 53 and A10, or 6 in grade A; and (3) the product types covered by this approach represented at least 50 % of the total production volume, hence the representativity of their prices.

⁽²³⁾ The monthly exchange rates to be used were included in the questionnaires. The Commission did not receive comments from any party on them. The average exchange rate for the review investigation period was 70,2577 RUB/EUR.

4.1. Exports to third countries

- (52) The normal value was established as explained in Section 3.2 above. The domestic ex-works Russian price of 1 709 EUR/tonne used as normal value is, according to the applicant, the lowest price corresponding to the most ordinary product in carbon steel (excluding alloyed steel), and any dumping calculation made on this basis would result in understating the actual dumping margin. Thus, the Commission considered that this is a prudent estimate without a negative bias towards the exporting producers.
- (53) Due to lack of cooperation from exporting producers, the Commission used the GTA database to obtain export prices. As proposed in the request, the Commission obtained data at the most detailed level possible covering the full scope of the product concerned (SH6 7304.19/23/29/31/39/51/59). The Commission acknowledges that, as recognised in the request, this scope may include products that are outside the investigation scope. However, as clearly stated in the request, these products which do not fall under the product under review are more expensive than the product under review and thus would result in an overestimation of the export price.
- (54) Using the approach mentioned above, the average CIF export price to third countries was established at 1 454 EUR/tonne for the review investigation period. Moreover, the Commission considered the conservative approach proposed by the applicant, i.e. that the CIF export prices to third countries would be equal to the FOB prices and that no adjustment would be carried out between FOB and ex-works, save for an adjustment of 30 EUR/tonne for customs clearance.
- (55) By using the conservative methodology proposed by the applicant, the adjusted average ex-works export price to third countries was 1 424 EUR/tonne in the review investigation period. The Commission noted that none of the exporting producers or the Russian Federation provided other information that could be used for adjusting CIF prices to ex-works prices.
- (56) The Commission analysed in greater detail the export prices to the six largest export markets for Russia (Azerbaijan, Egypt, Kazakhstan, Türkiye, Uzbekistan and Vietnam) that represented 94 % of its exports during the review investigation period. The Commission found that in two major export markets representing 65 % of its exports the export prices were lower than the normal value established in this review.

Table 1

Russian exports during the review investigation period

	Quantities (tonnes)	Value (RUB)	Average CIF price RUB/tonne	Value (EUR)	Average CIF price EUR/tonne
Azerbaijan	19 528	2 655 586 313	135 988	36 285 417	1 858
Egypt	8 132	1 055 346 428	129 772	14 259 460	1 753
Kazakhstan	165 120	15 167 784 509	91 859	206 459 767	1 250
Türkiye	26 245	2 215 290 331	84 408	32 729 925	1 247
Uzbekistan	46 199	6 399 634 010	138 524	89 206 233	1 931
Vietnam	11 857	1 679 049 213	141 603	22 372 223	1 887
Other third countries	16 244	1 854 371 271	114 160	25 305 062	1 558
Total	293 325	31 027 062 075	105 777	426 618 087	1 454

Source: GTA (extraction for 3 7304.19/23/29/31/39/51/59 codes).

- (57) The Commission compared the normal value and the average export price to third countries on an ex-works basis which as explained above in recital (54) equalled to CIF value adjusted for customs clearance only. The comparison showed that the Russian ex-works export prices (i.e. 1 424 EUR/tonne – see recital (55)) were on average 17 % lower than the ex-works normal value (i.e. 1 709 EUR/tonne – see recital (48)).
- (58) The Russian Federation claimed that there were differences between the request and its appendices for some export prices. As the Commission established the export prices on the basis of readily available information in GTA as indicated in Table 1 above and did not use the figures provided in the request which were based on Comtrade data (SH6 7304.19/23/29/31/39/51/59), the Commission considers that it has, *de facto*, corrected any possible error in the transcription of prices. The Commission also noted that the table above shows likelihood of recurrence of dumping and that its analysis has not been restricted to a limited number of countries, but on the contrary has taken into account all available information.

4.2. Production capacity and spare capacity in Russia

- (59) Given the non-cooperation by the Russian exporting producers, the production capacity and spare capacity in Russia were established on the basis of facts available and in particular on the information provided by the applicant.
- (60) According to the information provided by the applicant, the total production capacity of the product under review in Russia exceeded 4 400 000 tonnes in the review investigation period. The applicant estimated that the Russian producers have an over production of around 168 000 tonnes that cannot be absorbed by the domestic market. Moreover, the spare capacity during the review investigation period was estimated to be over 500 000 tonnes. In addition, the applicant submitted that the Russian producers have increased the production capacity by 450 000 tonnes between 2022 and the end of the review investigation period.
- (61) Thus, the spare capacity alone represents 32 % of the total Union consumption and this quantity is likely to be directed to the Union market, if measures were allowed to lapse.

4.3. Attractiveness of the Union market

- (62) The Commission established that Russian producers exported the product under review to third markets at prices, on average, around 15 % to 25 % lower than the average sales prices of the Union producers on the Union market during the review investigation period. Thus, exporting to the Union is potentially more attractive for the Russian exporters than exporting to other countries.
- (63) The Union market is also attractive because of its geographical proximity and size, with total consumption of 1 574 000 tonnes during the review investigation period.
- (64) The volume of Russian exports of SPT to third countries in the review investigation period was 293 325 tonnes. This represents an additional volume of SPT that may be diverted to the Union market given its attractiveness should the measures expire.
- (65) The Commission acknowledges that due to the existing sanctions, this diversion may not take place. However, as these sanctions are linked to the military aggression of Russia against Ukraine and the underlying geopolitical situation, their scope, modulation and duration are not predictable. Moreover, anti-dumping measures have a lifetime of five years. Considering these uncertainties and that the Council may amend the precise scope and duration of sanctions at any moment, the Commission found that the existence of current sanctions cannot have a bearing in its conclusions in this proceeding.
- (66) Finally, the Commission notes that due to the existence of anti-dumping duties in force in other important markets such as the United States of America ⁽²⁴⁾, the attractiveness of the Union market not only in absolute terms but also in relative terms, if the current duties or sanctions expire, cannot be disputed.

⁽²⁴⁾ A-821-826 Seamless carbon and alloy steel standard, line and pressure pipe (initiation date: 4.8.2020).

4.4. Conclusion

- (67) The Commission established that Russian producers exported SPT to third countries at prices lower than the normal value.
- (68) As explained in recital (60), the production capacity and spare capacity in Russia was significant in the review investigation period with the spare capacity representing 32 % of the total Union consumption.
- (69) The attractiveness of the Union market in terms of size, geographical proximity and prices make it likely that Russian exports and spare capacity would be (re)directed to the Union market should the measures expire.
- (70) Regarding exports to the Union, the Commission established a likelihood of recurrence of dumping based on the elements described above. The Commission considered that the impact of the sanctions is a temporary situation that may change at any time and therefore they cannot have a bearing on the conclusions in this proceeding.
- (71) The Commission concluded, thereof, that there was a likelihood of recurrence of dumping if the measures would expire.
- (72) Following the disclosure of definitive findings, the Russian Federation submitted that due to the import ban, no exports of seamless pipes and tubes can enter the Union market and hence there can be no risk for recurrence of dumping as long as this import ban is in place and that given this ongoing import ban, the recurrence of injury caused by dumped imports is impossible. Moreover, the Russian Federation claimed that Applicant had failed to provide evidence of continuation or recurrence of dumping and that consequently, there were no legal grounds for initiation of the expiry review in the meaning of Article 11.4 of the ADA.
- (73) As mentioned in recital (65), the Commission stressed that the sanctions are directly linked to Russia's unprovoked military aggression against Ukraine and the underlying geopolitical situation. Their scope, modulation, and/or duration are therefore unpredictable. Considering these uncertainties and the fact that the Council may amend the precise scope and duration of sanctions at any moment, while anti-dumping measures have a lifetime of five years, the Commission found that the existence of current sanctions cannot have a bearing on its conclusions in this proceeding with regard to the likelihood of continuation or recurrence of dumping and injury. Therefore, this claim was rejected.
- (74) The Russian Federation's claim that the Applicant had failed to provide evidence of continuation or recurrence of dumping is incorrect. As part of the request for review, the applicant had indeed provided prima facie evidence of recurrence of dumping. This argument is therefore dismissed.

5. INJURY

5.1. Definition of the Union industry and Union production

- (75) The like product was manufactured by 16 producers in the Union during the period considered. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (76) The total Union production during the review investigation period was established at around 2,4 million tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, such as data submitted by ESTA and the sampled Union producers. As indicated in recital (26) two Union producers were selected in the sample collectively representing [33 %-45 %] of the estimated total volume of production of the like product in the Union.

5.2. Union consumption

- (77) The Commission established the Union consumption on the basis of:
- (a) the sampled Union producers' sales of the like product to unrelated parties in the Union as reported in their respective questionnaire replies;

- (b) sales data supplied by ESTA concerning other Union producers' sales of the like product to unrelated parties in the Union; and
- (c) imports of the product under review into the Union from all third countries as reported in Eurostat.

(78) Union consumption developed as follows:

Table 2

Union consumption (tonnes)

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Total Union consumption	1 366 874	1 691 672	1 647 545	1 574 441
Index	100	124	121	115

Source: Sampled producers, ESTA and Eurostat.

- (79) With the exception of 2020 which was impacted by the outbreak of the COVID-19 pandemic, Union consumption has been stable over the period considered, with consumption between 1,5 to 1,7 million tonnes. The increase in consumption as from 2021 was due to a recovery following the COVID-19 crisis, which triggered an increase in the business activities among their customers, most notably in construction.

5.3. Imports from Russia

5.3.1. Volume and market share of the imports from Russia

- (80) The Commission established the volume of imports on the basis of import volumes from data extracted from Eurostat's Comext database. The market share of the imports was established on the basis of volume imported in Union in relation to Union consumption.
- (81) Imports into the Union from the Russian Federation developed as follows:

Table 3

Import volume (tonnes) and market share

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Volume of imports from Russia (tonnes)	845	3 029	1 008	0
Index	100	359	119	0
Market share	0,1 %	0,2 %	0,1 %	0 %

Source: Eurostat.

- (82) Import volumes from Russia has been negligible during the period considered. As mentioned in recitals (8) and (44), during the period considered, imports of the product under review have been affected by the Union's sanctions resulting from Russia's unprovoked military aggression against Ukraine mentioned in recital (44) above..

5.3.2. Prices of the imports from Russia and price undercutting

- (83) The Commission established the average prices of imports on the basis of import data from Eurostat. The weighted average price of imports into the Union from Russia developed as follows:

Table 4

Import prices (EUR/tonne)

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Country concerned	679	626	863	n.a.
Index	100	92	127	n.a.

Source: Eurostat.

- (84) Price undercutting is normally calculated on the basis of a calculated average import prices in relation to the Union industry's average sales price to unrelated customers in the Union. However, as shown in the above table, in the present expiry review, the prices for the years 2020 to 2022 were based on negligible volumes of imports as recorded in Eurostat and have not allowed any meaningful price trend during the period considered. Moreover, during the review investigation period, there were no volumes of imports at all. Therefore, no price undercutting calculations could be made.

5.4. Imports from third countries other than the country concerned

- (85) The imports of product under review from third countries other than Russia were mainly from Brazil, the People's Republic of China, the United States of America and Ukraine as specified below.
- (86) The volume of imports into the Union as well as the market share and price trends for imports of the product under review from other third countries developed as follows:

Table 5

Imports from third countries

Country		2020	2021	2022	RIP (1.7.2022–30.6.2023)
Brazil	Volume (tonnes)	5 413	4 756	11 219	15 652
	Index	100	88	207	289
	Market share	0,4 %	0,3 %	0,7 %	1,0 %
	Index	100	71	172	251
	Average price (EUR/tonne)	721	1 609	1 146	1 363
	Index	100	223	159	189
People's Republic of China	Volume (tonnes)	70 731	65 671	87 256	145 999
	Index	100	93	123	206
	Market share	5,2 %	3,9 %	5,3 %	9,3 %
	Index	100	75	102	179
	Average price (EUR/tonne)	803	976	1 434	1 454
	Index	100	122	179	181

Country		2020	2021	2022	RIP (1.7.2022–30.6.2023)
United States of America	Volume (tonnes)	22 842	11 191	13 029	14 725
	<i>Index</i>	100	49	57	64
	Market share	1,7 %	0,7 %	0,8 %	0,9 %
	<i>Index</i>	100	40	47	56
	Average price (EUR/tonne)	532	567	951	1 001
	<i>Index</i>	100	107	179	188
Ukraine	Volume (tonnes)	61 914	65 515	68 492	63 248
	<i>Index</i>	100	106	111	102
	Market share	4,5 %	3,9 %	4,2 %	4,0 %
	<i>Index</i>	100	85	92	89
	Average price (EUR/tonne)	628	675	1 273	1 382
	<i>Index</i>	100	108	203	220
Other third countries	Volume (tonnes)	27 389	62 816	54 208	40 944
	<i>Index</i>	100	229	198	149
	Market share	2,0 %	3,7 %	3,3 %	2,6 %
	<i>Index</i>	100	185	164	130
	Average price (EUR/tonne)	955	994	1 637	1 988
	<i>Index</i>	100	104	171	208
Total of all third countries except Russia	Volume (tonnes)	188 289	209 948	234 204	280 568
	<i>Index</i>	100	112	124	149
	Market share	13,8 %	12,4 %	14,2 %	17,8 %
	<i>Index</i>	100	90	103	129
	Average price (EUR/tonne)	732	880	1 394	1 487
	<i>Index</i>	100	120	190	203

Source: Eurostat.

- (87) Import volumes from other third countries have increased during the period considered both in absolute volumes and in terms of market shares, with market shares of total imports during the review investigation period of 17,8 % compared to a market share of 13,8 % in 2020.
- (88) Most noteworthy was the increase in market share of imports originating in the People's Republic of China, which increased from 5,2 % to 9,3 % during the period considered.

5.5. Economic situation of the Union industry

5.5.1. General remarks

- (89) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

- (90) As mentioned in Section 1.7.1, sampling was used for the assessment of the economic situation of the Union industry.
- (91) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data contained in the questionnaire reply of ESTA relating to all Union producers, cross-checked where necessary with the questionnaire replies from the sampled Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. Both sets of data were verified and found to be representative of the economic situation of the Union industry.
- (92) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (93) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

5.5.2. Macroeconomic indicators

5.5.2.1. Production, production capacity and capacity utilisation

- (94) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 6

Production, production capacity and capacity utilisation

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Production volume (tonnes)	1 958 225	2 387 643	2 542 903	2 376 471
<i>Index</i>	100	122	130	121
Production capacity (tonnes)	4 597 448	4 384 175	4 353 685	4 270 481
<i>Index</i>	100	95	95	93
Capacity utilisation	42,6 %	54,5 %	58,4 %	55,6 %
<i>Index</i>	100	128	137	131

Source: ESTA and sampled Union producers.

- (95) As mentioned in recital (79), the first year of the period considered, 2020, was very much affected by the COVID-19 pandemic, with overall business activities slowing down. This was followed by a rebound in business activities as from 2021 onwards. Production volumes increased by 21 % from 2020 to the review investigation period, with a peak in 2022.
- (96) The Union industry has been able to adapt its production levels to the sudden developments in Union consumption (as shown in recital (78)). Compared to the decrease in production capacity of the 16 Union producers by 7 % during the period considered, production capacity utilisation rates have developed positively during the period considered, with capacity utilisation rates increasing from 42,6 % to 55,6 %.

5.5.2.2. Sales volume and market share

(97) The Union industry's sales volume and market share developed over the period considered as follows:

Table 7

Sales volume and market share (tonnes)

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Sales volume on the Union market	1 177 740	1 478 694	1 412 334	1 293 873
<i>Index</i>	100	126	120	110
Market share	86,2 %	87,4 %	85,7 %	82,2 %
<i>Index</i>	100	101	99	95

Source: ESTA and sampled Union producers.

(98) As mentioned in recital (79), the first year of the period considered (2020) was very much affected by the COVID-19, with overall business activities slowing down. This was followed by a rebound in business activities in 2021 and 2022. During the review investigation period, the Union industry's sales volumes had slowed down again, with a market share of 82,2 % compared to 86,2 % in 2020. Nonetheless, the sales volume had increased by 10 % over the period considered.

5.5.2.3. Growth

(99) The Union industry managed to benefit from periods of growth on the Union market, and increased its sales volume, while its market share decreased, during the period considered.

5.5.2.4. Employment and productivity

(100) Employment and productivity developed over the period considered as follows:

Table 8

Employment and productivity

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Number of employees	13 872	13 739	14 858	14 236
<i>Index</i>	100	99	107	103
Productivity (unit/employee)	141	174	171	167
<i>Index</i>	100	123	121	118

Source: ESTA and sampled Union producers.

(101) The Union producers have kept its work force rather stable over the period considered, with around 14 000 employees in the Union. With increased production as from 2021 onwards, productivity increased by around 20 % during the period considered.

5.5.2.5. Magnitude of the dumping margin and recovery from past dumping

- (102) As noted in recital (82), there were no imports of SPT from Russia into the Union during the review investigation period. Therefore, the impact of the magnitude of actual margins of dumping on the Union industry could not be meaningfully established.
- (103) The review focused on the likelihood of a recurrence of dumping should the anti-dumping measures be repealed. As mentioned in Section 4.1, the export price to third countries was significantly lower than the Russian normal value.
- (104) The measures in place had a positive impact on the Union industry, which recovered during the period considered.

5.5.3. Microeconomic indicators

- (105) Due to the limited number of Union producers within the sample, the data below is shown within brackets in order not to disclose confidential numbers.

5.5.3.1. Average unit selling prices on the Union market and unit cost of production.

- (106) The weighted average unit sales prices and cost of production of the sampled Union producers developed over the period considered as follows:

Table 9

Sales prices and cost of production in the Union (EUR/tonne)

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Average unit sales price in the Union on the total market	[900–1 050]	[950–1 200]	[1 600–1 850]	[1 650–1 950]
Index	100	[105–120]	[165–190]	[170–200]
Unit cost of production	[1 100–1 250]	[1 100–1 250]	[1 550–1 850]	[1 600–1 900]
Index	100	[95–110]	[135–155]	[135–160]

Source: Sampled Union producers.

- (107) The Union industry has been able to increase sales prices per tonne during the period considered. Sales prices during the review investigation period were on average between 70 % to 100 % above those applicable during 2020.
- (108) The increase in sales prices were a result of the Union industry having to pass on increased Union cost of production. The latter increased between 35 % and 60 % during the period considered.

5.5.3.2. Labour costs

(109) The average labour costs of the Union producers developed over the period considered as follows:

Table 10

Average labour costs per employee

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Average labour costs per employee (EUR)	[39 000–46 000]	[49 000–58 000]	[48 000–58 000]	[50 000– 58 000]
Index	100	[115–135]	[115–135]	[120–140]

Source: Sampled Union producers.

(110) Average salaries increased by between 20 % to 40 % during the period considered. This increase should be seen in light of the simultaneous increase in productivity (see recital (100)) The increase in salaries therefore appears to be in line with a sound financial management of the Union industry.

5.5.3.3. Inventories

(111) Stock levels of the Union producers developed over the period considered as follows:

Table 11

Inventories

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Closing stocks (tonnes)	[17 000–20 000]	[24 000–29 000]	[22 000– 26 000]	[15 000–18 000]
Index	100	[130 – 150]	[120 – 140]	[80 – 95]
Closing stocks as a percentage of production	[6,2 % – 7,2 %]	[6,5 % – 7,5 %]	[5,5 % – 6,5 %]	[4 % – 4,8 %]
Index	100	[95–110]	[85–100]	[60–70]

Source: Sampled Union producers.

(112) The volumes of stock have been stable during the period considered, with the total volumes of stock lower at the end of the period considered than in 2020. As mentioned in recital (40), the product under review is often made and designed against order specification and therefore delivered directly to customers, without being subject to warehousing.

(113) In relation to production, the stock level decreased over the period considered, with a stock level of between 4 % and 4,8 % of production during the review investigation period.

5.5.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital.

- (114) Profitability, cash flow, investments and return on investments of the Union producers developed over the period considered as follows:

Table 12

Profitability, cash flow, investments and return on investments

	2020	2021	2022	RIP (1.7.2022–30.6.2023)
Profitability of sales in the Union to unrelated customers (% of sales turnover)	[– 8,5 % – + 10 %]	[– 1,9 % – + 2,2 %]	[+ 10,5 % – + 12,2 %]	[+ 13,5 % – + 16 %]
<i>Index</i>	100	[– 20 – + 23]	[+ 110 – + 130]	[+ 145 – + 170]
Cash flow (M.EUR)	[220–260]	[340–410]	[600–710]	[650–800]
<i>Index</i>	100	[140–170]	[250–300]	[270–310]
Investments (M.EUR)	[23–27]	[9–10]	[27–31]	[34–41]
<i>Index</i>	100	[35–40]	[105–120]	[140–160]
Return on investments	[– 1,0 % – – 1,3 %]	[+ 2,6 % – + 3,1 %]	[+ 28 % – + 33 %]	[+ 36 % – + 43 %]
<i>Index</i>	100	[+ 230 – + 270]	[+ 2 400 – + 2 800]	[+ 3 100 – + 3 600]

Source: Sampled Union producers.

- (115) The Commission established the profitability of the Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.
- (116) Profitability of sales have increased considerably during the period considered, starting with a clearly loss-making 2020 (which to a great extent was caused by the impact of the COVID-19 pandemic on the market), the Union industry has been able to turn around the situation and enjoyed a profit of between 11 % and 16 % of sales during the review investigation period.
- (117) The net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow followed the positive trend in profitability with the cash flow generated during the review investigation period from its business operations close to three times above the level generated in 2020.
- (118) Net investments dropped during 2021 but resumed in 2022 back to the level of 2020. During the review investigation period, business investments were between 34 and 41 % above the level in 2020.
- (119) The return on investments is the profit in percentage of the net book value of investments. The economic life time of the main investments made have a direct impact on the return on investments since the net book value is the denominator in the calculation. The return of investment followed the same positive trend as profitability and cash flow, with return on investments (i.e. net book value) at around 40 % during the review investigation period.

(120) The ability to raise capital was not directly affected by imports from Russia.

5.6. Conclusion on injury

(121) The evolution of the micro and macro indicators during the period considered showed that the financial situation for the Union industry improved considerably during the period considered, with a healthy profitability during the review investigation period. This positive development has taken place despite that, in parallel, the Union producers have lost market shares, from 86,2 % in 2020 to 82,2 % in the review investigation period.

(122) While many indicators were impacted by the market hesitation prevailing during 2020 (due to COVID-19), this situation changed to the better as from 2021 and up to and including the review investigation period.

(123) On the basis of the above, the Commission concluded that the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

6. LIKELIHOOD OF RECURRENCE OF INJURY

(124) The Commission concluded in the above section that the Union industry did not suffer material injury during the review investigation period. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury originally caused by the dumped imports from Russia if the measures were allowed to lapse.

(125) In this regard, in the absence of cooperation from any party in Russia, the Commission relied on the information available on file. It examined the production capacity and spare capacity in Russia; the relationship between prices in the Union, Russia and export prices to third countries therefrom; the likely price and volume levels of imports from country concerned in the absence of anti-dumping measures and the impact on the Union industry should the measures be allowed to lapse.

(126) As concluded in recital (60), the estimated SPT spare capacity in Russia – at 500 000 tonnes – represents over 35 % of the free consumption of SPT in the Union market during the review investigation period. Indeed, the applicant submitted that the Russian producers have increased their capacity by an additional 450 000 between 2022 and review investigation period. Moreover, Russian producers exported the product under review to third markets at prices between 20 % and 25 % lower than the average sales prices of the Union producers on the Union market.

(127) Based on that, the expiry of the anti-dumping measures is very likely to result in an increase of Russian exports to the Union. The attractiveness of the Union market in terms of size, geographical proximity and prices make it likely that Russian exports and spare capacity would be (re)directed to the Union market should the measures expire.

(128) Finally, the Commission notes that due to the existence of anti-dumping duties in force in other important markets such as the United States of America, the attractiveness of the Union market not only in absolute terms but also in relative terms, if the current duties or sanctions expire, cannot be disputed.

(129) The Commission acknowledges that due to the existing sanctions, this diversion may not take place. However, as these sanctions are linked to the military aggression of Russia against Ukraine and the underlying geopolitical situation, their scope, modulation and duration are not predictable. Moreover, anti-dumping measures have a lifetime of five years. Considering these uncertainties and that the Council may amend the precise scope and duration of sanctions at any moment, the Commission found that the existence of current sanctions cannot have a bearing in its conclusions in this proceeding.

- (130) The market for the product under review is very price competitive. Therefore, the likely arrival into the Union of high volumes of imports from the country concerned at much lower prices if measures are allowed to lapse would force the Union industry to reduce its production volumes and lower its prices. The Union industry's recovery, which fully materialised in the course of the period considered, would be reversed. Producers would be reluctant to further invest and increasingly encounter difficulties to fulfil their commitments, including social and environmental ones.
- (131) Profit levels would be quickly affected for such a capital-intensive industry. This would undermine the Union industry's ability to raise capital and, in the longer term, endanger its viability, possibly triggering the closure of production facilities, also causing disruptions in supply chains.
- (132) There are steel safeguard measures in place that Union producers benefit from already. However, the current anti-dumping investigation addresses a distinct issue not covered by any existing measure. In any event, the impact of the steel safeguard measures is mitigated by the current sanctions of exports from Russia.
- (133) On this basis, it is concluded that the absence of measures would in all likelihood result in a resumption of dumped imports from Russia with the consequence that material injury would be likely to recur.

7. UNION INTEREST

- (134) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

7.1. Interest of the Union industry

- (135) The majority of the 16 Union producers supported the request whereas no producer opposed the initiation of the investigation. As concluded in recital (123) above, the Union industry is no longer suffering from material injury. However, as concluded in recital (133), a repeal of the measures would likely result of a renewed influx of dumped imports from Russia which would in all likelihood result in a recurrence of injury. The continuation of the measures, therefore, is in the interest of the Union industry.

7.2. Interest of unrelated importers

- (136) No importers cooperated with the investigation.
- (137) The lack of cooperation of importers did not allow the Commission to analyse whether importers were performing badly or unable to pass on price increases, if any.
- (138) The Commission notes that, apart from the abundant Union production, importers and supply chains can avail themselves from imports from several alternative origins. Moreover, the extension of the measures – unlike the sanctions in place – is not intended to exclude Russian imports from the market, but only to ensure that those imports are not sold at dumped prices, thereby causing injury.

7.3. Interest of users

- (139) No users cooperated in the investigation. Therefore, the Commission was not in a position to analyse the impact of existing measures on the situation of users.
- (140) According to findings in previous expiry reviews and information available, it has appeared that the share of SPT in the users' costs is quite low. SPT are in general part of larger projects (boilers, pipelines, construction), of which they form only a limited part. Thus, the possible impact of a continuation of measures on users is not expected to be significant.

7.4. Conclusion on Union interest

- (141) On the basis of the above, the Commission concluded that there were no compelling reasons of the Union interest against the maintenance of the existing measures on imports of SPT originating in Russia.

8. ANTI-DUMPING MEASURES

- (142) On the basis of the conclusions reached by the Commission on the likelihood of recurrence of dumping, the likelihood of recurrence of injury and Union interest, the anti-dumping measures on imports of seamless pipes and tubes from Russia should be maintained.
- (143) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this regulation. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other imports originating in Russia'.
- (144) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this regulation, the customs authorities of Member States must carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.
- (145) The individual company anti-dumping duty rates specified in this Regulation are exclusively applicable to imports of the product under review originating in Russia and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other imports originating in Russia'. They should not be subject to any of the individual anti-dumping duty rates.
- (146) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽²⁵⁾. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.
- (147) The product under review is one of the product categories covered by the safeguard measure. Consequently, once the tariff quotas established under the safeguard measure are exceeded, both the above-quota tariff duty and the anti-dumping duty would become payable on the same imports. As such cumulation of anti-dumping measures with safeguard measures may lead to an effect on trade greater than desirable, the Commission decided to prevent the concurrent application of the anti-dumping duty with the above-quota tariff duty for the product under review for the duration of the imposition of the safeguard duty.

⁽²⁵⁾ European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi 170, 1040 Brussels, Belgium.

- (148) This means that where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to the product under review and exceeds the level of the anti-dumping duties pursuant to this Regulation, only the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected. During the period of concurrent application of the safeguard and anti-dumping duties, the collection of the duties imposed pursuant to this Regulation shall be suspended. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to the product under review and is set at a level lower than ad valorem level of the anti-dumping duties in this Regulation, the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected in addition to the difference between that duty and the higher anti-dumping duties imposed pursuant to this Regulation. The part of the amount of anti-dumping duties not collected shall be suspended.
- (149) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽²⁶⁾ when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (150) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. They were also granted a period to make representations subsequent to this disclosure. The comments thereto have been detailed in recitals (72) and (73) above.
- (151) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of seamless pipes and tubes of iron or steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽²⁷⁾, currently falling under CN codes ex 7304 11 00, ex 7304 19 10, ex 7304 19 30, ex 7304 22 00, ex 7304 23 00, ex 7304 24 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 50, ex 7304 39 82, ex 7304 39 83, ex 7304 51 89, ex 7304 59 82 and ex 7304 59 83 ⁽²⁸⁾ (TARIC codes 7304 11 00 10, 7304 19 10 20, 7304 19 30 20, 7304 22 00 20, 7304 23 00 20, 7304 24 00 20, 7304 29 10 20, 7304 29 30 20, 7304 31 80 30, 7304 39 50 30, 7304 39 82 30, 7304 39 83 20, 7304 51 89 30, 7304 59 82 30 and 7304 59 83 20) and originating in Russia.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Anti-dumping duty (%)	TARIC additional code
Joint Stock Company Chelyabinsk Tube Rolling Plant and Joint Stock Company Pervouralsky Novotrubny Works	24,1	A741
OAo Volzhsky Pipe Plant, OAo Taganrog Metallurgical Works, OAo Sinarsky Pipe Plant and OAo Seversky Tube Works	28,7	A859
All other imports originating in Russia	35,8	A999

⁽²⁶⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

⁽²⁷⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-555-67, published by the International Institute of Welding (IIW).

⁽²⁸⁾ As currently defined in Regulation (EU) 2024/2522. The product coverage is determined in combining the product description in Article 1(1) and the product description of the corresponding CN codes taken together.

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in Russia. I declare that the information provided in this invoice is complete and correct.' Until such invoice is presented, the duty applicable to all other companies shall apply.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to seamless pipes and tubes of iron or steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis and exceeds the anti-dumping duty set out in Article 1(2), only the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected.

2. During the period of application of paragraph 1, the collection of the duties imposed pursuant to this Regulation shall be suspended.

3. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to seamless pipes and tubes of iron or steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis and is set at level lower than the anti-dumping duty set out in Article 1(2), the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected in addition to the difference between that duty and the higher anti-dumping duty set out in Article 1(2).

4. The part of the amount of anti-dumping duty not collected pursuant to paragraphs 2 and 3 shall be suspended.

5. The suspensions referred to in paragraphs 2 and 3 shall be limited in time to the period of application of the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 2024.

For the Commission
The President
Ursula VON DER LEYEN