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September 24, 2025

The Honorable Jamieson Greer
United States Trade Representative
Office of the U.S. Trade Representative
600 17th Street NW
Washington, DC 20508

RE: Request for Comments and Notice of Public Hearing Concerning China's Compliance with WTO Commitments – Docket Number USTR-2025-0015

Dear Ambassador Greer:

In response to a request from the Office of the United States Trade Representative (USTR),¹ the American Iron and Steel Institute (AISI) hereby submits comments regarding China's compliance with the commitments it made upon its accession to the World Trade Organization (WTO) in 2001. Of the categories listed in USTR's request, these comments particularly relate to import regulation, export regulation, internal policies affecting trade, and other WTO commitments.

AISI serves as the voice of the American steel industry in the public policy arena and advances the case for steel in the marketplace as the preferred material of choice. AISI's membership is comprised of integrated and electric arc furnace steelmakers, and associate members who are suppliers to or customers of the steel industry.

Executive Summary

Despite over two decades having now passed since it acceded to the WTO, China continues to fail to comply with its WTO obligations. There is a broad, international consensus, based on an overwhelming amount of evidence, that China has largely abandoned its policy of liberalizing its economy and instead continues to adhere to a policy of state capitalism that is antithetical to the principles of free and fair trade. AISI

¹ Office of the United States Trade Representative, "Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments," 90 *Federal Register* No. 157 (Aug. 18, 2025) 40136--38

strongly urges the administration to take action to hold China accountable for its trade-distorting policies and practices by reinforcing the trade actions taken by the first Trump administration that aimed to counter China's export-driven economic policies that adversely impact U.S. steelmakers.

The key points in support of AISI's argument are summarized as follows:

- From 2000 through 2024, annual Chinese raw steel production increased by roughly 880 *million* metric tons (MT) – a volume over *10 times* greater than the total crude steel production in the United States in 2024. China's increased production has been made possible, in large part, by massive government subsidies. The U.S. Department of Commerce (DOC) has specifically identified numerous subsidies benefiting Chinese steel producers.
- Although China pledged as part of its WTO accession that it would not “influence” commercial decisions of its state-owned enterprises (SOEs), the Chinese government continues to exert significant controls over the operations and management of SOEs both in China and as SOEs expand beyond Chinese borders.
- China has taken numerous measures to inappropriately aid its producers in securing access to raw materials and to manipulate raw material prices in a manner that gives Chinese producers an unfair advantage over their U.S. competitors. AISI commends USTR for the victories it has won at the WTO challenging certain export restraints as violating China's WTO commitments in recent years. However, given China's pervasive use of export restraints and other measures to control raw material prices, winning these challenges is only the first step to bring China's policies into compliance with its WTO commitments.
- In August 2019, the Treasury Department formally recognized that China's long history of currency manipulation has been detrimental to U.S. manufactured good exports by labeling it a currency manipulator as it supports its export-dependent economy.² However, while China was no longer deemed a currency manipulator in January 2020 – in the run-up to the Phase One agreement reached between the U.S. and China – it remains on the currency monitoring list³ and it

² U.S. Department of the Treasury, “Treasury Designates China as a Currency Manipulator,” (Aug. 5, 2019), available at <https://home.treasury.gov/news/press-releases/sm751>.

³ U.S. Department of the Treasury, “Report to Congress: Macroeconomic and Foreign Exchange Policies of Major Trading Partners of the United States,” (Jun. 2025), available at: <https://home.treasury.gov/news/press-releases/sb0157>

must be recognized that the Chinese government continues to exert significant control over its currency.

- The fact that China has not fully complied with its WTO obligations underscores the importance of effective enforcement of U.S. trade remedy laws. Among other things, the United States is right to treat China as a non-market economy for purposes of U.S. antidumping laws and should ensure that Chinese companies are not circumventing and evading U.S. antidumping and countervailing duty orders.

Each of these points is discussed in more detail below.

I. Introduction: China's Non-Compliance with its WTO Obligations Remains a Significant Problem for U.S. Steelmakers and Other U.S. Manufacturers

This submission identifies examples of China's failure to comply with its WTO obligations. Before turning to those examples, however, AISI emphasizes that China's substantial, long-term breach of its WTO commitments continues to have serious consequences for American steelmakers, other American manufacturers, and the U.S. and world economies.

China acceded to the WTO on December 11, 2001 – over 20 years ago. Despite more than two decades in which to make reforms, China continues to use massive subsidies and other forms of government support to build and maintain an enormous steel industry in violation of market principles and China's WTO commitments. As USTR acknowledged in its 2018 annual Report to Congress on China's WTO Compliance, "the United States had erred in supporting China's entry into the WTO on terms that have proven to be ineffective in securing China's embrace of an open, market-oriented approach to the economy and trade... Indeed, it seems increasingly clear that China's actions have done severe harm to other WTO members and the multilateral trading system, which was never designed to deal with a non-market economy of China's size."⁴

These facts are particularly significant because China is not just any WTO member. In 2014, China surpassed the United States as the world's *largest* economy.⁵ In 2024, for the eleventh year in a row, China was the largest economy with purchasing power parity

⁴ USTR, 2018 Report to Congress on China's WTO Compliance (February 2019) at 5, available at <https://ustr.gov/sites/default/files/2018-USTR-Report-to-Congress-on-China%27s-WTO-Compliance.pdf>.

⁵ Brett Armends, *It's Official: America is Now No. 2*, *Marketwatch* (Dec. 4, 2014).

(PPP) estimated at \$38.2 trillion, compared to \$29.2 trillion for the United States.⁶ The fact that the world's biggest economic player is defying the rest of the WTO to pursue a market-distorting policy of mercantilism raises profound and troubling consequences for the U.S. and world economies. As Heriberto Araújo and Juan Pablo Cardenal, authors of "China's Silent Army: The Pioneers, Traders, Fixers and Workers Who Are Remaking The World in Beijing's Image," wrote in 2013:

Europeans and Americans tend to fret over Beijing's assertiveness in the South China Sea, its territorial disputes with Japan, and cyberattacks on Western firms, but all of this is much less important than a phenomenon that is less visible but more disturbing: *the aggressive worldwide push of Chinese state capitalism*. By buying companies, exploiting natural resources, building infrastructure and giving loans all over the world, *China is pursuing a soft but unstoppable form of economic domination*. Beijing's essentially unlimited financial resources allow the country to be a game-changing force in both the developed and developing world, one that threatens to obliterate the competitive edge of Western firms, kill jobs in Europe and America and blunt criticism of human rights abuses in China.⁷

Past U.S. policies were clearly not sufficient to persuade China to comply with its WTO obligations, and as a result, we encourage the administration to continue to take strong trade actions to address China's recalcitrance.

A. China's Unfair Trade Practices Are Hurting the U.S. and World Economies

In 2000, supporters of normalizing trade relations with China argued that China's accession would lower the U.S. trade deficit, strengthen our manufacturing base, and create jobs.⁸ The facts have not borne out these assertions. Instead, as shown below, China's unfair trade practices since its entry into the WTO have contributed to numerous problems in the U.S. and world economies:

⁶ World Bank, GDP PPP (current international \$) for 2024, last accessed August. 25, 2025, available at https://data.worldbank.org/indicator/ny.gdp.mktpp.cd?most_recent_value_desc=true

⁷ Heriberto Araújo and Juan Pablo Cardenal, "China's Economic Empire," *New York Times* (Jun. 1, 2013) (China's Economic Empire).

⁸ See, e.g., President Clinton, Press Release, "Permanent normal trade relations for China: An historic moment for U.S.-China relations" (Sep. 19, 2000), available at <http://clinton4.nara.gov> (last visited Sep. 9, 2014) "Permanent Normal Trade Relations for China].

- **The U.S. Trade Deficit Has Soared.** The annual U.S. trade deficit in goods with China soared 253 percent, from \$83.8 billion in 2000 to \$296. billion in 2024.⁹
- **The U.S. Manufacturing Base Has Been Dramatically Weakened.** In 2000, U.S. exports of manufactured goods were triple the amount of Chinese exports of the same goods.¹⁰ By 2010, however, China’s manufacturing exports were 50 percent higher than U.S. manufacturing exports.¹¹ By 2024, the U.S. faced a roughly \$300 billion trade deficit with China.¹²
- **Millions of U.S. Jobs Have Been Lost and Wages Eroded.** In 2020, the Economic Policy Institute (EPI) released a study outlining job losses associated with the growing U.S. trade deficit with China and the impact on each U.S. state and congressional district. The report found that 3.7 million American jobs were lost between 2001 and 2018, of which 2.8 million of those were in the manufacturing sector, which helps to explain why manufacturing has lagged overall economic growth since the rebound from the Great Recession.¹³
- **Chinese Mercantilism Is Preventing a Necessary Rebalancing in Global Trade.** For many years, it has been broadly recognized that our relationship should be “rebalanced” so that the United States manufactures more goods and China consumes them.¹⁴ Yet there is little reason to believe that China will achieve such a rebalancing in the absence of pressure from its outside trading partners. As the

⁹ U.S. Census Bureau, “Trade in Goods with China,” last accessed August 25, 2025, available at <https://www.census.gov/foreign-trade/balance/c5700.html>

¹⁰ Len Boselovic, “Trade deficit rise kills jobs in factories,” Pittsburgh Post-Gazette (Aug. 21, 2011).

¹¹ *Id.*

¹² International Trade Administration, U.S. NAICS-2 Goods Trade Balance by Partner, China, last accessed Sept 4, 2024, available at: <https://www.trade.gov/data-visualization/tradestats-express-us-trade-partner-countries-and-regions>

¹³ Robert E. Scott and Zane Mokhiber, “Growing China trade deficit cost 3.7 million American jobs between 2001 and 2018,” Economic Policy Institute (Jan. 30, 2020), available at <https://www.epi.org/publication/growing-china-trade-deficits-costs-us-jobs/>.

¹⁴ Former U.S. Secretary of Commerce Gary Locke – who recently served as the U.S. ambassador to China – has said that our trade deficit with China “simply can’t be sustained.” Doug Palmer, “U.S.-China trade imbalance not sustainable: Locke,” *Reuters* (Jul. 15, 2009). Former U.S. Secretary of the Treasury Timothy Geithner has stated that “previous global economic patterns were unsustainable. To establish a more global foundation for growth and avert future crises of this nature, *we must rebalance global demand.*” Secretary of the Treasury Timothy F. Geithner, Written Testimony before the Senate Foreign Relations Committee (Nov. 17, 2009) (emphasis added). C. Fred Bergsten, Director of the Peterson Institute for International Economics, has stated that a “resumption of substantial US growth . . . will require expansion of US exports to the rest of the world and a sizable reduction of our trade deficits.” C. Fred Bergsten, “The United States in the World Economy,” *Peterson Institute for International Economics* (Aug. 12, 2011) at 5.

U.S.-China Economic and Security Review Commission (USCC) concluded in 2013, “China has had little success transitioning toward a consumption-led growth model and reducing its reliance on massive infrastructure projects to boost economic growth.”¹⁵ Investment spending continues to account for nearly half of China’s GDP, accounting for approximately 41.1 percent in 2023, no significant change from 2019 levels, but significantly higher than the investment as a share of GDP in the United States (20.7 percent in March 2023) or the European Union (21.9 percent in December 2024).¹⁶

B. China’s Unfair Practices Are Distorting Steel Markets

China’s restrictive trade regime has had a dramatic impact on its steel industry. Due in large part to trade-distorting practices, Chinese steel production has grown dramatically – even as the market plainly signals that Chinese mills are making too much steel:

- Chinese raw steel production soared from 128.5 million MT in 2000 to 1,005.1 *billion* MT in 2024 – an increase of over 876 million MT¹⁷. To put this in context, last year in 2024 the United States produced 79.5 million MT of raw steel,¹⁸ while Chinese steelmakers last year produced over 12 times that amount in just one year. In fact, in 2024 alone, Chinese steelmakers produced more steel than the United States produced in *12 years* combined from 2013 to 2024.¹⁹
- In 2024, China accounted for 53 percent of global steel production²⁰. Meanwhile, through July 2025, China has produced 594.5 million MT of steel, which is a decrease of 3 percent from the same seven month time period last year and still 72 percent more than the other top nine steel producing countries.²¹

¹⁵ USCC, 2013 Annual Report to Congress (Nov. 20, 2013), at 78.

¹⁶ CEIC Data, China Investment % of GDP 1952-2024, available at <https://www.ceicdata.com/en/indicator/china/investment--nominal-gdp>.

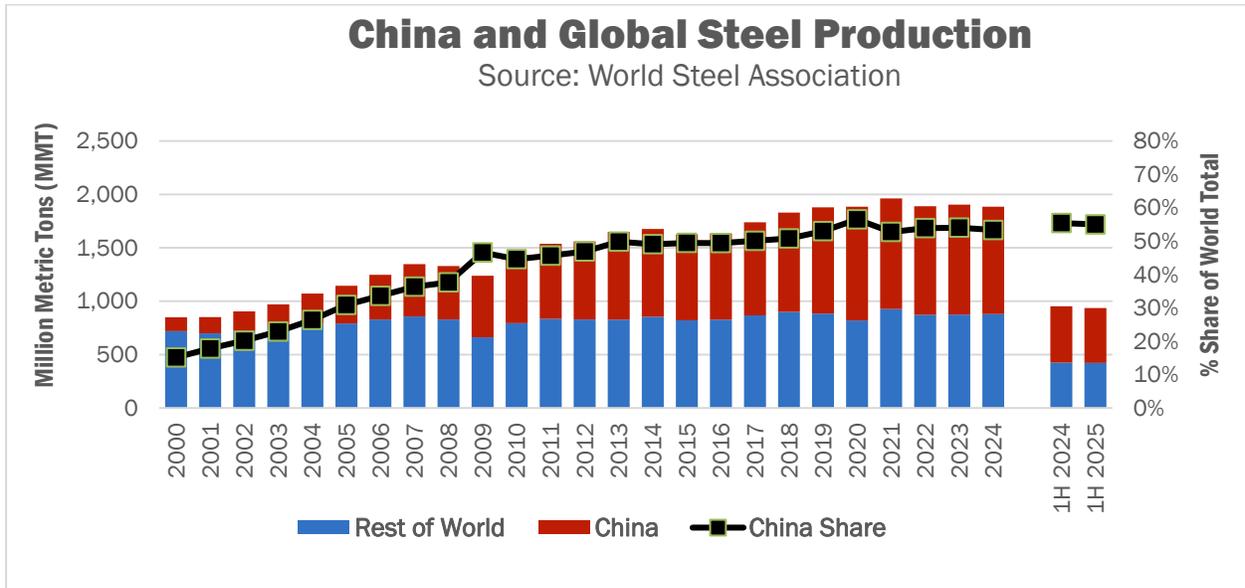
¹⁷ World Steel Association, “Total production of crude steel, world total 2024,” June 4,, 2025, available at: <https://worldsteel.org/wp-content/uploads/World-Steel-in-Figures-2025-3.pdf>

¹⁸ *Id.*

¹⁹ World Steel Association, “Steel Statistical Yearbooks,” available at <https://www.worldsteel.org/steel-by-topic/statistics/steel-statistical-yearbook.html>.

²⁰ World Steel Association, “Total production of crude steel, world total 2024,” June 4,, 202, available at: <https://worldsteel.org/wp-content/uploads/World-Steel-in-Figures-2025-3.pdf/>.

²¹ World Steel Association, July 2025 crude steel production, August 22, 2025, available at: <https://worldsteel.org/media/press-releases/2025/july-2025-crude-steel-production/>



- In 2024, China exported 117.1 million MT of steel to the global market, an increase of 128 percent since 2020, and almost four times as much as the world’s second-largest steel exporter, Japan.²² China’s steel exports declined each year from 2016 to 2020, before increasing in 2021. So far in 2025, Chinese steel exports have increased by 17 percent.²³

C. American Steel Producers Have Been Shut Out of the Chinese Steel Market

It should be recalled that China’s accession to the WTO was supposed to provide an opportunity for U.S. manufacturers to participate in and profit from China’s rapidly growing economy.²⁴ These predictions have not proven true for U.S. steel producers.

In 2001, the year of China’s accession to the WTO, China consumed 170 million MT of finished steel products but produced only 154 million MT of steel.²⁵ By 2024, China’s

²² World Steel Association, “Total production of crude steel, world total 2024,” June 4, 2025, available at: <https://worldsteel.org/wp-content/uploads/World-Steel-in-Figures-2025-3.pdf>

²³ International Trade Administration, Global Steel Trade Monitor, last accessed August 25, 2025, available at: <https://www.trade.gov/data-visualization/global-steel-trade-monitor>

²⁴ See, e.g., Permanent Normal Trade Relations for China.

²⁵ World Steel in Figures 2002 World Steel Association, available at: <https://worldsteel.org/wp-content/uploads/World-Steel-in-Figures-2002.pdf>

demand for finished steel reached 856 million MT – an increase of 381 percent.²⁶ If American steelmakers had been able to partake in even just one percent of this increased demand for steel, then in 2021, U.S. exports of steel to China would have been 6.86 million metric tons of steel products annually.²⁷ But this has not happened – in 2024 U.S. mills exported just 48,586 MT of steel to China – despite significant stimulus in China that increased demand for steel – and down substantially from the export volumes seen in the mid-2000s and a decline of 43 percent from 2017 levels.²⁸



It is now clear that China never intended to permit steel produced outside its borders to benefit from the country’s growing market. In October 2011, China’s Ministry of Industry and Information Technology heralded as a “major achievement” the fact that “the domestic steel market share increased from 92% to 97%” over the five previous years.²⁹ At the same time, it lamented that “[a] few key steel products are still dependent on imports” and found it necessary to “further improve” China’s steel industry so that it can “provide a complete suite of material solutions for downstream industries.”³⁰

²⁶ World Steel in Figures 2025, World Steel Association, “ available at:

<https://worldsteel.org/data/world-steel-in-figures/world-steel-in-figures-2025/>

²⁷ $(856 - 170) \times 1\% = 6.86$ million metric tons (MMT)

²⁸ International Trade Administration, Global Steel Trade Monitor, last accessed August 25, 2025, available at <https://www.trade.gov/data-visualization/global-steel-trade-monitor>.

²⁹ Ministry of Industry and Information Technology, Guoxingui (2011) No. 480, “Notice on Printing and Distribution of the Development Plan of the 12th Five Year Program for the Iron and Steel Industry” (Oct. 24, 2011) (Chinese language document), available at <http://www.miit.gov.cn/n11293472/n11293832/n11293907/n11368223/14303771.html> (last visited Sep. 8, 2014) “12th Five Year Steel Plan”] at Art. I.I.1.

³⁰ *Id.* at Art. I.II.1.

China's more recent policy initiatives have doubled down on the pursuit of self-sufficiency. Specifically, China's "dual circulation" strategy "envisions a new balance away from global integration (the first circulation) and toward increased domestic reliance (the second circulation)."³¹ The policy "sees the continued decoupling of global supply chains as an enduring trend" and "engag{es} international capital, financial, and technological markets when advantages can be gained while simultaneously bolstering indigenous capabilities to avoid overreliance on the global economy – due to national security concerns or the vagaries of global economic cycles."³² It is thus likely that U.S. companies in industries like steel and other strategic sectors will continue to find themselves cut out of the Chinese market as the Chinese Communist Party (CCP) aims to satisfy more domestic demand from its domestic producers.

D. Chinese Steel Has Injured the American Steel Industry

There can be no question that unfairly-traded steel imports – another result of Chinese mercantilism – have also harmed American steel producers. The United States currently maintains antidumping (AD) orders on imports of 33 steel-related products from China, while also maintaining countervailing duty (CVD) orders on imports of 27 steel-related products from China (see Appendix 1 for list of AD/CVD orders on imports of steel-related products from China). Each of these 60 orders rests upon findings by the DOC that the Chinese mills engaged in unfair trade practices *and* findings by the U.S. International Trade Commission (USITC) that Chinese imports have caused or threatened material injury to the relevant domestic industry.

Furthermore, while the AD and CVD orders in place have certainly helped U.S. mills, recent administrative reviews and sunset reviews at the DOC show that in numerous instances, Chinese mills continued to trade unfairly despite the existence of such relief, and removal of these orders would likely lead to continued dumping or subsidization by Chinese steelmakers to the detriment of domestic steel producers.³³

³¹ Jude Blanchette and Andrew Polk, *Dual Circulation and China's New Hedged Integration Strategy*, Center for Strategic and International Studies (Aug. 24, 2020).

³² *Id.*

³³ See, e.g., Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders, 87 Fed. Reg. 17066-68 (Mar. 25, 2022); Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order, 87 Fed. Reg. 17068-70 (Mar. 25, 2022); Stainless Steel Sheet and Strip from the People's Republic of China: Final Results of Expedited Sunset Review

E. China's Actions Demands an Aggressive Response

China now openly says that it never intended to reform its trade practices and open its markets to imports. As recently as July 2018, China's Ambassador to the WTO said: "we have never changed our position. As for those who speculated that China would change and move onto a different path upon its WTO accession, but that was just their wishful thinking."³⁴

China's failure to comply with its WTO obligations has had profound consequences for U.S. trade policy, which rests on the assumption that our trading partners will generally abide by internationally-accepted rules. Unfortunately, that assumption is not correct, because the world's largest economy by purchasing-power-parity (PPP) has effectively exempted itself from numerous WTO obligations. The results of this market-distorting behavior have been disastrous.

Additionally, China has been aggressively initiating WTO cases against other members – especially the United States.³⁵ Remarkably, 18 of the 25 cases brought by China at the WTO alleged violations by the United States – a country suffering from an enormous trade *deficit* with China – with the remaining seven cases against Australia, the European Union or its member states.³⁶ In other words, while China apparently feels free to disregard its own WTO obligations, it sues other countries when it sees an advantage in doing so.

of the Antidumping Duty Order, 87 Fed. Reg. 40183-84 (Jul. 6, 2022); Corrosion-Resistant Steel Products from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021, 87 Fed. Reg. 47714-16 (Aug. 4, 2022); Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Continuation of the Antidumping and Countervailing Duty Orders, 87 Fed. Reg. 50601-02 (Aug. 17, 2022); Certain Cold-Rolled Steel Flat Products from the People's Republic of China and the Republic of Korea: Continuation of Countervailing Duty Orders, 87 Fed. Reg. 51056-09 (Aug. 19, 2022); Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2020-2021, 87 Fed. Reg. 55392-94 (Sep. 9, 2022).

³⁴ Statement by H.E. Ambassador Dr. Zhang Xiangchen at the WTO General Council Meeting (Jul. 26, 2018), available at

<http://wto2.mofcom.gov.cn/article/chinaviewpoin/201807/20180702770676.shtml>.

³⁵ Kristie Thomas, "China and the WTO Dispute Settlement System: From Passive Observer to Active Participant?" (2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1866259 (last visited Sep. 9, 2014).

³⁶ World Trade Organization, "Table of Disputes by Member," available at https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm (last visited Sep. 3, 2024).

In response to China's mercantilist policies, the first Trump administration pursued aggressive actions, such as use of Section 301, to push China to reform. AISI supported those efforts and continues to support the current administration in its efforts to press China for market-oriented reforms.

II. Issues of Particular Importance to American Steel Producers

This submission does not attempt to identify and discuss every outstanding issue with respect to China's WTO compliance. Instead, it focuses on several issues of core concern that are imperative for the U.S. government to address. Many of these issues are directly relevant not only to the domestic steel industry, but to all U.S. manufacturers, many of whom are suppliers to or customers of AISI member companies.

A. Subsidies

Upon its accession to the WTO, China assumed the obligations of the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement).³⁷ In particular, China committed that by the time of its accession it would eliminate all subsidies prohibited under Article 3 of the SCM Agreement.³⁸ China also agreed that other WTO members could apply CVD measures against Chinese imports consistent with the SCM Agreement and could address prohibited and actionable subsidies through WTO litigation.³⁹ Notwithstanding these commitments, Chinese manufacturers – including Chinese steel producers – continue to benefit from massive government subsidies. The evidence on this point is overwhelming. Indeed, in its 2024 Report to Congress on China's WTO Compliance, USTR recognized that “China continues to provide massive subsidies to its domestic industries, which have caused injury to U.S. industries and the industries of other WTO Members. Some of these subsidies also appear to be prohibited under WTO rules.”⁴⁰ It went on to further state that “since joining the WTO 20 years ago, China has not yet submitted to the WTO a complete notification of subsidies

³⁷ WTO Working Party on the Accession of China, *Report of the Working Party on the Accession of China*, WT/ACC/CHN/49 (Oct. 1, 2001) (“Working Party Report”) at ¶¶ 166-68, 171, and 174; see also World Trade Organization, *Protocol on the Accession of the People's Republic of China*, WT/L/432 (Nov. 10, 2001) (“China Protocol of Accession”) at ¶ 10.3.

³⁸ Working Party Report at ¶¶ 166-68, 171, 174; China Protocol of Accession at ¶ 10.3; see also Agreement on Subsidies and Countervailing Measures, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, Legal Instruments – Results of the Uruguay Round, 33 I.L.M. 1125 (1994).

³⁹ China Protocol of Accession at ¶ 15.

⁴⁰ 2024 USTR Report to Congress on China's WTO Compliance at 37 (Jan. 2025), available at: <https://ustr.gov/sites/default/files/files/reports/2025/2024USTRReportCongressonChinaWTOCompliance.pdf>

maintained by the central government, and it did not notify a single sub-central government subsidy until July 2016, when it provided information only on sub-central government subsidies that the United States had challenged as prohibited subsidies in a WTO dispute.”⁴¹

In June 2016, five steel trade associations in the U.S., including AISI, released a public report detailing the continued subsidization of the Chinese steel industry by its government and that the rapid growth in recent years of its production has been fueled by government subsidies and other market-distorting practices. Each of the 25 largest Chinese steel companies were analyzed in this report and highlighted the specific types and levels of subsidies that the Chinese steel producers obtained from its government, including at the federal, provincial and local levels, over the past several years. “The Chinese government maintains a majority share in the top-producing Chinese steel producers. Domestic steel producers are not competing with private enterprises but with sovereign governments that do not need to use free-market principles to operate,” the report found.⁴²

Two years of discussions between the United States, the European Union and Japan culminated in the release of a joint statement in January 2020 outlining the principles for reforming the rules governing industrial subsidies as the existing WTO rules are insufficient to tackle the market distortions from subsidies. The statement expressly endorses adding several new types of prohibited subsidies to the Agreement on Subsidies and Countervailing Measures (ASCM), including: (1) unlimited guarantees; (2) support to insolvent or ailing enterprises that do not have credible restructuring options; (3) assistance to entities that cannot obtain independent investments or financing; and (4) direct forgiveness of debt.⁴³ AISI supports the trilateral work conducted by the three governments, particularly as they would help to address the distortions created by China’s continued mass subsidization of its industrial base, including steelmakers. The domestic steel industry urges a renewed focus on updating these WTO subsidy rules.

⁴¹ *Id.*

⁴² Prepared by the Steel Industry Coalition, “Report on Market Research into the People’s Republic of China Steel Industry,” (Jun. 30, 2016).

⁴³ “Joint Statement of the Trilateral Meeting of the Trade Ministers of Japan, the United States and the European Union,” (Jan. 14, 2020), available at <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2020/january/joint-statement-trilateral-meeting-trade-ministers-japan-united-states-and-european-union>.

1. *China Has Failed to Properly Notify WTO Members of its Subsidy Programs*

It should also be noted that China's failure to comply with its WTO obligations makes it impossible to precisely measure the scope of its government subsidies. Pursuant to Article XVI of the General Agreement on Tariffs and Trade ("GATT") and Article 25 of the SCM Agreement, China is required to notify members of its subsidy programs every year. However, China did not submit any such notification until April 2006, over four years after it acceded to the WTO and nearly five years after it promised to do so.⁴⁴ Six years later, China submitted its new subsidies notification, but yet again, it was inadequate, covering only four years from 2005 to 2008 and failing to provide a detailed list of any subsidies given by local or provincial governments.⁴⁵

Following several additional requests by the U.S., in October 2015, China finally submitted a new subsidies notification which covered 2009 to 2014, but like previous reports, it was incomplete.⁴⁶ China's lack of transparency regarding its government subsidies severely constrains the ability of WTO Members to ensure that it is playing by the rules. In its July 2016 submission, the Chinese government for the first time since joining the WTO in 2001, included subsidy programs issued by sub-central governments, but as expected, this information was incomplete and represented a very small portion of non-central government subsidy programs.⁴⁷

This issue has specifically impacted the steel industry. For example, while China claims that it does not offer any specific subsidies for steel companies, in annual reports Chinese steel companies themselves say they receive "hundreds" of government subsidies – a point raised by the first Trump administration in an April 20, 2018, filing at the WTO.⁴⁸ The Chinese government also subsidizes downstream industries to the detriment of U.S. steelmakers and their domestic customer base. In 2024 the WTO published its Trade Policy Review for China, which made clear that the lack of transparency in China reporting government subsidies makes it difficult to gain a

⁴⁴ 2013 USTR Report to Congress on China's WTO Compliance at 50.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ 2016 USTR Report to Congress on China's WTO Compliance at 65.

⁴⁸ Follow-up questions from the United States regarding the sub-central new and full notification of China, April 20, 2018, available at https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=244762,244746,244744,244743,244748,244749,244750,244751,244752,244753&CurrentCatalogueIdIndex=1&FullTextHash=371857150&HasEnglishRecord=True&HasFrenchRecord=False&HasSpanishRecord=False

deeper insight into the level of support certain highly traded sectors are receiving, including the steel industry.⁴⁹

2. China Continues to Provide Massive Subsidies

As discussed above, domestic steel producers have brought and won CVD cases against 28 different categories of Chinese steel-related imports, on a variety of flat, wire, long, pipe/tube and stainless products.⁵⁰ The decisions in those cases show that China has engaged in sustained, massive, across-the-board efforts to subsidize steel production – efforts that affect the entire American steel industry, as well as other steel producers globally.

Several sunset reviews conducted by DOC have shown lack of interest by Chinese respondents to participate, thus allowing for the continuation of CVD orders. For instance, DOC conducted expedited sunset reviews on the CVD order on OCTG from China in 2015 and 2020 since DOC did not receive a substantive response from either the Chinese government or respondents that either export or produce OCTG in China.⁵¹ Had China stopped providing significant subsidies to its domestic steelmakers, there would be an incentive for those producers to participate in these sunset reviews to lower substantial CVD rates on Chinese exporters.

3. China's Industrial Policies Encourage Continued Subsidization

In recent years, while China has committed to move towards more market-driven policies, it has continued to issue policies that provide for steel subsidies. In 2021, the Chinese government publicly issued its 14th Five-Year Plan for 2021-2025, which pledges to transform its steel sector into a more environmentally-friendly behemoth, while continuing to “push forward [with] supply side reform and mergers and

⁴⁹ World Trade Organization, “Trade Policy Review” Report by the Secretariat, China, (June 12, 2024) available at: https://www.wto.org/english/tratop_e/tpr_e/s458_e.pdf

⁵⁰ See Appendix 2.

⁵¹ International Trade Administration, “Certain Oil Country Tubular Goods from the People’s Republic of China: Final Results of Expedited First Sunset Review of Countervailing Duty Order,” *Federal Register* 80 FR 19282 (Apr. 10, 2015), available at <https://www.federalregister.gov/documents/2015/04/10/2015-07979/certain-oil-country-tubular-goods-from-the-peoples-republic-of-china-final-results-of-expedited> and International Trade Administration, “Certain Oil Country Tubular Goods from the People’s Republic of China: Final Results of the Expedited Second Sunset Review of Countervailing Duty Order,” *Federal Register* 85 FR 38849 (Jun. 29, 2020), available at <https://www.federalregister.gov/documents/2020/06/29/2020-13947/certain-oil-country-tubular-goods-from-the-peoples-republic-of-china-final-results-of-the-expedited>.

acquisitions in the steel sector.”⁵² Despite recent five-year steel plans touting the importance of moving in the direction of market-driven policies, the Chinese steel industry can only make a significant transition with significant government assistance.

China’s subsidy practices continue to evolve in ways that make them more opaque and challenging to address under existing subsidy disciplines. For example, while the government has historically relied heavily on subsidized bank loans from government-owned or controlled banks, it has more recently shifted its emphasis to equity investments through “government guidance funds” that have been established at all levels of government. As of 2019, there were more than 2,000 of these funds with nearly \$600 billion in capital making investments throughout the economy.⁵³ While many of them are focused on emerging high-tech sectors, they are also being used to support technological upgrades in traditional industries such as steel pursuant to industrial policies like Made in China 2025.⁵⁴

Continued subsidization has propped up excessive industrial capacity and prevented cuts that have repeatedly been pledged to by the Chinese government. China’s heavily subsidized steel industry, which remains largely government owned and controlled, continues to dominate the global steel industry. In 2024, China accounted for 53 percent of global steel production, producing 1,005 million MT of crude steel, which was more than six times the amount produced by India – the second largest steel producing country – and over twelve times more than total steel production in the United States.⁵⁵ As China continues to increase steel production it also continues to increase its exports, and is expected to export more than 100 million MT of steel in 2024, which will be the high mark since 2016.⁵⁶

⁵² Min Zhang, Shivani Singh and Emily Chow, “China to ‘strengthen management’ of strategic mineral sources, eyes green upgrade of steel,” *Reuters* (Mar. 5, 2021), available at <https://www.reuters.com/article/us-china-parliament-steel/china-to-strengthen-management-of-strategic-mineral-resources-eyes-green-upgrade-of-steel-idUSKBN2AX0CR>.

⁵³ Tianlei Huang, *Government-Guided Funds in China: Financing Vehicles for State Industrial Policy*, PIIIE (June 17, 2019).

⁵⁴ Emily Feng, *China’s State-Owned Venture Capital Funds Battle to Make an Impact*, *Financial Times* (Dec. 23, 2018).

⁵⁵ Worldsteel Association, “Total production of crude steel, world total 2024”, June 2025, available at: <https://worldsteel.org/wp-content/uploads/World-Steel-in-Figures-2025-3.pdf>

⁵⁶ Lesli Hook, Harry Dempsey, Joe Leahy, and Cheng Leng “Chinese steel exports to reach 8-year high” *Financial Times*, (Sept. 1, 2024) available at: <https://www.ft.com/content/fa422840-ab55-48d4-9a5b-a8727b59ef77>

4. Export Finance Support

China has made export financing a “focal point” of its export promotion strategy, launching what one expert has called “the most aggressive export credit financing campaign in history.”⁵⁷ As part of this campaign, China has provided an enormous amount of export financing support to its companies.⁵⁸ In its 2023 annual report to Congress on competition in the global export credit market, the Export-Import Bank of the United States (ExIm) noted that in the decade since China launched the Belt and Road Initiative there can be no debate over the staggering scale of support from Chinese export credit agencies (ECAs), specifically China EXIM and SINOSURE.⁵⁹

Additionally, U.S. ExIm pointed out that while the activity by Chinese ECAs has decreased over the last decade it remains among the top medium and long-term export credit providers.⁶⁰ According to the U.S. ExIm report Chinese ECAs provided an average of \$35 billion a year between 2016-2019 and are expected to have authorized roughly \$15 billion in 2023.⁶¹ It was also noted that the decrease in activity from Chinese ECAs is likely due to China reducing the use of policy banks while increasing the use of its state-owned commercial banks.⁶²

5. Conclusion

Given that China has subsidized its steel industry for years and that its government policy plainly provides for further subsidies going forward, this problem cannot be solved by dialogue alone. AISI commends past U.S. government action to push China to reform its trade practices and encourages the administration to take a strong approach that will ensure a level playing field for U.S. manufacturers. AISI strongly urges continued efforts by the U.S. government to challenge Chinese industrial subsidies and

⁵⁷ See Stephen J. Ezell, “Understanding the Importance of Export Credit Financing to U.S. Competitiveness,” *Information Technology and Innovation Foundation* (Jun. 2011) at 7.

⁵⁸ *Id.* at 7-8.

⁵⁹ Export Import Bank of the United State, “Report to the U.S. Congress on Global Export Credit Competition,” (June 2024), available at: https://img.exim.gov/s3fs-public/documents/exim_2024_competitiveness_report.pdf

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

to take other appropriate trade actions in recognition of the role that subsidies and non-market policies have played in contributing to excess capacity.⁶³

B. State-Owned Enterprises

During the course of its accession to the WTO, the Government of China committed that it “would not influence, directly or indirectly, commercial decisions on the part of state-owned enterprises.”⁶⁴ This commitment is particularly significant in the steel context. A report published by the European Confederation of Iron and Steel Industries (EUROFER) in 2009 found that the Chinese steel industry is “firmly embedded in a powerful state-business nexus” and maintains “very close relations to government agencies on local, provincial, as well as central levels.”⁶⁵

There is every indication that the Chinese government continues to maintain a significant amount of control over its steel industry. While the U.S.-China Economic and Security Review Commission recently recognized in its 2020 annual report that “[i]n the past, the [Chinese Communist Party] focused its attempts at economic dominance on legacy sectors of steel, aluminum, and transportation, among others,”⁶⁶ the most recent five-year steel plan for 2021-2025 continues to provide significant strategic development guidance for its steelmakers.

As China continues to publicize its official policy of reducing excess steel capacity at home, U.S. policymakers should also be extremely wary of China’s goal to “internationalize” its state-owned steel industry. The OECD has released a series of reports over the last several years detailing the numerous risks associated with the rise of SOEs’ investments and activities abroad.⁶⁷ These risks include the following:

⁶³ Angelo Amante, “G7 trade ministers toughen talk on tackling unfair trade”, Reuters, (July 17, 2024), available at: <https://www.reuters.com/world/g7-trade-ministers-toughen-talk-tackling-unfair-trade-2024-07-17/>

⁶⁴ Working Party Report at 46.

⁶⁵ Markus Taube and Christian Schmidkonz, *The State-Business Nexus in China’s Steel Industry – Chinese Market Distortion in Domestic and International Perspective*, THINK!Desk China Research & Consulting (Jan. 2009), prepared for EUROFER (“EUROFER Report”) at 10.

⁶⁶ U.S.-China Economic and Security Review Commission Annual Report, (Dec. 2021), at 27, available at https://www.uscc.gov/sites/default/files/2020-12/2020_Annual_Report_to_Congress.pdf.

⁶⁷ See, e.g., Antonio Capobianco and Hans Christiansen, “Competitive Neutrality and State-Owned Enterprises: Challenges and Policy Options,” *OECD Corporate Governance Working Papers* (2011), available at <http://dx.doi.org>. (“Competitive Neutrality in the Presence of SOEs”); OECD, *State-Owned Enterprises and the Principle of Competitive Neutrality*, DAF/COMP[2009]37 (Sep. 20, 2010) (“SOEs and Competitive Neutrality”); OECD, “SOEs Operating Abroad: An application of the OECD Guidelines on Corporate Governance of State-Owned Enterprises to the cross-border operations of SOEs,” available at <http://www.OECD.org> (“SOEs Operating Abroad”).

- SOEs often receive subsidies that provide them with a competitive advantage in their world-wide operations by lowering their costs and allowing them to set prices that are lower than their private-sector competitors.⁶⁸
- Because SOEs do not have the same pressure to make a consistent profit as their private competitors, they are more likely to engage in anti-competitive behavior such as exclusionary pricing strategies without the fear of their stock prices falling when losses are incurred.⁶⁹
- SOEs operating overseas can serve as conduits for illicit technology transfers as well as outright espionage.⁷⁰
- When private companies acquire foreign rivals to appropriate their technologies, they put this technology to commercial use within the acquiring company. When SOEs acquire foreign rivals to appropriate their technologies, however, they often do so to make the acquired technologies available throughout the relevant sectors of the domestic economy of which they are a part. This fact leads to distortions in the mergers and acquisitions market.⁷¹

In recent years, the CCP has also sought to expand its control over purportedly private enterprises. Rather than relying on control through formal ownership shares, the CCP has begun to insert itself directly into the governance of Chinese companies, both state-owned and private alike. According to a recent report, this strategy has two key prongs. “First, the Party is strengthening the role of internal Party organizations established within companies. . . . Second, the CCP is promoting the ‘modern enterprise system with Chinese characteristics, a new form of corporate governance that calls for inserting certain ‘Party building’ provisions directly into corporate charters.”⁷² This trend further blurs the lines between the state and the private sector, creating new challenges for the United States in areas like identifying unlawful subsidies and enforcing the trade remedy laws.

⁶⁸ Competitive Neutrality in the Presence of SOEs at 5; SOEs and Competitive Neutrality at 37; SOEs Operating Abroad at 7.

⁶⁹ Competitive Neutrality in the Presence of SOEs at 6-7; SOEs and Competitive Neutrality at 38-40.

⁷⁰ SOEs Operating Abroad at 5.

⁷¹ *Id.* at 6.

⁷² Scott Livingston, *The New Challenge of Communist Corporate Governance*, Center for Strategic and International Studies (Jan. 2021) at 1-2.

China has made significant moves towards achieving its goal to “internationalize” its steel industry in recent years. Many of these moves are consistent with the concerns raised by the OECD. In April 2016, a joint statement was issued by the Chinese central bank and other government agencies noting that China planned to “strengthen financing support for enterprises ‘going out’” which would encourage the use of loans, export credits and other financing options in an effort to encourage steel and other business to build capacity in foreign countries.⁷³ Steel firms in China continue to push for building new operations abroad.

Chinese manufacturers receive hundreds of billions of dollars of state support to build and purchase plants on foreign soil, through money provided by institutions such as China Development Bank, Bank of China and funds like China Investment Corp., and the USCC remains concerned about the impact of China’s outreach to the globe. The Chinese government’s Belt and Road Initiative (BRI), inaugurated in 2013, is an outward facing economic development plan aimed at boosting China’s influence through increased economic integration with its neighbors. However, despite China’s continued rhetoric about the open and inclusive process, “Chinese state-owned enterprises are winning the lion’s share of contracts for BRI projects.”⁷⁴

The BRI encourages Chinese manufacturers – both SOEs and non-SOEs – to invest in operations abroad, particularly as many Chinese steelmakers are unable to export to the U.S. market because of trade remedy orders.

For instance, Indonesia has become a major focus of Chinese investment under the BRI, in part so that Chinese companies could obtain access to significant nickel reserves in that country. The largest Chinese producer of stainless steel, Tsingshan, has built a 3.0 to 3.5 million metric ton production stainless steel facility in Indonesia to take advantage of low priced Indonesian nickel. Its production is almost exclusively for export markets to the United States and Europe, as Indonesian consumption of stainless steel products is well below the annual production capabilities at this facility.⁷⁵ In November 2017, a 50-50 joint venture was announced between U.S.-based Allegheny Technologies (ATI) and an affiliate of the Tsingshan Group to produce stainless steel

⁷³ David Stanway and Ruby Lian, “China looks overseas in bid to slim down bloated steel sector,” *Reuters* (Apr. 20, 2016).

⁷⁴ U.S.-China Economic and Security Review Commission Annual Report, Chapter 1, Section 2, page 91, (Nov 2017) available at https://www.uscc.gov/sites/default/files/annual_reports/2018%20Annual%20Report%20to%20Congress.pdf

⁷⁵ Maytaal Angel, “Stainless steel glut builds in China as Indonesia ups output,” *Reuters* (May 3, 2018), available at <https://www.reuters.com/article/us-stainless-glut-nickel/stainless-steel-glut-builds-in-china-as-indonesia-ups-output-idUSKBN1I412C>.

sheet in North America using Indonesian “redi-to-roll” slabs, which are then hot rolled into coils in the United States.⁷⁶ While the U.S. market has seen little imports of semi-finished stainless steel slabs since this joint venture was announced, Indonesian stainless steel exports to the global market have increased by over 480 percent, from 716,000 MT in 2017 to 4.1 million MT in 2023⁷⁷ Since 2017, Indonesian stainless steel exports have increased to several countries, including India, Italy, South Korea, Taiwan and Vietnam,⁷⁸ where semi-finished stainless steel is likely rerolled into finished stainless steel products, before being exported to the global marketplace, including the United States.

Meanwhile, in September 2022, China Baowu Steel Group, an SOE that is the largest Chinese steelmaker by output, announced a deal with PT Vale, an Indonesian Nickel mining company, to develop a processing plant on Sulawesi Island in Indonesia. Under this deal the companies entered a joint venture with China Baowu Steel Group controlling 51 percent of the business through its subsidiary Taiyuan Iron & Steel Co.

As we have emphasized in the past, AISI has no objection to market-driven foreign investment in the United States or other countries. However, the prospect of investments in steel mills that are driven by Chinese government policies, like massive subsidization and other trade-distorting measures, rather than by commercial considerations, deserves serious scrutiny by U.S. policymakers. As Robert Atkinson has explained:

[T]here’s a fundamental difference between dislocation produced by economic restructuring by nations pursuing comparative/competitive advantage and dislocation produced by absolute loss of competitive advantage via foreign mercantilism. The former hurts some workers, companies and communities but generates economic growth. The latter hurts many more individuals, companies and communities and generates economy-wide loss.⁷⁹

There can be no doubt that China’s steel-producing SOEs – which account for most of the production in the world’s largest steel industry – are operating in accord with

⁷⁶ ATI PR, “ATI and Tsingshan to Form Innovative Stainless Steel Joint Venture,” (Nov. 2, 2017), available at <https://ir.atimetals.com/news-events/news-details/2017/ATI-and-Tsingshan-to-Form-Innovative-Stainless-Steel-Joint-Venture/default.aspx>; and Grace Lavigne Asenov, “ATI, Tsingshan form stainless sheet venture (update)”, Fastmarkets AMM (Nov. 2, 2017), available at <https://www.amm.com/Article/3763984/ATI-Tsingshan-form-stainless-sheet-venture-update.html>.

⁷⁷ International Trade Administration, Global Steel Trade Monitor, last accessed August 28, 2024, available at <https://www.trade.gov/data-visualization/global-steel-trade-monitor>

⁷⁸ *Id.*

⁷⁹ The Explosive Rise of Subsidies to Chinese Industry.

government policies, *not* market principles. This outcome represents not only a clear violation of China's WTO commitments, but a significant distorting force in steel markets around the world.

C. Raw Materials

As part of its efforts to assist its colossal steel industry, China has taken numerous improper measures to aid its producers in securing access to raw materials and to manipulate raw material prices in a manner that gives Chinese producers an unfair advantage over their U.S. competitors. As discussed below, these measures raise serious WTO concerns.

1. Restraining Exports of Key Raw Materials

Article XI of the GATT 1994 generally prohibits WTO members from maintaining export restrictions (other than duties, taxes, or other charges), although certain limited exceptions are allowed.⁸⁰ China also agreed as part of its WTO accession to eliminate all taxes and charges on exports other than those included in Annex 6 to its Protocol of Accession or those applied in conformity with Article VIII of the GATT 1994.⁸¹

The evidence is overwhelming that China has not complied with these commitments. In June 2009, the United States, along with the European Union and Mexico, challenged China's export restraints on numerous raw materials at the WTO.⁸² These raw materials – which are important to the production of steel, aluminum, and various chemicals – include bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc.⁸³ USTR alleged that China imposes several different export restraints on these materials, including the following: export quotas (caps on the volume of the material that may be exported), which are generally prohibited by applicable WTO rules; export duties which China expressly agreed to eliminate when it joined the WTO; and other export-related administrative measures and costs, all of which are inconsistent with WTO rules.⁸⁴ As USTR has recognized, these export

⁸⁰ Working Party Report at ¶¶ 155-65.

⁸¹ *Id.* Article VIII only permits fees and charges limited to the approximate cost of services rendered and makes clear that any such fees and charges shall not represent an indirect protection to domestic products or a taxation of exports for fiscal purposes. *Id.* This article is not relevant for the present discussion.

⁸² USTR Press Release, "United States Files WTO Case Against China Over Export Restraints on Raw Materials" (June 23, 2009); *see also* Request for Consultations by the United States, *China – Measures Related to the Exportation of Various Raw Materials*, WT/DS394/1 (Jun. 23, 2009) at 1.

⁸³ *Id.*

⁸⁴ *Id.*

restraints can seriously disadvantage downstream producers in the United States and other countries:

First, these restraints limit exporters' access to these raw materials. Second, the restraints can significantly raise the world market prices for the materials, while lowering the prices that domestic Chinese producers have to pay. Lower-priced downstream Chinese products derived from the materials can then enjoy an anticompetitive price advantage vis-à-vis the same products produced outside China.⁸⁵

In 2012, the WTO sided with the U.S., the European Union and Mexico against China. Importantly, the DOC has also recognized that China's export restraints constitute countervailable subsidies -- specifically, in the CVD investigation of seamless pipe from China, the DOC found that China's export restraints on coke provide a financial benefit to Chinese steel producers that use coke in the production of seamless pipe.⁸⁶

Additionally, consider China's export restraints on certain rare earths. According to the U.S. Geological Survey, China accounts for approximately 80 percent of U.S. rare earth supplies, far more than domestic supply or any of our trading partners.⁸⁷ Many corporate executives have reported that China is using its near-monopoly on rare earths not only to subsidize existing Chinese manufacturers, but also to encourage other manufacturers to relocate or expand capacity in China.⁸⁸ Indeed, China itself had repeatedly stated that the purpose of the export restraints on rare earths was to encourage companies to move production to China.⁸⁹ It was only when governments and business groups pointed out that the export restraints violated China's WTO obligations that China began claiming that the export restraints were in place for environmental protection.⁹⁰

In June 2012, the United States requested the establishment of a WTO dispute settlement panel to decide claims regarding China's unfair export restraints on rare

⁸⁵ *Id.*

⁸⁶ Issue and Decision Memorandum in *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the People's Republic of China*, 75 Fed. Reg. 57444 (Dept. Commerce Sep. 21, 2010) (final determ.) at 32-33.

⁸⁷ Bloomberg News, "China Stokes Rare Earths Concerns with Possible Export Restrictions," (Jun. 4, 2019) available at <https://www.bloomberg.com/news/articles/2019-06-04/china-reviews-rare-earth-export-controls-proposal-amid-trade-war>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

earths, tungsten, and molybdenum.⁹¹ In bringing this request, the U.S. government recognized that “[i]t is vital that U.S. workers and manufacturers obtain the fair and equal access to raw materials like rare earths that China specifically agreed to when it joined the WTO.”⁹² Significantly, China imposed essentially the same export quota on rare earths for 2013 that it imposed in 2012 before the United States requested the establishment of a WTO dispute settlement panel on this issue.⁹³

On March 26, 2014, a WTO panel issued a decision finding that China’s export duties, export quotas, and other restrictions on the export of rare earths, tungsten, and molybdenum were in violation of its WTO obligations.⁹⁴ China appealed certain aspects of the panel’s decision, but on August 7, 2014, the WTO Appellate Body upheld the panel’s decision.⁹⁵ China removed the quotas on January 1, 2015, and eliminated the export duties in May 2015, which in turn has caused significant increases in demand and dramatic reduction in prices.⁹⁶

However, notwithstanding this victory at the WTO, some analysts believe that “the rare-earth battle between China and the West will carry on” because “China will not cede its position in the market.”⁹⁷ Earlier this year China proposed new regulations to further control the supply of rare earth minerals, stating that these resources belong to the government and they will therefore oversee the development of the industry, of which China accounts for roughly 90 percent of the global supply.⁹⁸ These proposed regulations went into effect on October 1, 2024, and will likely have a negative impact on the availability of critical minerals going forward.⁹⁹

⁹¹ USTR Press Release, “United States Seeks to Eliminate China’s Unfair Export Restraints on Rare Earths,” (Jun. 27, 2012).

⁹² *Id.*

⁹³ “China’s Commerce Department Issues Second Rare Earth Quota of 15,5000 tons in 2013,” *Reuters* (Jul. 1, 2013) (Chinese language document), *available at* <http://cn.reuters.com/article/chinaNews/idCNCNE96009S20130701> (last visited Sep. 9, 2014).

⁹⁴ USTR Press Release, “United States Wins Victory in Rare Earths Dispute with China: WTO Report Finds China’s Export Restraints Breach WTO Rules” (Mar. 26, 2014).

⁹⁵ USTR Press Release, “U.S. Trade Representative Michael Froman Announces U.S. Victory in Challenge to China’s Rare Earth Export Restraints” (Aug. 7, 2014).

⁹⁶ “Turnover of China’s Rare Earth Exchange Surges in July,” *Want China Times* (Aug. 11, 2015)

⁹⁷ “China won’t bow in rare-earth battle,” *Global Times* (Jun. 18, 2014).

⁹⁸ Reuters, “China issues rare earth regulations to further protect domestic supply” (June 29, 2024), *available at*: <https://www.reuters.com/markets/commodities/china-issues-rare-earth-regulations-further-protect-domestic-supply-2024-06-29/#:~:text=The%20regulations%2C%20issued%20by%20the,world's%20dominant%20producer%2C%20accounting%20for>

⁹⁹ Jennifer Kary, Rare Earths MMI: China’s Rare Earths Restrictions in Full Effect, *Metal Miner*, October 4, 2024 *available at*: <https://agmetalmminer.com/2024/10/04/rare-earths-mmi-chinas-restrictions/>

In July 2016, the U.S. challenged China over its export duties on nine key raw materials at the WTO, highlighting that “[w]hen China joined the WTO, [i]t agreed to eliminate its export duties on these products, but it has failed to follow through on this commitment.”¹⁰⁰ The raw materials, which include copper, magnesia, tin, among others, are critical to the competitiveness of American manufacturing and China’s export duties on these products range from five to 20 percent, which artificially raise the prices of these materials by American and other global manufacturers.¹⁰¹ In November 2016, the WTO Dispute Settlement Body (DSB) established a panel to examine these export restrictions, with several key U.S. allies, including Canada, the European Union, Korea and Mexico, reserving their third party rights in the dispute,¹⁰² but there has been little, if any, movement in this case since the panel was composed.

It should also be noted that China maintains a 40 percent export tax on steel scrap that creates additional distortion in the marketplace.¹⁰³ While the tax does not explicitly prohibit scrap exports, it makes such shipments extremely unprofitable in most cases. Meanwhile, in late 2020, the Chinese government announced it would cut the import duty for steel scrap to zero beginning in 2021,¹⁰⁴ which effectively ended its import ban on steel scrap. In 2023, China imported 533,163 MT of steel scrap, a slight increase from the 558,900 MT that was imported in 2022.¹⁰⁵ However, according to a report earlier this year, China has loosened its rules on scrap imports after importing less than 250,000 tons in 2024 and believes looser import restrictions could increase scrap imports to 1-2 million tons a year.¹⁰⁶ As one of the world’s largest scrap consumers, any action taken by the Chinese government related to the trade of steel scrap has significant implications on the global marketplace for scrap.

¹⁰⁰ “United States Challenges China’s Export Duties on Nine Key Raw Materials to Level Playing Field For American Manufacturers” *Office of the U.S. Trade Representative* (Jul. 13, 2016).

¹⁰¹ “U.S. Challenges China Over Raw Materials Duties at the WTO” *Yahoo News* (Jul. 13, 2016).

¹⁰² World Trade Organization, “DS508: China – Export Duties on Certain Raw Materials” (last updated Nov. 8, 2016).

¹⁰³ See China State Administration Customs Committee, Shuiweihui (2011) No. 27, 2012 Custom Tax Implementation Program (Dec. 9, 2011) (Chinese language document), available at http://gss.mof.gov.cn/zhengwuxinxi/zhengcefabu/201112/t20111215_615749.html (last visited Sep. 9, 2014).

¹⁰⁴ Chi Hin Ling, “China removes import tax for ferrous scrap,” *Argus Media* (Dec. 23, 2020), available at <https://www.argusmedia.com/en/news/2171724-china-removes-import-tax-for-ferrous-scrap>.

¹⁰⁵ Mysteel, “GACC: China's 2023 ferrous scrap imports slip 4.6% on year”, Jan. 22, 2024, available at: <https://www.mysteel.net/news/5047379-gacc-chinas-2023-ferrous-scrap-imports-slip-46-on-year>

¹⁰⁶ Annie Lee and Winnie Zhu, “China Eases Battery, Steel Scrap Import Rules to Aid Green Push”, *Bloomberg*, June 17, 2025, available at: <https://www.bloomberg.com/news/articles/2025-06-17/china-eases-battery-steel-scrap-import-rules-to-aid-green-push?embedded-checkout=true>

Given its pervasive use of export restraints as part of its trade and industrial policy and given the evidence that China has no intention of voluntarily ending its use of such restraints, AISI supports recent efforts by the U.S. government to hold China accountable for its trade-distorting policies and practices.

2. *Helping Chinese Mills in the Acquisition of Raw Materials*

In addition to imposing export restraints, China has an established policy of assisting its steel producers in their efforts to obtain raw materials across the world. The Chinese government has continued to provide assistance in the acquisition of iron ore deposits overseas. In recent years, several potential investment projects, particularly in Africa, have been announced where China plans to invest in the procurement of steelmaking raw materials, which would enable their steel producers to benefit from cheap iron ore at the expense of U.S. steelmakers. In 2017, it was announced that the China Investment Fund and the government of Angola are working to sign an investment deal to mine deposits of iron ore in the Kwanza Norte province.¹⁰⁷ In 2020, it was reported that China Baowu Steel Group Corp. Ltd. attempted to lead a consortium of Chinese steel producers to invest in the Simandou mine in southern Guinea, which has the potential to be the largest iron ore mining project in the world, as the region “boasts the world’s largest untapped iron ore reserves.”¹⁰⁸ While the project was delayed by “legal disputes and political disruptions,”¹⁰⁹ Baowu and Winning Consortium Simandou finalized the deal and closed on Baowu’s investment in June of 2024.¹¹⁰

China has long been the world’s largest consumer of iron ore, while Australia provides nearly 60 percent of global seaborne iron ore supply.¹¹¹ An executive at the China Iron

¹⁰⁷ Macau Hub, “China Investment Fund negotiates exploration of iron ore deposits in Angola,” (Aug. 1, 2017).

¹⁰⁸ Luo Guoping and Han Wei, “China’s opportunities and risks in Africa’s giant iron ore field,” *Caixin*, Nikkei Asia (Aug. 26, 2020), available at <https://asia.nikkei.com/Spotlight/Caixin/China-s-opportunities-and-risks-in-Africa-s-giant-iron-ore-field>.

¹⁰⁹ Luo Guoping, Fan Ruohong, and Han Wei, “China’s steel industry at a crossroads as long winter looms” *Caixin*, Nikkei Asia (Sep. 7, 2022), available at <https://asia.nikkei.com/Spotlight/Caixin/China-s-steel-industry-at-a-crossroads-as-long-winter-looms>.

¹¹⁰ “China Baowu Completes Purchases of Stake at Simandou Project” Bloomberg News, (June 21, 2024), available at: <https://www.bloomberg.com/news/articles/2024-06-21/china-baowu-completes-purchases-of-stake-at-simandou-project?embedded-checkout=true>

¹¹¹ Baris Bekir Çiftçi, “Blog: COVID-19 and steelmaking raw materials,” World Steel Association (Apr. 30, 2020), available at <https://www.worldsteel.org/media-centre/blog/2020/COVID-19-and-steelmaking-raw-materials.html>.

and Steel Association (CISA) stated “that while China could swap Australian for African iron ore, there would be a lag of four to five years before deposits in Africa could be tapped.”¹¹² But developing these iron ore deposits in Guinea could save China billions of dollars each year as a low-cost alternative to Australia.¹¹³

China established a new state-owned iron ore conglomerate, the China Mineral Resources Group, in July 2022, which has become China’s central purchaser of iron ore and will oversee processing and trading of the industry, including investments abroad like the operation in Guinea.¹¹⁴ In 2024, China imported 1.24 billion MT of iron ore,¹¹⁵ and with the creation of a central purchaser, the Chinese government can now exert significant market pressure over the global iron ore market, particularly amid growing political tensions between the Chinese and Australian governments.¹¹⁶ China’s unfair assistance in the acquisition of raw materials distorts markets worldwide and the administration should continue to aggressively press China to cease this practice. It should also find that where China provides assistance to certain enterprises or industries in acquiring raw materials overseas, any benefit received by the enterprises or industries is a countervailable subsidy.

Additionally, as part of China’s investments in Indonesia through the BRI it has gained control over a large portion of the global nickel market. Indonesia is currently the largest producer of nickel globally, but much of its production is locked into Chinese-controlled joint ventures, with China controlling about 75 percent of Indonesia’s nickel refining capacity.¹¹⁷ Chinese firms (e.g., Tsingshan Holding Group) have vertically integrated operations from Indonesian mines to Chinese refineries and China

¹¹² Huileng Tan, “China may punish Australia with trade curbs – but it can’t stop buying iron ore from Down Under,” CNBC (Jun. 11, 2020), available at <https://www.cnbc.com/2020/06/12/china-may-impose-trade-curbs-on-australia-but-cant-stop-buying-iron-ore.html>.

¹¹³ Luo Guoping and Han Wei, “China’s opportunities and risks in Africa’s giant iron ore field,” *Nikkei Asian Review* (Aug. 26, 2020), available at <https://asia.nikkei.com/Spotlight/Caixin/China-s-opportunities-and-risks-in-Africa-s-giant-iron-ore-field>.

¹¹⁴ Alfred Cang, “China wants to rewire its billion-dollar iron ore trade,” *Bloomberg* (Jul. 25, 2022), available at <https://www.bloomberg.com/professional/blog/china-wants-to-rewire-its-billion-ton-iron-ore-trade/>.

¹¹⁵ Vadim Kolisnichenko, China increased iron ore imports to a record 1.24 billion tons in 2024, January 13, 2025, available at: <https://gmk.center/en/news/china-increased-iron-ore-imports-to-a-record-1-24-billion-tons-in-2024/#:~:text=Imports%20increased%20by%204.9%25%20compared,6.6%25%20y/y>.

¹¹⁶ Alfred Cang, “China wants to rewire its billion-dollar iron ore trade,” *Bloomberg* (Jul. 25, 2022), available at <https://www.bloomberg.com/professional/blog/china-wants-to-rewire-its-billion-ton-iron-ore-trade/>.

¹¹⁷ Chinese firms control around 75% of Indonesian nickel capacity, report finds, Reuters, February 5, 2025, available at: <https://www.reuters.com/markets/commodities/chinese-firms-control-around-75-indonesian-nickel-capacity-report-finds-2025-02-05/>

dominates refining and processing. In 2023 China and Indonesia together accounted for 65 percent of the world's refined nickel.¹¹⁸

Chinese state-backed companies have also acquired stakes in nickel projects across Indonesia, the Philippines, and Africa, often providing financing and technology in exchange for offtake agreements. Additionally, a Chinese owned subsidiary is currently close to acquiring all of Anglo American's nickel assets in Brazil,¹¹⁹ the third largest source of nickel ore globally.

If the proposed acquisition of Anglo American's nickel assets in Brazil is allowed to go through, China will further strengthen its control over the global supply of nickel. AISI and its stainless steel producing members are strongly opposed to this deal and have raised this issue the U.S. Department of Commerce as well as the Office of the United States Trade Representative, urging them to weigh in with their counterparts in the U.K. and Brazil to urge them to explore alternatives that would preserve market oriented ownership of these strategic nickel assets and ensure future access to nickel.

D. Currency Manipulation

AISI members, along with other U.S. manufacturers, have long expressed concern over China's policy of controlling the exchange rate between its currency (known as the renminbi (RMB) or the yuan) and the U.S. dollar, and traditionally, China has intervened in the foreign exchange markets to weaken the yuan, to give its exporters a boost and make it more expensive for its trading partners to export.¹²⁰ The effects of China's currency manipulation have been profound. In 2017, C. Fred Bergsten and Joe Gagnon of the Peterson Institute for International Economics published a study that estimates that currency manipulation by U.S. trading partners caused the United States to run about \$200 billion in higher trade deficits annually, cost more than 1 million jobs

¹¹⁸ China's control over 75% of Indonesia's nickel capacity raises concerns, *Mining Technology*, February 6, 2025 available at: <https://www.mining-technology.com/news/chinas-indonesias-nickel-capacity/?cf-view>

¹¹⁹ MMG to acquire Anglo American's nickel business, Feb. 18, 2025, available at <https://www.mmgroup.com/media-release/mmgroup-to-acquire-anglo-americans-nickel-business/>

¹²⁰ In 2004, for example, AISI joined a coalition of U.S. industrial, service, agricultural, and labor associations seeking relief under Section 301[a] of the Trade Act of 1974, as amended, from China's manipulation of the renminbi. Petition for Relief under Section 301[a] of the Trade Act of 1974 on behalf of the China Currency Coalition (Sept. 9, 2004), available at <http://www.aflcio.org>. This petition demonstrated that China's exchange-rate policy constitutes a prohibited export subsidy within the meaning of Articles 1, 2, and 3 of the SCM Agreement and Articles VI and XVI of the GATT 1994. *Id.* at 50.

during and after the Great Recession, and was a factor in causing the recession and in slowing the recovery from it. China was by far the world's largest currency manipulator and its currency manipulation encouraged other export-dependent economies to manipulate their currencies to keep up. Bergsten and Gagnon wrote that China's currency manipulation accounted for one-third of the U.S. job displacement from the rapid growth in Chinese imports that began when China joined the WTO.¹²¹ Other economists have made similar conclusions about the devastating economic effects of China's currency manipulation.

The U.S. government and other countries have long sought to address concerns about currency manipulation through dialogue with the Chinese government. Unfortunately, those efforts have had only limited success. In recent years, China has allowed the value of the yuan to once again drop significantly against the dollar. As a result, the first Trump administration officially designated China as a currency manipulator on August 5, 2019,¹²² just one day after China's central bank, the People's Bank of China (PBOC), allowed the yuan to fall to a new low yuan-to-dollar ratio of 7-to-1. The Treasury Department noted in its press release that the PBOC openly acknowledges "that it has extensive experience manipulating its currency and remains prepared to do so on an ongoing basis."¹²³

The first Trump administration and the Chinese government began discussions and negotiations during the fall of 2019 on currency, which led in January 2020 – just two days prior to the announcement of the phase one trade deal – to the Treasury Department removing China from its list of currency manipulators. China joined several countries, such as Germany and Japan, on a monitoring list of currency practices.¹²⁴ In a statement, then-Treasury Secretary Steven Mnuchin said that "China has made enforceable commitments to refrain from competitive devaluation, while promoting transparency and accountability."¹²⁵ While China remains on the list of

¹²¹ C. Fred Bergsten and Joe Gagnon, *Currency Conflict and Trade Policy*, Peterson Institute (June 2017), available at <https://piie.com/newsroom/press-releases/peterson-institutes-study-bergsten-and-gagnon-proposes-new-strategy-counter>

¹²² U.S. Department of the Treasury, "Treasury Designates China as a Currency Manipulator," (Aug. 5, 2019), available at <https://home.treasury.gov/news/press-releases/sm751>.

¹²³ *Id.*

¹²⁴ U.S. Department of the Treasury, "Macroeconomic and Foreign Exchange Policies of Major Trading Partners of the United States," (Jan. 13, 2020), available at <https://home.treasury.gov/system/files/136/20200113-Jan-2020-FX-Report-FINAL.pdf>.

¹²⁵ U.S. Department of the Treasury, "Treasury Releases Report on Macroeconomic and Foreign Exchange Policies of Major Trading Partners of the United States," (Jan. 13, 2020), available at <https://home.treasury.gov/news/press-releases/sm873>.

countries on Treasury's monitoring list,¹²⁶ the domestic steel industry encourages the administration to continue to take a hard line with the Chinese government on currency manipulation.

E. Effective Enforcement of U.S. Trade Laws

As demonstrated throughout this submission, China has not fully complied with its WTO obligations. Under these circumstances, the United States must effectively enforce its trade remedy laws. While this is not strictly a WTO "compliance" issue, trade law enforcement is essential for the United States to protect its rights and receive the benefits due under the WTO agreements.

1. Treatment of China as a Non-Market Economy Country in AD Investigations

Under the terms of its WTO accession, China agreed that other Members could treat it as an NME for purposes of the trade remedy laws.¹²⁷ Nevertheless, China urged the United States in several meetings of the former U.S.-China Strategic and Economic Dialogue to treat China as a "market economy" for purposes of U.S. AD laws.¹²⁸

However, on October 26, 2017, the DOC correctly affirmed that China is a NME for purposes of calculating antidumping margins in trade cases, stating "China is a non-market economy (NME) country because it does not operate sufficiently on market principles ... The basis for the Department's conclusion is that the state's role in the economy and its relationship with markets and the private sector results in fundamental distortions in China's economy. At its core, the framework of China's economy is set by the Chinese government and the CCP, which exercise control directly and indirectly over the allocation of resources through instruments such as government

¹²⁶ U.S. Department of the Treasury, "Report to Congress: Macroeconomic and Foreign Exchange Policies of Major Trading Partners of the United States," (Jun. 2024), available at: <https://home.treasury.gov/news/press-releases/jy2419#:~:text=Seven%20economies%20are%20on%20Treasury's,Taiwan%2C%20Vietnam%2C%20and%20Germany.>

¹²⁷ See China Protocol of Accession at pp. 8-10. When the United States treats a country as an NME in AD proceedings, it disregards the prices and costs of merchandise sold in the NME country and instead uses an alternative methodology to calculate normal value. See 19 C.F.R. § 351.408 (2012).

¹²⁸ U.S. Department of Treasury, *The Third U.S.-China Strategic and Economic Dialogue, Joint U.S.-China Economic Track Fact Sheet* (May 10, 2011), available at <http://www.treasury.gov> (last visited Sep. 9, 2014); U.S. Department of Treasury, *The Second U.S.-China Strategic and Economic Dialogue, Joint U.S.-China Economic Track Fact Sheet* (May 27, 2010), available at <http://www.treasury.gov> (last visited Sep. 9, 2014); U.S. Department of Treasury, *The First U.S.-China Strategic and Economic Dialogue Economic Track Joint Fact Sheet* (Jul. 28, 2009), available at <http://www.treasury.gov> (last visited Sep. 9, 2014).

ownership and control of key economic actors and government directives. The stated fundamental objective of the government and the CCP is to uphold the “socialist market economy” in which the Chinese government and the CCP direct and channel economic actors to meet the targets of state planning. The Chinese government does not seek economic outcomes that reflect predominantly market forces outside of a larger institutional framework of government and CCP control. In China’s economic framework, state planning through industrial policies conveys instructions regarding sector specific economic objectives, particularly for those sectors deemed strategic and fundamental.”

In a November 21, 2017, third-party submission at the WTO in opposition to China being treated as a market economy, the U.S. government stated that “China’s economy today continues to operate as one in which market economy conditions do not prevail.” The submission went on to say that “[t]he evidence is overwhelming that WTO members have not surrendered their longstanding rights...to reject prices or costs that are not determined under market economy conditions.”¹²⁹ China eventually dropped its challenge at the WTO against the EU in 2019, following an adverse interim ruling that ultimately was never publicly released.¹³⁰ AISI strongly supports the first Trump administration’s conclusion in this matter and continues to support the Office of the U.S. Trade Representative as it defends the interests of the United States at the WTO.

2. Chinese Circumvention and Evasion of AD and CVD Orders

AISI and its members remain concerned about widespread evidence of Chinese circumvention and evasion of AD and CVD orders. For example, Chinese companies have provided services to evade AD and CVD duties on steel and other products exported to the United States.¹³¹ Additional evidence has become available over the past several years that shows that circumvention and evasion of AD and CVD orders by Chinese companies continues to be a growing problem. Steel producers as well as companies in other industries have repeatedly brought evidence of China’s

¹²⁹ Third Party Submission of the United States, European Union-Measures Related to Price Comparison Methodologies (November 2017), available at: <https://ustr.gov/sites/default/files/enforcement/DS/US.3d.Pty.Su.pdf>

¹³⁰ Tom Miles, “China pulls WTO suit over claim to be a market economy,” *Reuters* (June, 17, 2019), available at: <https://www.reuters.com/article/us-usa-china-wto-eu/china-pulls-wto-suit-over-claim-to-be-a-market-economy-idUSKCN1TII0A>.

¹³¹ See, e.g., Staff Report Regarding Duty Evasion: Harming U.S. Industry and American Workers, Prepared for Senator Ron Wyden (Nov. 8, 2010) (“Staff Report Regarding Duty Evasion”) at 5 (describing how staff received written confirmation from numerous Chinese companies that were willing to evade AD/CVD duties

circumvention and evasion of U.S. trade laws to the attention of U.S. Customs and Border Protection (CBP).¹³² This evidence of circumvention and evasion includes transshipment of goods through third countries, falsified country of origin markings, undervalued invoices that result in the underpayment of AD/CVD duties, and the misclassification of goods.¹³³

Unfortunately, this problem continues as Chinese-originated steel continues to make its way to the U.S. market, despite continued efforts to address exports of unfairly-traded Chinese steel products. In September 2016, U.S. steelmakers alleged that some corrosion-resistant steel and cold-rolled steel products from Vietnam were circumventing AD and CVD orders on imports from China by using substrate originating in China.¹³⁴ It took nearly two years for the Commerce Department to announce final affirmative rulings in these anti-circumvention investigations.¹³⁵

In August 2019, DOC self-initiated anti-circumvention proceedings on whether imports of corrosion-resistant steel products from five countries (Costa Rica, Guatemala, Malaysia, South Africa or the United Arab Emirates) were circumventing U.S. AD and CVD duties using hot-rolled or cold-rolled substrate originating from China and Taiwan.¹³⁶ In its final decision, DOC determined that imports of corrosion resistant steel completed in Costa Rica and United Arab Emirates using Chinese substrate hot-rolled steel and/or cold-rolled steel were circumventing the AD and CVD orders on corrosion resistant steel.¹³⁷

¹³² See, e.g., Statement of Karl G. Glassman, Chief Operating Officer of Leggett & Platt, Before the U.S. Senate Subcommittee on International Trade, Customs, and Global Competitiveness (May 5, 2011) at 3 (stating that since 2008, Leggett & Platt had met with or sent CBP information regarding specific evidence of duty evasion on 21 separate occasions).

¹³³ Staff Report Regarding Duty Evasion at 5.

¹³⁴ Kelley Drye & Warren LLP Press Release, "Major U.S. Steel Producers Accuse China of Circumventing Trade Orders," (Sep. 22, 2016), available at <https://www.marketwatch.com/press-release/major-us-steel-producers-accuse-china-of-circumventing-trade-orders-says-kelley-drye-warren-llp-2016-09-22>.

¹³⁵ U.S. Department of Commerce, "U.S. Department of Commerce Issues Affirmative Final Circumvention Rulings on Steel from Vietnam," (May 2018) available at <https://www.commerce.gov/news/press-releases/2018/05/us-department-commerce-issues-affirmative-final-circumvention-rulings>

¹³⁶ U.S. Department of Commerce, "U.S. Department of Commerce Self-Initiates Inquiries into Possible Circumvention Involving Exports of Corrosion-Resistant Steel Products Completed in Costa Rica, Guatemala, Malaysia, South Africa and the United Arab Emirates," (Aug. 14, 2019) available at <https://www.commerce.gov/news/press-releases/2019/08/us-department-commerce-self-initiates-inquiries-possible-circumvention>.

¹³⁷ U.S. Department of Commerce, "U.S. Department of Commerce Announces Final Rulings in Self-Initiated Circumvention Inquiries Regarding Certain Corrosion-Resistant Steel Products, (Jul. 7,

In May 2020, DOC self-initiated an anti-circumvention inquiry on whether imports of stainless steel sheet and strip (SSSS) finished in Vietnam are circumventing the AD and CVD orders on stainless steel sheet and strip from China.¹³⁸ Over two years later, DOC issued its final affirmative determination in this inquiry, which shows that SSSS of Chinese-origin has undergone further processing in Vietnam and is covered by the orders.¹³⁹ We applaud the DOC for utilizing its existing statutory authority to penalize China for its unfair trade practices by self-initiating these inquiries and we also recognize efforts by DOC to enhance the application and enforcement of the AD and CVD laws¹⁴⁰ through the finalization of regulations that establish critical timelines for the completion of anti-circumvention inquiries, which were finalized last fall.

Most recently, in 2022 DOC initiated an anticircumvention inquiry in response to requests from many in the steel industry to determine whether imports of circular welded carbon steel quality pipe (CWP), were being completed in the Socialist Republic of Vietnam using hot rolled steel (HRS) from China.¹⁴¹ DOC made a final affirmative determination in November of 2023 stating that “Commerce determines that CWP completed in Vietnam using China-origin HRS and subsequently exported from Vietnam to the United States is circumventing the *Orders* on a country-wide basis”.¹⁴² It is clear that China has no intentions of abandoning or even reducing its efforts to circumvent U.S. trade laws whenever possible.

2020), available at <https://www.trade.gov/press-release/us-department-commerce-announces-final-rulings-self-initiated-circumvention-inquiries>.

- ¹³⁸ U.S. Department of Commerce, “*Stainless Steel Sheet and Strip From the People’s Republic of China: Initiation of Anti-Circumvention and Scope Inquiries on the Antidumping and Countervailing Duty Orders*,” 85 Fed Reg. 29401-03 (May 15, 2020).
- ¹³⁹ U.S. Department of Commerce, “*Stainless Steel Sheet and Strip From the People’s Republic of China: Preliminary Scope Ruling and Preliminary Affirmative Determination of Circumvention for Exports From the Socialist Republic of Vietnam*,” 88 Fed. Reg. 18521-26 (March 29, 2023).
- ¹⁴⁰ U.S. Department of Commerce, “*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*,” 86 Fed Reg. 52300-84 (Sep. 20, 2021).
- ¹⁴¹ U.S. Department of Commerce, “*Circular Welded Carbon Quality Steel Pipe From the People’s Republic of China; Certain Circular Welded NonAlloy Steel Pipe From the Republic of Korea; Certain Welded Carbon Steel Standard Pipes and Tubes From India; Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Certain Circular Welded Non-Alloy Steel Pipe From Taiwan; Light-Walled Rectangular Pipe and Tube From the People’s Republic of China; LightWalled Rectangular Pipe and Tube From the Republic of Korea; LightWalled Welded Rectangular Carbon Steel Tubing From Taiwan: Initiation of Circumvention Inquiries on the Antidumping and Countervailing Duty Orders*,” 87 Fed. Reg. 47711-14, (Aug. 4, 2022)
- ¹⁴² U.S. Department of Commerce, “*Circular Welded Carbon Quality Steel Pipe From the People’s Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*,” 88 Fed. Reg. 77287-91, (Nov. 9, 2023)

III. Conclusion

As detailed throughout this submission, China has used massive subsidies and other trade distorting measures that are in violation of its WTO obligations to provide an unfair advantage to its steel industry. Past dialogues between the United States and China regarding these problems have not been successful in bringing China into compliance. AISI therefore supports aggressive action by the administration to press China to end its trade-distorting policies and practices and comply with all of its WTO obligations.

Sincerely,

A handwritten signature in black ink that reads "Kevin M. Dempsey". The signature is written in a cursive, slightly slanted style.

Kevin M. Dempsey
President and CEO

Appendix 1

Antidumping (AD) Chinese Steel-Related Products

	Product	DOC Case Number
1	Carbon And Certain Alloy Steel Wire Rod	A-570-012
2	Corrosion-Resistant Steel Products	A-570-026
3	Cold-Rolled Steel Flat Products	A-570-029
4	Stainless Steel Sheet And Strip	A-570-042
5	Carbon And Alloy Steel Cut-To-Length Plate	A-570-047
6	Cold-Drawn Mechanical Tubing	A-570-058
7	Cast Iron Soil Pipe Fittings	A-570-062
8	Stainless Steel Flanges	A-570-064
9	Forged Steel Fittings	A-570-067
10	Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe	A-570-077
11	Cast Iron Soil Pipe	A-570-079
12	Steel Propane Cylinders	A-570-086
14	Alloy and certain Carbon Steel Threaded rod	A-570-104
15	Vertical Metal File Cabinets	A-570-110
16	Non-Refillable Steel Cylinders	A-570-126
17	Carbon Steel Butt-Weld Pipe Fittings	A-570-814
18	Certain Cut-to-Length Carbon Steel	A-570-849
19	Steel Concrete Reinforcing Bars	A-570-860
20	Certain Hot-Rolled Carbon Steel Flat Products	A-570-865
21	Steel Nails	A-570-909
22	Circular Welded Carbon Quality Steel Pipe	A-570-910
23	Light-Walled Rectangular Pipe And Tube	A-570-914
24	Steel Wire Garment Hangers	A-570-918
25	Circular Welded Austenitic Stainless Pressure Pipe	A-570-930
26	Steel Threaded Rod	A-570-932
27	Circular Welded Carbon Quality Steel Line Pipe	A-570-935
28	Oil Country Tubular Goods	A-570-943
29	Prestressed Concrete Steel Wire Strand	A-570-945
30	Steel Grating	A-570-947
31	Seamless Carbon And Alloy Steel Standard, Line, And Pressure Pipe	A-570-956
32	Utility Scale Wind Towers	A-570-981
33	Drawn Stainless Steel Sinks	A-570-983
34	Non-Oriented Electrical Steel	A-570-996

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Appendix 2

Countervailing Duty (CVD) Orders on Chinese Steel-Related Products

	Product	DOC Case Number
1	Carbon And Certain Alloy Steel Wire Rod	C-570-013
2	Corrosion-Resistant Steel Products	C-570-027
3	Cold-Rolled Steel Flat Products	C-570-030
4	Stainless Steel Sheet And Strip	C-570-043
5	Carbon And Alloy Steel Cut-To-Length Plate	C-570-048
6	Cold-Drawn Mechanical Tubing	C-570-059
7	Cast Iron Soil Pipe Fittings	C-570-063
8	Stainless Steel Flanges	C-570-065
9	Forged Steel Fittings	C-570-068
10	Large Diameter Welded Carbon and Alloy Steel Structural Pipe	C-570-078
11	Cast Iron Soil Pipe	C-570-080
12	Steel Propane Cylinders	C-570-087
14	Carbon and Alloy Steel Threaded Rod	C-570-105
15	Vertical Metal File Cabinets	C-570-111
16	Forged Steel Fluid End Blocks	C-570-116
17	Non-Refillable Steel Cylinders	C-570-127
18	Circular Welded Carbon Quality Steel Pipe	C-570-911
19	Light-Walled Rectangular Pipe And Tube	C-570-915
20	Circular Welded Austenitic Stainless Pressure Pipe	C-570-931
21	Circular Welded Carbon Quality Steel Line Pipe	C-570-936
22	Oil Country Tubular Goods	C-570-944
23	Prestressed Concrete Steel Wire Strand	C-570-946
24	Steel Grating	C-570-948
25	Seamless Carbon And Alloy Steel Standard, Line, And Pressure Pipe	C-570-957
26	Utility Scale Wind Towers	C-570-982
27	Drawn Stainless Steel Sinks	C-570-984
28	Non-Oriented Electrical Steel	C-570-997