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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**42nd Annual Report from the Commission to the European Parliament and the Council  
on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities and the Use of Trade  
Defence Instruments by Third Countries targeting the EU in 2023**

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## 1. OVERVIEW OF THE LEGISLATION

### 1.1. Anti-dumping and anti-subsidy

#### 1.1.1. *The international framework*

Unfair trading practices such as dumping and the granting of subsidies were identified as a threat to open markets as early as 1947, when the first GATT agreement was signed. The agreement contained specific provisions allowing GATT members to act against these practices if they caused material injury to the domestic industry of a GATT member. Today's globalised trade environment is characterised by quicker and cheaper communication and transportation, as well as the coexistence of different models of economic governance. In such a world, trade defence instruments are more relevant than ever as trade distortions that underlie the application of these instruments are widespread.

Since the beginning of the GATT in 1947, considerable efforts have been made to harmonise the rules relating to trade defence instruments. During the last GATT round (the « Uruguay Round »), which led to the creation of the World Trade Organisation (WTO) and the detailed Anti-Dumping and Anti-Subsidy Agreements, much of the attention has been focused on the procedural and material conditions to be fulfilled before measures can be adopted. The EU played an active role in the negotiation of these agreements, which are reflected in its own legislation. In this sense, the EU applies its anti-dumping (AD) and anti-subsidy (AS) legislation in a rigorous and consistent manner. Unfortunately, many WTO Members lack this type of restraint, thereby affecting negatively also EU operators. The role that the EU plays as a prudent but determined user has therefore also an exemplary function at WTO level. Against this backdrop, the EU continues to play a leading active role in any efforts to update the WTO rulebook.

#### 1.1.2. *The EU legislation*

The EU's anti-dumping and anti-subsidy legislation was first enacted in 1968 and has since been modified several times. The current basic texts, which form the legal basis of anti-dumping and anti-subsidy investigations in the EU, entered into force in March 1996 and October 1997 respectively. These are in line with the Anti-Dumping and Anti-Subsidy Agreements adopted during the GATT/WTO negotiations. These texts were codified in 2016 to reflect changes previously made. The basic texts are:

- Regulation (EU) 2016/1036 of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union – Codified Version<sup>1</sup>,
- Regulation (EU) 2016/1037 of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union – Codified Version<sup>2</sup>.

These regulations will overall be referred to as the "basic anti-dumping (AD) Regulation" and the "basic anti-subsidy (AS) Regulation". Both regulations were last modified by Regulation (EU) 2017/2321 of 12 December 2017<sup>3</sup>, Regulation (EU) 2018/825 of 30 May 2018<sup>4</sup> and Regulation (EU) 2020/1173 of 4 June 2020<sup>5</sup>.

The EU's legislation contains a number of provisions aimed at ensuring a balanced application of the EU's anti-dumping and anti-subsidy rules on all interested parties. These provisions include the "EU interest test" and the "lesser duty rule", which go beyond the Union's WTO obligations.

The EU interest test is a public interest clause and provides that measures cannot be applied if it is established that they are contrary to the overall economic interest of the EU. This requires an analysis of all

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<sup>1</sup> OJ L 176, 30.6.2016, p.21.

<sup>2</sup> OJ L 176, 30.6.2016, p.55.

<sup>3</sup> OJ L 338, 19.12.2017, p.1.

<sup>4</sup> OJ L 143, 07.06.2018, p.1.

<sup>5</sup> OJ L 259, 10.08.2020, p. 1.

the economic interests involved, including those of the EU industry and its suppliers, downstream users, consumers and traders of the product concerned.

The lesser duty rule used to require that the measures imposed by the EU be always lower than the dumping or subsidy margin, if a lower duty rate was sufficient to remove the injury suffered by the EU industry. Such a “no-injury” rate is usually determined by comparing import prices under investigation with the cost of production of the EU industry and a reasonable profit margin. Since the 2018 amendments to the basic Regulations, the lesser duty rule does not apply, in principle, in anti-subsidy investigations, which means anti-subsidy measures will fully offset the subsidies that an exporter has received. Also, since 2018, in anti-dumping investigations, the application of the lesser duty rule may be modulated under certain conditions relating to evidence of significant raw material distortions in the exporting country.

This new practice reflects the increased attention of the EU to tackle unfair and injurious subsidisation and artificial distortions by third countries. The EU is one of the few investigating authorities on a worldwide level that applies the lesser duty rule in such a coherent and comprehensive way. The Commission presented a review and evaluation of the modulation of the lesser duty rule to the Council and the European Parliament in 2023<sup>6</sup>.

## **1.2. Safeguards**

### *1.2.1. The international framework*

The principle of liberalisation of imports was set under the GATT 1947 and strengthened under the 1994 WTO Agreements. As safeguard measures consist of the unilateral withdrawal or suspension of a tariff concession or of other trade liberalisation obligations formerly agreed, they must be considered as an exception to this principle. Article XIX GATT 1994 and the WTO Agreement on Safeguards do not only impose strict conditions for the application of this "escape clause", but also put in place a multilateral control mechanism under the WTO Committee on Safeguards.

Under WTO rules, safeguard action must be viewed as a temporary defence measure that applies to all imports of the product covered by a measure, irrespective of origin. As regards non-WTO members, safeguard measures may be selective and apply to products originating in a specific country. WTO Accession Protocols may also provide for such selective safeguard mechanisms, as was the case in the Protocol of Accession of the People’s Republic of China (PRC), although the provision has now expired.

Definitive WTO safeguards should only be adopted after a comprehensive investigation that provides evidence of the existence of a) unforeseen developments leading to b) increased imports, c) the existence of a serious injury or a threat of injury for EU producers and d) a causal link between the imports and the injury. Moreover, FTAs concluded by the Union with third countries often include a ‘bilateral safeguard clause’, i.e., a provision that allows for the temporary suspension of tariff concessions made under the FTA.

### *1.2.2. The EU legislation*

The above-mentioned WTO principles are reflected in the relevant EU regulations, except for the “unforeseen development requirement” (which is not found explicitly in the EU legislation nor in the WTO Agreement on Safeguards but has been confirmed as a self-standing condition by WTO jurisprudence, as per Article XIX of GATT 1994). Additionally, the adoption of measures in the EU requires an analysis of all interests concerned, i.e., the impact of the measures on producers, users and consumers. In other words, safeguard action can only be taken when it is in the EU’s interest to do so. The current EU safeguard instruments are covered by the following regulations:

- Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (codification);<sup>7</sup>

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<sup>6</sup> COM/2023/294 final

<sup>7</sup> OJ L 83, 27.3.2015, p.16.

- Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (recast);<sup>8</sup>
- Regulation (EU) 2019/287 of the European Parliament and of the Council of 13 February 2019 implementing bilateral safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain trade agreements concluded between the European Union and third countries;<sup>9</sup>
- Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules (recast).<sup>10</sup>

The first two regulations are referred to as the "basic safeguard Regulation(s)".

## **2. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES**

The number of new investigations initiated in 2023 was higher than the previous year, with 12 initiations compared to 5 in 2022.

The number of measures imposed in 2023 was less than the previous year. The Commission imposed 6 new definitive measures and 5 provisional measures giving a total of 11, compared to 13 in 2022.<sup>11</sup> At the same time, 1 investigation was terminated without the imposition of measures, which brought the total number of new investigations concluded in 2023 to 12.

As to the reviews initiated during 2023, the total was lower than in 2022, with 31 initiations compared to 41. These included 10 expiry reviews (1 of which concerned anti-subsidy measures). The Commission concluded 24 expiry reviews in 2023 confirming the continuation of duties in all but one case. Below are details on new investigations and review investigations.

### **2.1. Measures in place**

At the end of 2023, the EU had 120 definitive anti-dumping measures (which were extended<sup>12</sup> in 36 cases) and 21 countervailing measures in force (extended in 4 cases).<sup>13</sup> The anti-dumping measures cover 91 products from 26 countries (see Annex O). The countervailing measures covered 21 products from 9 countries (see Annex P).

Regarding the anti-dumping measures in force at the end of 2023, the countries and territories concerned were the People's Republic of China (PRC) (72 measures), Russia (11 measures), Indonesia (8 measures) Korea and Thailand (7 measures each), India, Malaysia, Taiwan and Türkiye (6 measures each), US (4 measures), Morocco (3 measures), Belarus, Brazil, Laos, Philippines, Sri Lanka (2 measures each) and Cambodia, Canada, Egypt, Iran, Japan, Pakistan, Saudi Arabia, Trinidad & Tobago, Tunisia and Vietnam (1 measure each).

Regarding the anti-subsidy measures in place, the countries concerned were PRC (10 measures), India (4 measures), Türkiye (3 measures) Egypt and Indonesia (2 measures each) and Argentina, Canada, Morocco and US (1 each).

### **2.2. New investigations – recent evolution**

In the 5-year period from 2019 to 2023, the Commission initiated 62 new investigations on imports from 13 countries.

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<sup>8</sup> OJ L 123, 19.5.2015, p.33.

<sup>9</sup> OJ L 53, 22.2.2019, p.1.

<sup>10</sup> OJ L 160, 25.6.2015, p.1.

<sup>11</sup> Not including safeguard measures.

<sup>12</sup> Measures were extended to other third countries or products if circumvention was found.

<sup>13</sup> The measures are counted per product and country concerned.

The main sector concerned by the new initiations was iron and steel with 11 investigations. A breakdown of the sectors concerned is in Annex B (A).

The countries concerned by the highest number of initiations in the period from 2019 to 2023 include the PRC – 31; Indonesia - 6; Türkiye and Egypt – 5 each, India – 4; Korea, Russia, US - 2 each, Bahrain, Brazil, Morocco, Saudi Arabia and Taiwan - 1 each. A table showing all the investigations initiated over the last 5 years broken down by country of export is available at Annex B (B).

Table 1 below provides statistical information on the developments regarding new investigations for the years 2019 – 2023.

**TABLE 1**  
**Evolution of new anti-dumping, anti-subsidy investigations**  
**during the period 1 January 2019 - 31 December 2023**

	2019	2020	2021	2022	2023
<b>New investigations initiated during the period</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>5</b>	<b>12</b>
New investigations in progress during the period	28	31	29	21	21
New investigations concluded :					
- by imposition of definitive duty or acceptance of undertakings	7	11	12	11	6
- terminations <sup>14</sup>	5	5	1	1	1
<b>Total new investigations concluded during the period</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>7</b>
New provisional measures imposed	5	6	10	3	5

### 2.3. Review investigations – recent evolution

Anti-dumping measures, including price undertakings, may be subject, under the basic AD Regulation, to five different types of reviews: expiry reviews (Article 11(2)), interim reviews (Article 11(3)), newcomer investigations (Article 11(4)), absorption investigations (Article 12) and anti-circumvention investigations (Article 13). The Commission also carries out “other” reviews consisting in re-opening of investigations to implement court rulings.

Anti-subsidy measures may also be subject, under the basic AS Regulation, to five different types of reviews: expiry reviews (Article 18), interim reviews (Article 19), absorption investigations (Article 19(3)), accelerated reviews (Article 20) and anti-circumvention investigations (Article 23). In addition, here also, the Commission can re-open investigations to implement court rulings.

Reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2019 to 2023, the Commission initiated 151 review investigations. These reviews represented 71% of all anti-dumping and anti-subsidy investigations initiated in that period.

In 2023, the Commission initiated 31 reviews. These comprised 10 expiry reviews (compared to 27 in 2022), 4 interim reviews, 3 ‘new exporter’ reviews, 10 anti-circumvention investigations (counted per product and country of alleged circumvention practice) 4 safeguard reviews. At the same time, the Commission concluded 42 reviews – 24 of which were expiry reviews (3 concerned anti-subsidy measures).

An overview of the review investigations in 2023 can be found in Annexes F to K. Table 2 below provides statistical information for the years 2019 – 2023.

<sup>14</sup> Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, lack of causal link etc.

**TABLE 2**  
**Reviews of anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2019 - 31 December 2023<sup>15</sup>**

	2019	2020	2021	2022	2023
<b>Reviews initiated during the period</b>	<b>23</b>	<b>28</b>	<b>28</b>	<b>41</b>	<b>31</b>
Reviews in progress during the period	49	55	58	78	70
<b>Total reviews concluded during the period<sup>16</sup></b>	<b>22</b>	<b>25</b>	<b>21</b>	<b>39</b>	<b>42</b>

### 3. OVERVIEW OF ACTIVITIES IN 2023

#### 3.1. New investigations

##### 3.1.1. Initiations

In 2023, the Commission initiated 10 new anti-dumping and 2 new anti-subsidy investigations. 4 of the investigations concerned the chemicals sector, 3 initiations concerned the plastics and rubber sector while 3 concerned other sectors. The investigations concerned 4 different countries, with 9 of the investigations concerning imports from the PRC. Details of the investigations are given in Annexes A and B.

The list of cases initiated in 2023 can be found below, together with the names of the complainants. More information can be obtained from the Official Journals - publications reference in Annex A.

<b>Product (Type of investigation: AD or AS)</b>	<b>Origin</b>	<b>Complainant</b>
Electrolytic manganese dioxides (certain) AD	People's Republic of China	AUTLAN EMD SL
Polyethylene terephthalate (PET) AD	People's Republic of China	PET Europe
Alkyl Phosphate Esters (certain) AD	People's Republic of China	ICL Europe U.A., Lanxess Deutschland GmbH, PCC Rokita S.A
Mobile access equipment AD	People's Republic of China	Coalition to restore a level playing field in the EU Mobile Access Equipment Sector' (‘CMAE’)
Titanium dioxide AD	People's Republic of China	European Titanium Dioxide Ad Hoc Coalition (‘ETDC’)
Polyvinyl Chloride AD	Egypt United States of America	Polyvinyl Chloride Trade Committee

<sup>15</sup> A case concerning several countries, but the same product is accounted as separate investigation/proceeding per country involved. The table includes reopenings of investigations (‘other’ reviews).

<sup>16</sup> Investigations which were conducted and concluded under the specific provisions of the regulation imposing the original measures are not counted as there was no publication of the initiation.



Optical fibre cables (OFC) AD	India	Europacable
Erythritol AD	People's Republic of China	Jungbunzlauer S.A.
Biodiesel AD	People's Republic of China	European Biodiesel Board
New battery electric vehicles for passengers AS	People's Republic of China	Ex-officio
Alkyl Phosphate Esters (certain) AS	People's Republic of China	ICL Europe U.A., Lanxess Deutschland GmbH and PCC Rokita S.A

### 3.1.2. *Provisional measures*

In 2023, provisional duties were imposed in 5 new anti-dumping investigations. There were no provisional anti-subsidy measures imposed.<sup>17</sup>

The list of cases where provisional measures were imposed during 2023 can be found below, together with the measures imposed. More information can be obtained from the Official Journal publications to which reference is given in Annex C.

<b>Product</b>	<b>Origin</b>	<b>Type<sup>18</sup> and level of measure</b>
Stainless steel refillable kegs	People's Republic of China	AD: 52,9% - 58,8%; All others: 91%
Bulb flat	People's Republic of China Türkiye	AD: 14,7% AD: 13,6%
Electrolytic manganese dioxides (certain)	People's Republic of China	AD: 0% - 15,8% All others: 34,6%
Polyethylene terephthalate (PET)	People's Republic of China	AD: 6,6% - 17,2% All others: 24,2%

### 3.1.3. *Definitive measures*

During 2023, definitive duties were imposed in 6 anti-dumping investigations. The list of cases where definitive measures were imposed can be found below, together with the range of the duties imposed. More information can be obtained from the Official Journals referred to in Annex D.

<b>Product</b>	<b>Origin</b>	<b>Type<sup>19</sup> and level of measure</b>
Aluminium road wheels	Morocco	AD: 9% - 17,5%
Fatty Acid	Indonesia	AD: 15,2% - 46,4%

<sup>17</sup> Anti-subsidy investigations often run in parallel to anti-dumping investigations, where the provisional anti-dumping duty already provides some relief to the Union industry.

<sup>18</sup> AD: anti-dumping duty; CVD: countervailing duty; UT: undertaking.

<sup>19</sup> AD: anti-dumping duty; AS: countervailing duty (anti-subsidies); UT: undertaking.

Ceramic tiles	India Türkiye	AD: 6,7% - 8,7% AD: 4,8% - 20,9%
Polyester yarn (High tenacity)	People's Republic of China	AD: 6.9%
Stainless steel refillable kegs	People's Republic of China	AD: 62,6% - 69,6%

### 3.1.4 Details of individual cases with application of new measures

#### **Certain aluminium road wheels originating in Morocco – anti-dumping investigation.**

In November 2021, the Commission initiated an anti-dumping investigation regarding imports of certain aluminium road wheels ('ARW') originating in Morocco, following a complaint lodged by the Association of European Wheel Manufacturers on behalf of the industry of certain aluminium road wheels.

The product concerned was defined as aluminium road wheels of the motor vehicles of headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres.

The investigation of dumping and injury covered the period from 1 October 2020 to 30 September 2021, while the examination of trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the investigation period.

#### *Sampling*

Since sampling replies were received from the only two known exporting producers in Morocco sampling was not necessary.

Three Union producers representing almost 20% of the total production volume of the known Union producers of the like product, were sampled at initiation. The sample ensured a good geographical spread.

None of the known unrelated importers came forward but two users submitted questionnaire replies.

#### *Dumping*

One of the exporting producers was considered non-cooperating, in application of Article 18(1) of the basic Regulation. The Commission decided to disregard the information submitted by the company regarding the domestic and EU sales.

Consequently, the normal value was only determined for the remaining Moroccan exporting producer. The sale of this exporting producer to customers in Morocco concerned ARW produced in an economic zone, and subsequently sold and shipped to another economic zone. Therefore, the Commission considered that the ARW never entered the customs territory of Morocco and could therefore not be considered a domestic sale. In any event, even if the sales to the economic duty-free zone in Morocco were considered domestic sales, they were not representative nor done in the ordinary course of trade as required by Article 2(1) of the basic Regulation.

As a result, the normal value was calculated on the basis of the cost of production in the country of origin plus a reasonable amount for selling, general and administrative costs ('SG&A') and for profit pursuant to Article 2(3) of the basic Regulation.

As regard profit, the Commission noted that both the Union and Moroccan ARW producers sell to the same clients in a homogeneous market, where they compete in the same tenders, and have factories with a similar set-up and in particular similar costs. They should therefore be expected to achieve comparable profits. For this reason, the Commission used the basic profit established for the Union industry under normal conditions of competition.

The cooperating exporting producer exported to the Union either directly to independent customers or through a related company acting as an importer. For the sales made directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union. For the sales exported to the Union through a related company acting as an importer, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing. The profits were based on the profit established in the last expiry review investigation concerning ARW from China.

The Commission adjusted the normal value and the export price for differences affecting prices and price comparability. Adjustments were made for transport, insurance, handling and loading, packing expenses, credit costs, rebates and other allowances.

Based on the methodology described above, the Commission found a dumping margin of 9,01% for the cooperating exporting producer. The dumping margin for the non-cooperating exporting producer was based on the highest dumping margin found for product types sold in representative quantities by the cooperating exporting producer: 17,54%.

#### *Injury and causation*

Almost all indicators showed a negative trend. Economic indicators such as profitability, cash flow and return on investment deteriorated significantly during the period considered. This negatively affected the ability of the Union industry to self-finance operations, to make necessary investments and to raise capital, thus impeding its growth and even threatening its survival. The price pressure from the dumped imports at lower prices led to losses as from 2020, which further increased in the investigation period.

The capacity utilisation decreased between 2018 and the investigation period, which resulted in higher fixed cost per tonne of ARW. Following the same trend, the Union industry's sales quantity and market share in the period considered declined.

The Commission examined whether there was a causal link between the injury suffered by the Union industry and the dumped imports from Morocco. The analysis of the injury indicators showed that the economic situation of the Union industry worsened since the two producers in Morocco started exporting to the Union. The prices of these imports undercut those of the Union industry significantly and have exerted a significant downward pressure on prices in the Union market. Moroccan imports gained almost a 4% market share in a very short period, i.e., less than two years. Moreover, the impact of the Moroccan imports on the Union market went beyond the actual quantities imported as a result of the market power of the car manufacturers. The commercial relationships between car manufacturers and ARW suppliers were based on multi-year contracts for the supply of a new car project. As a result, the Union industry could not pass on the increase in the costs of production. There was a clear coincidence in time between the steep increase in imports from Morocco and the significant decrease in profitability of the Union industry. In addition, the effect of the imports from Morocco went beyond the increase in their market share because the multiannual contracts currently won by the Moroccan companies will only impact the sales volumes and prices of the Union industry after the investigation period. The Commission thus concluded that the steep increase of dumped imports from Morocco in a short period of time caused material injury suffered by the Union industry.

The Commission concluded that there is a causal link between the injury suffered by the Union industry and the Moroccan imports and that this causal link is not attenuated by imports from third countries, the export performance of the industry, costs evolution, the COVID-19 pandemic or the semiconductor shortage.

#### *Union interest and measures*

The Commission analysed whether it was in the Union interest to adopt anti-dumping measures. It concluded that the effects of the measures on the Union producers would be positive. Despite the claims of a potential negative impact on car manufacturers, measures would still not be disproportionate as the negative impact would not outweigh the positive effects for the Union producers. As regards claims that measures would create increased input costs for car manufacturers, the investigation showed that the percentage of the cost of ARWs in the production of a car is minor, approximately 0,5%. The available capacity in the Union and the

imports from other countries would mitigate any negative effect for car manufacturers by offering alternative sources of supply. The restoration of fair competition and of a level playing field, in the absence of dumped imports, would benefit the healthy development of the overall market. On these grounds, the Commission considered that there were no compelling reasons against the imposition of provisional measures on imports of certain aluminium road wheels from Morocco.

On 12 January 2023, the Commission imposed anti-dumping measures on imports of ARW originating in Morocco for a period of five years.

### **Fatty acid originating in Indonesia – Anti-dumping measures.**

In November 2021, the Commission initiated an anti-dumping investigation on imports of fatty acid originating in Indonesia following a complaint lodged by the Coalition against Unfair Trade in Fatty Acid ('CUTFA'), on behalf of producers representing more than 25% of the total Union production.

In parallel, on 13 May 2022, the Commission initiated an anti-subsidy investigation on imports of fatty acid originating in Indonesia. On 3 October 2022 the anti-subsidy complaint was withdrawn. The investigation had not brought to light any considerations demonstrating that termination would not be in the Union interest. Hence, the Commission terminated this investigation on 21 March 2023.

On 24 August 2022 CUTFA also withdrew the anti-dumping complaint. However, the Commission came to conclusion that the conditions for the imposition of definitive measures remained fulfilled. Regarding the Union interest, there were no compelling reasons against the imposition of measures. Therefore, the Commission continued the investigation despite the withdrawal of the complaint.

The product subject to the anti-dumping investigation is fatty acids saturated or unsaturated with a carbon chain length of C6, C8, C10, C12, C14, C16 or C18 with an iodine value below 105 g/100 g originating in Indonesia. The product has a wide range of applications, and can be found in numerous common products, for example several food products, animal feed, soaps, detergents, pharmaceuticals, cosmetics and other personal and homecare products.

The investigation of dumping and injury covered the period from 1 October 2020 to 30 September 2021 while the examination of trends relevant for the assessment of injury covered the period from 1 January 2018 to 30 September 2021 (period considered).

#### *Sampling*

The Commission selected a sample of three exporting producers, based on the largest representative volume of exports to the Union. The Commission selected a sample of four Union producers accounting for 61% of production and 63% of sales. No unrelated importer cooperated with the investigation.

#### *Dumping*

As regards normal value, the analysis of domestic sales showed that at least 80% of the domestic sales of each product type was profitable and that their weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the prices of all domestic sales for those product types during the investigating period. For certain product types for which there were no or insufficient sales of a product type in the ordinary course of trade or where a product type was not sold in representative quantities on the domestic market, the Commission constructed the normal value, unless it was considered more appropriate to use the price of a sufficiently comparable product type sold on the domestic market which could be adjusted for differences in physical characteristics for the purposes of ensuring a fair comparison with the relevant export price.

For certain product types, normal value was constructed: an appropriate amount for SG&A expenses and profit was added to the average cost of production of the like product of the cooperating sampled exporting producers.

The sampled exporting producers exported to the Union through related companies acting as an importer in the Union. Therefore, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union. In this case, adjustments to the price were made for

all costs incurred between importation and resale (including SG&A and profit). As to the profit margin, due to the non-cooperation of any unrelated importer, the Commission used the profit margin used in a previous proceeding concerning another chemical product - 6,89%.

The Commission compared the normal value and the export price on an ex-works basis. Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and the export price for differences affecting prices and price comparability. Adjustments were made for differences in physical characteristics, handling, loading and ancillary expenses, freight in the country concerned, domestic insurance, domestic ocean freight, freight in the Union, credit costs, bank charges, ocean freight, ocean insurance, packing expenses, warranty and guarantee expenses, and commissions. An adjustment was made for sales through related trading companies (in Singapore and the United Kingdom). The adjustment consisted of the SG&A of the trading companies and the profit of 6,89% mentioned in the recital above.

The comparison of the normal value and the export price resulted in dumping margin of 15,2% and 46,4% for the co-operating sampled exporting producers, 26,6% for the other cooperating companies and 46,4% for all the other companies.

#### *Injury and causation*

The volume of dumped imports from Indonesia increased by 13% over the period considered. The market share of those imports increased from 17,1% to 20,3% over the same period. Import prices from Indonesia increased from 912 to 1 023 EUR/tonne over the period considered, a rise of 12%. These developments should be seen in the light of the worldwide raw material price increase in that period, which is the main reason for the increase in costs. The Commission determined the existence of significant undercutting (weighted average<sup>20</sup> undercutting margin of over 20%) during the investigation period. The Commission also concluded to the existence of significant price depression. Significant quantities of Indonesian low-priced dumped imports were present in the Union market.

Some of the main indicators, such as sales prices, profitability, return on investment and investment, showed a positive trend. However, the sales prices increase was related to the development in raw material prices. Also, despite the modest improvement in profitability and return on investment, the performance remained at a level that was inadequate to ensure the viability of the Union industry. Throughout the period considered, the dumped imports remained at increased levels and low prices, the Union industry was unable to raise prices to cover its costs and reach the target profit margin (6%). The Commission concluded to the existence of price suppression. The deterioration in the economic situation of the Union industry took place in a market with a relatively stable consumption. The Union industry market share declined by 5% over the period considered to 68,3%. The Commission concluded that the Union industry suffered material injury.

The Commission also examined whether other known factors (imports from other sources than Indonesia, the export performance of the Union industry, developments in captive use, developments in consumption, raw material issues and alleged inefficiencies of the Union industry) could at the same time have injured the Union industry. The Commission distinguished and separated the effects of all known factors affecting the situation of the Union industry from the injurious effects of the Indonesian dumped imports. None of the factors, collectively or separately, were found to have a bearing on the situation of the Union industry sufficient to call into question the conclusion that the Indonesian imports were causing material injury.

#### *Level of measures*

This is one of the cases where the Commission received a claim related to the existence of raw material distortions. As the Commission established the existence of these distortions, it examined whether a duty lower than the margin of dumping would be sufficient to remove the injury. The Commission first established the amount of duty necessary to eliminate the injury suffered by the Union industry in the absence of raw material distortions. Then it examined whether the dumping margin of sampled exporting producers would be higher than their injury margin. Certain sampled Union producers claimed that their level of investments, R&D and innovation during the period considered would have been higher under normal conditions of competition. However, the producers were not able to quantify these claims. Therefore,

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<sup>20</sup> The undercutting is expressed in weighted average for reasons of confidentiality. The actual figures calculated are based on two companies only.

it was concluded that the target profit should be set at 6%. The Commission assessed the future costs resulting from Multilateral Environmental Agreements and protocols thereunder, to which the Union is a party, and from the ILO Conventions listed in Annex Ia to the basic Regulation, that the Union industry will incur during the period of the application of the measure. The Commission established an additional cost of 0,1% which was added to the non-injurious price.

The Commission then determined the underselling margin level which is 30,5% and 38,7% for the sampled companies and 35,9% for the other cooperating companies.

The Commission concluded that a duty lower than the margin of dumping was insufficient to remove the injury for one of the exporters (Musim Mas, the only operator whose dumping margin was higher than the injury margin). For that company, the investigation found significant distortions in the form of an export tax related to crude palm oil and crude palm kernel oil. These raw materials accounted for over 40% and 50% respectively of the cost of production while the prices were found to be significantly lower than the prices prevailing on the international market.

Given the existence of these raw material distortions, the Commission examined the Union interest test related to the modulation of the lesser duty rule. The Commission examined whether it was in the Union interest to set the definitive duties on the basis of the dumping margin for Musim Mas. The determination of this Union interest was based on an appreciation of the spare capacities in the exporting country, competition for raw materials and the effect on supply chains for Union companies. The Commission concluded that Indonesian producers had significant spare capacity; the Union industry was at a disadvantageous position vis-à-vis Indonesian exporting producers when it comes to access to raw materials for fatty acid; and users would have sufficient access to fatty acid even in case the imports from Indonesia decrease. As a result, the Commission concluded that it was in the interest of the Union to set the level of the definitive duties at the higher level of dumping for Musim Mas. Regarding the other sampled company (Wilmar), given its dumping margin was lower than the injury margin, the existence or not of raw material distortions was irrelevant.

#### *Union interest and measures*

The Commission examined whether it could conclude that it was not in the Union interest to adopt measures, despite the determination of injurious dumping. The imposition of measures was considered in the interest of the Union industry. No cooperation was received from unrelated importers/traders. The Commission concluded that the impact of measures would not be disproportionate for these operators. The Commission also concluded that imposing measures could not lead to shortage of supply of fatty acid on the Union market and users would not be disproportionately affected by the imposition of the measures.

The raw material suppliers did not cooperate in this investigation. The imposition of measures would also benefit them as the Union industry consumes significant quantities of raw materials produced in the Union. The Commission concluded that there were no compelling reasons demonstrating that it was not in the Union interest to impose measures on imports of fatty acid from Indonesia.

The Commission imposed definitive anti-dumping measures in January 2023 based on dumping margins ranging from 15,2% to 46,4%.

### **Ceramic tiles from India and Türkiye**

In December 2021, the Commission initiated an anti-dumping investigation on imports of ceramic tiles originating in India and Türkiye, following a complaint lodged by the European Ceramic Tile Manufacturers' Association (CET) and supported by more than 30% of the Union industry.

The product concerned was defined as ceramic flags and paving, hearth or wall tiles; ceramic mosaic cubes and the like, whether or not on a backing; finishing ceramics.

The investigation of dumping and injury covered the period from 1 July 2020 to 30 June 2021, while the examination of trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the investigation period (IP).

On 15 July 2022, the Commission informed interested parties of its intention not to impose provisional measures. Since no provisional anti-dumping measures were imposed, no registration of imports was implemented.

### *Sampling*

Given the large number of Union, as well as Indian and Turkish exporting producers involved in this investigation, the Commission applied sampling to all groups of producers.

When selecting the Union industry sample, consideration was given to the fact that the ceramic tiles industry is fragmented, with small and medium-sized producers collectively accounting for a significant share of the Union production. Therefore, to ensure that the results of large companies did not dominate the injury analysis and that the situation of small and medium-sized producers was adequately reflected, the Commission established three producer categories based on the annual production quantity: Category 1: large producers (annual production over 10 million m<sup>2</sup>); Category 2: medium-sized producers (annual production between 5 and 10 million m<sup>2</sup>); and Category 3: small producers (annual production below 5 million m<sup>2</sup>). The definitive sample contained one large producer, two medium-sized producers and three small producers, accounting for 6% of total estimated Union production and 8% of total Union industry's sales in the investigation period and covered four Member States where approximately 90% of the Union production was located.

On the exporters side, more than 140 Indian exporting producers and 18 groups of Turkish exporting producers came forward in the sampling exercise. In both cases, the Commission sampled the top three groups of producers based on the largest representative volume of exports to the Union. The sampled exporting producers were the Conor Group, the Icon Group and the Lavish Group for India, and the Hitit Group, the Bien Qua Group and the exporting producer Vitra Karo Sanayi ve Ticaret A.Ş for Türkiye.

In the case of unrelated importers, given that only a low number of importers provided a reply to the sampling form, the Commission decided that sampling was not necessary.

### *Dumping*

#### India

The normal value was calculated as a weighted average of the prices of all domestic sales during the investigation period or a weighted average of the profitable sales only, depending on whether at least 80% of the sales per type were profitable. Where there were no sales of a product type in the ordinary course of trade, or where a product type was not sold in representative quantities on the domestic market, the Commission constructed the normal value based on each company's cost of production, SG&A and profit.

The sampled groups of exporting producers exported to the Union either directly to independent customers or through related companies in India. Thus, the export price was the price actually paid or payable for the product concerned when sold for export to the Union.

To ensure fair comparison between the normal value and the export price, the Commission made several adjustments. Adjustments for freight, insurance, handling, credit costs and bank charges were deducted from domestic and/or export sales prices. Where sales were made through related producers/traders, the prices of these transactions were adjusted to account for the mark-up achieved by the related producers/traders. Concerning these trading transactions, the Commission calculated one single weighted average mark-up resulting from the difference between prices related to purchases from unrelated suppliers in India and subsequent resale prices to independent customers in the Union.

Based on the methodology described above, the Commission found the following dumping margins: 8,7% for the Conor Group and 6,7% for the Icon Group. The Lavish Group was found not to be dumping and excluded from measures.

## Türkiye

For the normal value, the Commission applied the same methodology described for India. The export price was set at the price actually paid or payable for the product concerned when sold for export to the Union, when exports sales were made directly, or adjusted for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing, based on the profit established in this investigation for unrelated importers (export sales made via a related EU importer).

To ensure fair comparison, the Commission adjusted the normal value and the export price for differences affecting prices and price comparability. Adjustments were made for transport, insurance, handling, loading and ancillary costs, customs clearance and assimilated costs, commissions, discounts and rebates.

Based on the methodology described above, the Commission found the following dumping margins: 20,9% for the Hitit Group and 4,8% for the Bien Qua Group. The exporting producer, Vitra Karo Sanayi ve Ticaret A.Ş. was found not to be dumping and excluded from measures. The weighted average margin calculated for non-sampled cooperating exporting producers was set at 9,2% and the residual margin applicable to non-cooperating companies at 20,9%.

### *Injury and causation*

The injury analysis showed that the Union industry could not benefit from an expanding market. This became apparent from the trends observed for the macro-indicators, which were negative or rather stable in a scenario of increasing demand. Production, production capacity, capacity utilisation and employment remained at the same level throughout the period considered. Union sales increased at a slower pace than consumption (3% growth of Union sales in a market that grew 6%). Consequently, the market share of the Union industry decreased from 90,1% in 2018 to 87,1% in the IP. Despite the increase of 19% in its sales price, the Union industry could not raise prices in the Union to levels high enough to recover its costs during most of the period considered. As a result, throughout the period considered it was either lossmaking (-5,4% in 2018, -8,9% in 2019, -5,9% in 2020) or just breaking even (0,6% in the investigation period, influenced by the post-COVID-19 economic recovery, and in particular the demand in the construction sector. The level of profitability achieved in the investigation period could not be considered sustainable. The Union industry could not increase their sales prices in the Union to a level that would ensure profitability levels necessary to cover its costs of production for most of the period considered and to take advantage of the growth in the Union market. Investments decreased by 62% and capacity remained constant, showing that the Union industry could not grow despite the positive trends on the demand side.

The Commission established a causal link between the injury suffered by the Union industry and the dumped imports from India and Türkiye. The increase of dumped imports from the countries concerned coincided with a decrease of the Union industry's market share in the Union market. Most of the growing demand in the Union was taken up by the imports. The increase of imports from the countries concerned was based on low, dumped prices that were below the cost of production of the Union industry, significantly undercut the Union industry sales prices in the Union market and prevented the Union industry from setting prices at sustainable levels necessary to achieve reasonable profit margins. The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports. The effect of non-dumped imports, of the export performance of the Union industry, of the evolution of the Union consumption, of the evolution of the Union industry's cost of production and of the COVID-19 pandemic on the Union industry's negative performance concerning its market share and profitability was only limited. The Commission concluded that the dumped imports from the countries concerned caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate the causal link between the dumped imports and the material injury.

### *Union interest and measures*

The Commission analysed whether it was in the Union interest to adopt anti-dumping measures. The Commission analysed the various interests involved, including those of the Union industry, users and consumers. It also analysed potential supply difficulties in the EU market, consumers' choice, the price pressure on consumers on top of the current high level of inflation in the Union, and the indirect impact of



measures on other industries. Based on the facts and analysis before it, the Commission concluded that there were no compelling reasons that it was not in the Union interest to impose measures on imports of ceramic tiles originating in India and Türkiye.

On 10 February 2023, the Commission imposed anti-dumping measures on imports of ceramic tiles from India and Türkiye for a period of five years.

### **Stainless-steel refillable kegs from China**

In May 2022, the European Commission initiated an anti-dumping investigation on imports of stainless-steel refillable kegs originating in the People's Republic of China, following a complaint lodged by the European Kegs Committee on behalf of the Union industry of stainless-steel refillable kegs.

The investigation of dumping and injury covered the period from 1 January 2021 to 31 December 2021. The examination of trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the investigation period.

The product under investigation was kegs, vessels, drums, tanks, casks and similar containers, refillable, of stainless steel, commonly known as 'stainless steel refillable kegs', with bodies approximately cylindrical in shape, with a wall thickness of 0,5 mm or more, of a kind used for material other than liquefied gas, crude oil, and petroleum products, of a capacity of 4,5 litres or more, regardless of the type of finish, gauge, or stainless steel grade, whether or not with additional components (extractors, necks, chimes or any other component), whether or not painted or coated with other materials. Stainless steel refillable kegs are used to preserve and transport liquids, notably beer.

Provisional anti-dumping measures were imposed in January 2023.

#### *Sampling*

The Commission selected two exporting producers, representing the largest volume of exports, which could reasonably be investigated within the time available. As regards Union producers, the Commission selected a sample of three which accounted for 73% of the estimated total Union production and 74% of sales in the Union. Only one unrelated importer provided the requested information and agreed to be included in the sample. The Commission thus decided that sampling of unrelated importers was not necessary.

#### *Dumping*

The investigation was initiated in accordance with Article 2(6a) of the basic Regulation as there was evidence of the existence of significant distortions in China for steel, which is the main raw material used to produce kegs.

The distortions found in the steel sector included substantial government intervention in the PRC resulting in a distortion of the effective allocation of resources in line with market principles including a substantial degree of ownership and presence by the Government of China ('GOC') in firms, the State's presence and intervention in the financial markets, as well as in the provision of raw materials, inputs as well as distortions in wage costs. In addition, the system of plans applicable in the steel sector generated distortions in the sector. As a result of the existence of these distortions, the normal value was constructed based on undistorted prices and costs in a representative country, which in this case was Brazil.

The Commission constructed the normal value per product type on an ex-works basis, by first establishing the undistorted cost and prices for each of the factors of production in the representative country. These undistorted unit costs were then applied to the actual consumption of the individual factors of production of the cooperating exporting producers. To the costs of manufacturing, the Commission added manufacturing overheads, expressed as a percentage of the costs actually incurred for each exporting producer to establish an undistorted cost of manufacturing. Finally, publicly available SG&A and profit from one Brazilian producer were applied to the undistorted manufacturing cost.

One sampled exporting producer exported to the Union directly to independent customers. The other one exported directly to independent customers or through an unrelated trading company in Hong Kong. For the

export sales of the product concerned made directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation. For the export sales that were made through an unrelated trading company in Hong Kong, the export price was established on the basis of the price at which the exported product was first sold to that trading company.

The Commission then compared the normal value and the export price of the sampled exporting producers on an ex-works basis per product type. Adjustments were made for transport, insurance, handling, loading costs, customs duty, credit costs and bank charges.

For the sampled cooperating exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned. The dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, ranged from 67,3% to 85,5%.

#### *Injury and causation*

The main injury indicators showed a negative trend. The EU industry was subject to strong pricing pressure from the Chinese dumped imports, which forced it to sell at very low prices below cost of production.

The main macro-indicators showed a negative trend during the period considered: Union sales volume dropped by 71%, production by 62%, employment by 50%. Micro-indicators showed a similar trend of deterioration with profitability of sales in the Union from +12% to -9%, sales prices -9%, as well as cash flow -109%. Against a background of decreased consumption due to COVID-19, while cost of production of the Union industry increased by 16%, import prices from China were consistently and significantly below Union industry prices and costs since 2018.

In addition, the low-priced Chinese dumped imports also caused significant price suppression for the Union industry in view of the underselling margins which ranged from 52,9% to 58,8%. The Union industry was unable to increase its prices in line with the increase of cost of production and was thus forced in a dire profitable situation to preserve, at least partially, its sales quantity.

The Commission therefore concluded that the deterioration of the economic situation of the Union industry coincided with a significant presence of Chinese imports at very low prices. In a context of shrinking market and increasing cost of production, the Chinese prices consistently undercut the Union industry prices and suppressed EU market price levels, establishing a genuine and substantial causal link between the two.

#### *Union interest and definitive measures*

The Commission examined if it was in the Union interest to impose anti-dumping measures by examining the various interests involved, including those of the Union industry, importers, and users. The Commission found that measures would improve market conditions for the Union producers allowing them to recover lost sales volume and market share while being able to increase prices to reach a sustainable profitability. Only one unrelated importer, representing 1,6% in volume of Chinese imports, submitted comments against the imposition of measures, arguing it would have a negative impact on its profitability, resulting in liquidation of the company. However, the Commission concluded that it was likely that the importer could pass part of the anti-dumping duty to the final users and its high profitability of 16% would mitigate the impact of the duty on the importer's viability. The very limited cooperation of only one importer suggested measures would not have a negative impact on importers overall and would not outweigh the positive effects of measures on Union producers.

Three users (AB InBev, Asahi, and Molson Coors) provided some limited data. They opposed the imposition of duties arguing that they would result in an increase of cost of kegs and negatively affect the HORECA sector, which had been already significantly affected by the COVID-19 pandemic, and that the Union industry did not have sufficient capacity to supply the full Union demand of kegs. However, the Commission found that the HORECA sector does not buy kegs from the beer producers but pays a deposit for the kegs which is refunded when empty and returned. Hence, the impact of the cost of kegs on the profitability of the HORECA sector was expected to be limited. As regards capacity of Union producers, the investigation showed that in 2018, the Union consumption was around 3,2 million kegs while the Union industry had a

total production capacity of almost 6,8 million kegs and, even considering export sales, the Union industry had still almost 2 million kegs of spare capacity. Therefore, the Commission concluded that there were no compelling reasons to suggest that it was not in the Union interest to impose measures on imports of stainless-steel refillable kegs originating in China.

In July 2023, the Commission imposed definitive anti-dumping duties on imports of stainless-steel refillable kegs originating in China for a period of five years. The duties imposed range from 62,6% to 69,6%.

### 3.1.5. *New investigations terminated without measures*

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if measures are unnecessary (i.e., no dumping/no subsidies, no injury resulting from dumped or subsidised imports, measures not in the interest of the Union). In 2023, 1 new anti-subsidy investigation was terminated without measures – see table below.

More information can be obtained from the Official Journal publications to which reference is given in Annex E.

Product	Origin	Main reason for termination
Fatty Acid	Indonesia	Withdrawal of the AS complaint

## 3.2. Review investigations

### 3.2.1. *Expiry reviews*

Articles 11(2) and 18 of the basic Regulations provide for the expiry of measures after 5 years, unless an expiry review demonstrates that if measures were to lapse, it would likely lead to a continuation or recurrence of dumping or subsidisation and related injury. In 2023, 2 anti-dumping measures expired automatically. The reference for the measures is available in Annex N.

Since the expiry provision of the basic Regulations came into force in 1985, a total of 520 measures have expired automatically.

#### 3.2.1.1. Initiations

In 2023, the Commission initiated 9 AD expiry reviews and 1 AS expiry review. The list of expiry reviews initiated in 2023 are in the table below.

In 2023, none of the expiry reviews were carried out in parallel with interim reviews. More information can be obtained from the Official Journal to which reference is available in Annex F.

Product (Type of investigation: AD or AS)	Origin	Complainant
Cast iron articles (certain) AD	People's Republic of China	Eurofonte
Corrosion resistant steel (CRS) AD	People's Republic of China	European Steel Association (EUROFER)
Seamless pipes and tubes of iron or steel (certain) AD	People's Republic of China	European Steel Tube Association (ESTA)
Steel ropes and cables AD	People's Republic of China	European Federation of Steel Wire Rope Industries
Oxalic acid AD	India People's Republic of China	Oxaquim SA
Seamless pipes and tubes of iron	Russian Federation	European Steel Tube Association

or steel AD		(ESTA)
Tyres for buses or lorries (new and retreaded) AD	People's Republic of China	Coalition against unfair tyres imports
Lever arch mechanisms AD	People's Republic of China	Lever Arch Mechanism Manufacturers Association
Tyres for buses or lorries (new and retreaded) AS	People's Republic of China	Coalition against unfair tyres imports

### 3.2.1.2. Expiry reviews concluded with confirmation of duties

In 2023, the Commission concluded 23 expiry reviews (3 concerned anti-subsidy measures) with a confirmation of the duties for a further period of 5 years.

The list of measures, which were renewed during 2023, together with the results of the investigations, can be found below. More information can be obtained from the Official Journal publications to which reference is given in Annex F.

Product	Origin	Type <sup>21</sup> and level of measure
Aluminium road wheels (certain)	People's Republic of China	AD: 22,3%
Sodium gluconate	People's Republic of China	AD: 5,6% - 27,1% All others: 53,2%
Tubes and pipe fittings of stainless steel (butt-welding fittings)	People's Republic of China Taiwan	AD: 30,7% - 55,3% All others: 64,9% AD: 5,1% All others: 12,1%
Polyester yarn (High tenacity)	People's Republic of China	AD: 9,7% - 23,7% All others 23,7%
Heavy plate of non-alloy or other alloy steel (certain)	People's Republic of China	AD: 65,1% - 73,7% All others 73,7%
Rebars	Belarus	AD: 10,6%
Graphite electrode systems	India	AS: 6,3% - 7% All others 7,2%
Graphite electrode systems	India	AD: 0% - 9,4% All others 8,5%
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	AD: 0% - 31,3% All others: 0%
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	AS: 4,6% - 31,5% All Others: 35,9%
Okoumé plywood	People's Republic of China	AD: 6,5% - 23,5% All others 66,7%

<sup>21</sup> AD: anti-dumping duty; AS: countervailing duty; UT: undertaking.

Thermal paper (certain lightweight)	Republic of Korea	AD: €103,16 per tonne
Glass fibre reinforcements (GFR)	People's Republic of China	AD: 0% - 15,9% All others: 19,9%
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain)	People's Republic of China	AD: 29,2% - 51,8% All others: 54,9%
Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder	People's Republic of China	AD: 33%
Coated fine paper	People's Republic of China	AS: 4% - 12% All others: 12%
Coated fine paper	People's Republic of China	AD: 8% - 35,1% All others 27,1%
Melamine	People's Republic of China	AD: minimum import price €1153 per tonne All others €415 per tonne
Hot-rolled flat products (of iron, non-alloy or other alloy steel) (certain)	Brazil Iran Russian Federation	AD: €54,4 - €63 per tonne Others €63 per tonne AD: €57,7 per tonne AD: €17,6 - €96,5 per tonne Others €96,5 per tonne
Trichloroisocyanuric acid (TCCA)	People's Republic of China	AD: 3,2% - 40,5% All others: 42,6%

### 3.2.1.3 Details of some individual cases concluded by confirmation of duty

#### **Certain aluminium road wheels originating in the People's Republic of China**

On 20 January 2022, the Commission initiated an expiry review of the anti-dumping measures imposed on imports of certain aluminium road wheels ('ARW') originating in the People's Republic of China, following a request lodged by the Association of European Wheel Manufacturers on behalf of the Union industry.

The product under review was the same as in the original investigation, namely aluminium road wheels of the motor vehicles of headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres.

The investigation of continuation or recurrence of dumping covered the period from 1 October 2020 to 30 September 2021. The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period.

#### *Likelihood of continuation or recurrence of dumping*

During the review investigation period, imports of certain aluminium wheels from China continued, albeit at lower levels than in the investigation period of the original investigation.

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions in the aluminium sector. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in the case. Therefore, normal value was calculated based on undistorted

prices or benchmarks from the representative country selected in the case, i.e., Brazil. To construct the normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Brazil per product type. To this, the Commission added an appropriate percentage amount for manufacturing overheads and finally applied the SG&A and profit in Brazil which amount to 13,75 and 6,24% respectively.

In the absence of cooperation by exporting producers from China, this normal value was compared to the export price which was determined based on ex-works level. On that basis, the weighted average dumping margin was over 10%.

The Commission also examined the likelihood of the continuation of dumping if the measures were discontinued with reference to production capacity and spare capacity in the PRC and the attractiveness of the Union market. The Commission found that the Union market for certain aluminium road wheels is among the largest in the world, driven by the extensive production of the automotive industry in the Union. It also noted that other important markets such as the US and India have imposed trade remedies on imports of aluminium road wheels from China. Therefore, it was considered that the imposition of trade measures in other main markets would likely lead to a further increase in the EU import volumes from China, should the current measures be lifted. In addition, the Commission found that the weighted average Chinese export prices to third countries, were significantly lower than the Union industry prices. Thus, it concluded that should the measures be allowed to lapse, the Union market would become even more attractive for Chinese exporters and without duties, the Chinese exporters could increase their exports to the Union.

As a result, the Commission concluded that, if the measures in place were to expire, it would be likely that the Chinese exporting producers would redirect exports towards the Union at dumped prices.

#### *Likelihood of continuation or recurrence of injury*

The evolution of the micro and macro indicators during the period considered showed that the financial situation for the Union industry deteriorated. Overall, the trends of the main economic indicators worsened over the period considered. The financial situation of the Union industry deteriorated mainly due to the increased cost of production, which could not be covered by a corresponding increase of its sales prices. Economic indicators such as profitability, cash flow and return on investment deteriorated significantly during the period considered. Profitability became negative in 2020 and during the review investigation period. This negatively affected the ability of the Union industry to self-finance operations, to make necessary investments and to raise capital, thus impeding its growth and even threatening its survival. On the other hand, despite the declining trends, the Union industry still managed to maintain large sales volume and considerable market share. The Commission therefore concluded that the Union industry suffered material injury during the review investigation period.

As regards the causal link, the volumes from the PRC decreased during the period considered. The Commission also found that the average price of the imports from China was above the average price charged by the Union industry during the review investigation period. Consequently, the Commission concluded that the injury suffered by the Union industry was not caused by the imports from the PRC during the review investigation period.

The Commission also examined the likelihood of recurrence of injury. The Commission noted that the production capacity in the PRC substantially exceeded the production volumes and demand on the Chinese domestic market. It also found that the Union market, in terms of prices, remains very attractive for Chinese producers. Therefore, if confronted with an increase of low-priced imports from the PRC, the Union producers, in an attempt to keep sales volumes and market shares, would be forced to reduce their prices. On the other hand, if the Union industry were to keep its current price levels, this would have an almost immediate negative impact on its sales and production volume as well as its market share. Moreover, a decrease in production volume would result in an increase of the item costs of production due to reduced benefits of economy of scale. This would further deteriorate the Union industry's profitability and result into further losses already in the short term. With a loss of profitability, the Union industry would not be able to carry out necessary investments. Ultimately, this would also lead to loss of employment and risk of closure of production lines.

In view of the above, the Commission concluded that the expiry of the measures would, in all likelihood, result in a significant increase of dumped imports from the PRC at lower prices than the ones of the Union industry, and therefore would further aggravate the negative situation of the Union industry. It is highly likely that this would lead to a recurrence of material injury and as a consequence, the viability of the Union industry would be at serious risk.

#### *Union interest*

The Commission examined if it was in the Union interest to maintain the anti-dumping measures by examining the various interests involved. The Commission found that the effect of anti-dumping measures would be positive for the Union producers by allowing them to adapt sales prices to cover increased cost of production. This would allow the industry to return to a sustainable situation and make future investments, in particular to comply with environmental and social requirements. In the absence of measures, the Union industry would no longer be protected against the likely increase of cheap imports from China, which would cause material injury and cause its financial situation to deteriorate further.

While the Commission contacted all known unrelated importers, traders and users, none of them provided any comments indicating that the maintenance of the measures would have a significant negative impact on their activities, outweighing the positive impact of measures on the Union industry. The Commission concluded that there were no compelling reasons to sustain that it was not in the Union interest to maintain the existing measures on ARW imported from China.

On 18 January 2023, the Commission extended the measures in place on imports of certain ARW from the PRC for another five-year period.

#### **Sodium gluconate originating in the People's Republic of China**

On 18 January 2022, the Commission initiated an expiry review of the anti-dumping measures imposed on imports of sodium gluconate originating in the People's Republic of China following a request lodged by Jungbunzlauer S.A. (France) on behalf of the European industry manufacturing sodium gluconate.

The product under review was dry sodium gluconate. Sodium gluconate is used mainly in the construction industry as a set retarder and concrete plasticiser and in other industries as surface treatment for metals (removal of rust, oxides and fat) and for the cleaning of bottles and industrial equipment. The product can also be used in the food and pharmaceutical industries.

The investigation of continuation or recurrence of dumping covered the period from 1 January 2021 to 31 December 2021 ('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 2018 to the end of the review investigation period ('the period considered').

#### *Likelihood of continuation or recurrence of dumping*

During the review investigation period, imports of sodium gluconate into the Union from China continued, albeit at lower levels than in the original investigation but slightly higher than during the previous expiry review investigation. Imports of sodium gluconate from the PRC accounted for [6%-10%] of the Union market in the review investigation period compared to 24,8% market share in the original investigation and [3%-15%] during the previous expiry review.

Owing to a lack of cooperation by the producers from China, the findings were based on facts available.

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions in the chemical and petrochemical sectors in China. The Commission concluded that it was not possible to use domestic prices and costs to establish normal value in this case. Therefore, normal value was calculated on the basis of undistorted prices or benchmarks from the representative country selected in the case, i.e., Colombia. To construct the normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Colombia. To this, the Commission added an appropriate percentage amount for

manufacturing overheads and finally applied the SG&A and profit in Colombia which amounted to 19,44% and 8,68% respectively.

This normal value was compared to the export price which was determined on the basis of CIF Eurostat data corrected to ex-works level by adjusting for sea freight and insurance costs and domestic transport cost in China. On that basis, the dumping margin was found to be significant (over 100%). It was therefore concluded that dumping continued during the review investigation period.

Further to the finding of the existence of dumping, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping should the measures be allowed to lapse. The following additional elements were analysed: the production capacity and spare capacity in the PRC, the attractiveness of the Union market and export prices to third countries as well as trade defence measures in other export markets. The Commission concluded that the Chinese exporting producers have significant spare capacities amounting to more than 25 times the Union consumption in the free market, which could be used for exports to the Union if the measures were allowed to lapse. Furthermore, the investigation confirmed that the Union market is attractive for the Chinese exporting producers in view of the size of its construction industry, as well as of other industries that make use of sodium gluconate. Also, the average price of exports of sodium gluconate from China to the Union was found to be between 1% and 5% higher compared to the average price of exports from the PRC to third countries during the review investigation period. Considering the above and taking into account the trade defence measures imposed by the United States, one of the main export markets for sodium gluconate from the PRC, the Commission concluded that if the measures were to lapse, it would be likely that the Chinese exporting producers would activate the spare capacity and redirect exports from third countries towards the Union market at dumped prices and in significant volumes.

#### *Likelihood of continuation or recurrence of injury*

The like product was manufactured by two producers in the Union during the period considered: Jungbunzlauer S.A. and Roquette Italia S.p.A. These two companies account for 100% of the Union production.

The investigation showed that the Chinese exporting producers managed to increase their import volume and market share, which significantly grew by 45% in 2019 and a further 30% in 2020. In that period, it was found that the Chinese average import price was between 15 to 25% below the Union industry price. The Union industry sales volume and market share developed negatively during the first three years of the period considered. The decline in sales volume (– 4%) was more pronounced than the decline in consumption (– 2%) in 2019 and sales further decreased by 7% in 2020. Between 2018 and 2019, production remained largely stable, but inventories significantly increased (up to 20%) due to reduced sales. Profitability was negative but eventually the Union industry became slightly profitable in 2020. Between 2020 and the review investigation period, the Union industry managed to increase its sales volumes (+12%) and market share (+1%). It also managed to decrease its cost of production to further improve profitability during the review investigation period.

To summarize, the investigation showed that injury indicators such as production, capacity utilisation and employment, together with financial indicators such as profitability, cash flow and return on investments, developed positively in the review investigation period. Profitability and cash flow became positive as from 2020, and the return on investments became positive in the review investigation period. On this basis, the Commission concluded that the Union industry, while still in a vulnerable situation, did not suffer material injury within the meaning of Article 3(5) of the basic Regulation 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 caused by dumped imports from China if the measures were allowed to lapse.

The Commission examined the production capacity and spare capacity in China, the likely price levels of imports from China in the absence of anti-dumping measures and their impact on the Union industry, and the attractiveness of the Union market. In the review investigation period, Chinese exporting producers had a capacity of around 1 300 000 tonnes, which equals more than 50 times the Union consumption on the free market whereas the capacity utilisation was around 54%. Given the significant spare capacity which cannot be absorbed by the Chinese market, it was concluded that there are strong incentives for Chinese producers



to export. Moreover, the average price of Chinese sodium gluconate to the EU during the review investigation period was higher than the average export price charged by Chinese exporters to other destinations, making the Union market particularly attractive for Chinese exporters. In addition, the trade defence measures in place in the United States effectively limit the entry of Chinese sodium gluconate in that market. Considering the large spare capacities in China, the need for Chinese exporters to increase production and find new markets, the attractiveness of the Union market and the limited access of Chinese exporters to the United States' market, the decrease in transport costs and the low level of prices currently offered to customers in the EU by Chinese exporters, the Commission concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from China at injurious prices and material injury would be likely to recur.

#### *Union interest*

The Commission examined if it was in the Union interest to maintain the anti-dumping measures by examining the interests of the Union industry, importers and users.

For the Union industry, the measures in force in the EU and the United States aim at establishing an effective and competitive environment for all producers of sodium gluconate but also for all other operators. While Chinese producers have less than 5% market share in the United States' market, EU producers have around 20% market share, demonstrating that the Union industry is competitive and is not ready to abandon this sales segment, which is unique in the Union. The Commission concluded that extending the measures in force against the PRC would be in the interest of the Union industry.

The investigation did not reveal any significant adverse impact of the measures in force on importers, none of whom cooperated. The previous expiry review investigation had concluded that importers could be negatively affected to a very limited extent by the measures. That expiry review showed that the share of sodium gluconate represented less than 5% of the turnover of the importers which cooperated. The Commission concluded that the maintenance of measures would have a very limited impact, if at all, on importers.

No users of sodium gluconate cooperated in the investigation. The previous expiry review had showed that for one cooperating user, sodium gluconate represented less than 5% of the users cost of manufacturing of the finished products and any increase in the price would have a limited impact on the users' activities. The investigation also showed that the Union industry behaved in a reasonable way in terms of price setting. On this basis, The Commission considered that there were no compelling reasons of Union interest against the maintenance of the existing measures on imports of the product under review originating in China.

In April 2023, the Commission extended the measures in place on imports of sodium gluconate from China for another five-year period.

#### **Stainless steel tube and pipe butt-welding fittings originating in People's Republic of China and Taiwan - Anti-dumping measures**

The expiry review was initiated on 26 January 2022, following the request of the EU Defence Committee of the Stainless-steel butt-welding Fittings (SSTPF) industry of the European Union, representing more than 25% of the total Union production. The request for review was based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury to the Union industry.

In parallel to this expiry review, on 8 June 2022, the Commission initiated an investigation pursuant to Article 13(3) of the basic Regulation, concerning possible circumvention of the anti-dumping measures in force on imports of SSTPF. The investigation concluded that the existing measures were being circumvented and in March 2023 the measures were extended to imports consigned from Malaysia, whether declared as originating in Malaysia or not.

The expiry review investigation concerned imports of tube and pipe butt-welding fittings, of austenitic stainless-steel grades, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished. The application of the product is in a wide range of consumer industries and final

applications, such as the petro-chemical industry, beverages and food processing, pharmaceutical industries, shipbuilding, energy generation, power plants, or constructions and industrial installations.

The review investigation period (RIP) was from 1 January 2021 to 31 December 2021 and the examination of the trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the RIP.

### *Sampling*

The sample of three Union producers accounted for approximately 44%–50% of the estimated total production volumes. There was no cooperation from the Chinese producers. Therefore, the findings regarding the imports from China are made on the basis of the facts available. As only one Taiwanese exporting producer provided the requested information and agreed to be included in the sample, sampling was not necessary.

### *Likelihood of continuation or recurrence of dumping*

#### China

Owing to a lack of cooperation by the China producers, the findings were based on facts available. The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions in the steel sector in China, to which SSTPF belong. The Commission concluded that it was not possible to use domestic prices and costs to establish normal value. Therefore, normal value was calculated on the basis of undistorted prices or benchmarks from the representative country selected in the case, i.e., Thailand. To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Thailand per product type. To this, the Commission added an appropriate percentage amount for manufacturing overheads and finally applied the SG&A and profit from two companies in Thailand which amounted to 19,64% and 1,22% respectively.

In the absence of cooperation by exporting producers from China, the export price for all SSTPF imports into the Union was determined based on CIF data from Eurostat adjusted to ex-works level by deducting sea freight, insurance and domestic transport costs. The Commission compared the average export price from Eurostat on an ex-works basis as established above to the normal value for all fittings. On this basis, the weighted average dumping margin was above 100%.

Then the Commission examined the likelihood of continuation of dumping. The Commission concluded that the Chinese exporting producers have significant spare capacities. In terms of attractiveness of the Union market the Commission established that the average Chinese export price to other third country markets in the RIP was 15,9% lower than the average sales prices of the Union producers on the Union market. The Union market is also attractive in view of its size. The Commission concluded that there is a strong likelihood that the expiry of the anti-dumping measures would result in the continuation of dumping.

#### Taiwan

Only one Taiwanese company (Ta Chen) cooperated in the review. The sales of Ta Chen accounted for 91% of the Taiwanese exports of SSTPF into the Union in the RIP. Due to the lack of domestic sales of SSTPF, the normal value for Ta Chen was constructed by adding to the cost of production of the relevant product types SG&A costs incurred and a reasonable profit.

Ta Chen made export sales directly to independent customers located in the Union and the export price was established on the basis of the prices actually paid or payable for the product under review when sold for export from the exporting country in accordance with Article 2(8) of the basic Regulation.

The normal value and export price of Ta Chen was compared on an ex-works basis. To ensure a fair comparison between the normal value and the export price, adjustments were made for transport, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs, discounts and commissions. On this basis, the weighted average dumping margin was found at the level of 39,67%.

The Commission then investigated the likelihood of continuation of dumping, should the measures be repealed, by analysing the following additional elements: the existence of dumped exports to third countries, the production capacity and spare capacity in Taiwan and the attractiveness of the Union market. The analysis of exports to third countries showed dumping practices, the spare capacity in Taiwan is very significant and the attractiveness of the Union market in terms of size and prices was demonstrated. Therefore, the Commission concluded that there was a likelihood of continuation of dumping if measures would not be extended.

#### *Likelihood of continuation or recurrence of injury*

The volume of imports from the countries concerned were negligible during the period considered and they continued to undercut the Union industry's average sales prices by a wide margin. However, most injury indicators, such as production, sales, employment, profitability and cash flow developed positively or were at satisfactory levels. The indicators examined demonstrated that the anti-dumping measures achieved their intended result of removing the injury suffered by the Union producers. The Commission concluded that the Union industry had recovered from previous injury and did not suffer material injury during the RIP.

The Commission assessed whether there would be a likelihood of recurrence of injury if the measures were allowed to lapse. In that regard, the Commission examined the production capacity and spare capacity in China and Taiwan, the attractiveness of the Union market, and the likely impact of imports from China and Taiwan should the measures be allowed to lapse. The spare capacities in China and Taiwan are significant and they together represent five times the annual consumption in the Union. The Union market is an attractive market in view of its prices and size. The Commission established significant undercutting of the Union industry prices by up to 17,7% or 16,4%, depending on the method, for China in the absence of anti-dumping duty.

The Commission concluded that the absence of measures would, in all likelihood, result in a significant increase of dumped imports from China and Taiwan at injurious prices and material injury would be likely to recur.

#### *Union interest and measures*

The Commission found that even though the Union industry was no longer suffering from material injury, it would not be able to cope with a removal of the measures, as that is likely to result in a strong increase of dumped imports. The Commission concluded that a repeal of the measures would put the industry's long term financial viability at stake. Therefore, the continuation of the measures is in the interest of the Union industry. No users cooperated with the investigation. There were no indications that the maintenance of the measures would have a negative impact on users outweighing their positive impact. The Commission concluded that there were no compelling reasons showing that it was not in the Union interest to maintain the measures.

The anti-dumping measures in place on imports of SSTPF originating in China and Taiwan were continued in April 2023 for a further period of five years. They range between 30,7% to 64,9% for China and between 5,1% and 12,1% for Taiwan.

#### **Anti-dumping measures concerning imports of rebars originating in Belarus**

The Commission initiated an expiry review in June 2022, following a complaint lodged by the European Steel Association (EUROFER) on behalf of the Union industry of rebars. This was the first expiry review concerning measures on rebars from Belarus since the imposition of a definitive anti-dumping duty of 10,6% in June 2017.

The review investigation period covered 1 January 2021 to 31 December 2021 while the examination of trends relevant for the assessment of injury covered the period from 1 January 2018 until the end of the RIP.

The product under review is certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling and also those containing indentations, ribs, grooves or other deformations produced during the

rolling process. Rebars are primarily used in the reinforcement of concrete, the use of rebars increases the overall tensile strength of the structure.

### *Sampling*

The Commission selected a sample of three Union producers accounting for more than 17% of the estimated total volume of production and sales of the like product in the Union. Sampling was not necessary for importers nor producers in Belarus as in the latter case only one producer of rebars, Byelorussian Steel Works ('BMZ'), came forward.

### *Likelihood of continuation or recurrence of dumping*

As Belarus is not a member of the WTO the normal value was determined on the basis of the domestic sales prices or constructed normal value in a representative country. The US was selected as the representative country in the investigation as the country has significant domestic consumption and at least seven producers involved in the production of rebars. In addition, the original investigation established that the production process by Only Commercial Metals Company ('CMC'), located in the US, was similar to the one used by Byelorussian Steel Works ('BMZ'), the Belarus producer who did not cooperate.

The investigation found that all the domestic sales of each product types were representative and were sold in the ordinary course of trade. Therefore, there was no need to construct the normal value.

Export prices from Belarus were established based on Article 14(6) database import values, which were adjusted to ex-works level by deducting transport costs. The Commission compared the normal value and the export prices on an ex-works basis which resulted in a dumping margin for the Belarusian exports of 41,1%.

The Commission examined the likelihood of the continuation of dumping. The investigation showed that the imports from Belarus continued to enter the Union market at dumped prices during the RIP. The investigation revealed that the spare capacity in Belarus was significant in comparison with the Union consumption during the RIP and would be used to increase production and exports to the Union, and that the attractiveness of the Union market in terms of size and prices pointed to the likelihood that Belarusian exports would be directed towards the Union market, should the measures lapse. Therefore, the Commission concluded that there was a likelihood that the expiry of the anti-dumping measures would result in a significant increase of dumped imports of the product under review from Belarus to the EU.

### *Likelihood of continuation or recurrence of injury*

The period considered was characterised by exceptional circumstances, which were linked to the outbreak of the COVID-19 pandemic, followed by an economic recovery. In 2020, the rebar market saw a great perturbation due to COVID-19, with exceptional volatility in demand. During the first half of 2020 production was temporarily stopped in the Union given the lack of orders. In the second half of 2020 and during the RIP the profitability of Union rebar producers improved, as demand continued to recover faster than expected. In this regard, the exceptional improvement in Union producers' profitability during the RIP appeared to be of a temporary nature, as it was mainly due to the significant rise in market prices for rebars driven by the demand-supply disruptions.

Most injury indicators, such as Union sales volume, market share, employment, profitability and cash flow developed positively during the period considered. Though the trend of the indicators such as closing stocks and investments was negative during this period, their absolute levels did not indicate a sign of material injury. The Commission concluded that the Union industry had recovered from previous injury and did not suffer material injury during the RIP. Therefore, the Commission examined whether there would be a likelihood of recurrence of injury caused by the dumped imports from Belarus if the measures were allowed to lapse. The Commission examined: (i) the production capacity and spare capacity in Belarus; and (ii) likely price levels of imports from Belarus and their impact on the Union industry's situation, should the measures be allowed to lapse.

The production capacity in Belarus substantially exceeded production volumes and domestic demand in Belarus with spare capacity estimated to be more than 900 000 tonnes (more than 8% of the Union consumption during the RIP). The average import price from Belarus increased by 28% between 2018 and the RIP which was in line with the general rebar price trends. With the anti-dumping duties, Belarusian rebars

undercut Union prices by 2,5% – 3%. Excluding the anti-dumping duty, undercutting was established at a level of 11,8% - 12%. In addition, the average import price from Belarus during the period considered remained below the Union producers' unit cost.

Given the attractiveness of the Union market due to its size and price levels it was concluded that should the measures be allowed to lapse, exporting producers would start again to export larger volumes of the product under review at low prices to the Union. The Commission concluded that this would exert downward price pressure on the Union industry, and cause it to lose market share, endangering its profitability. Therefore, the Commission concluded that there was a likelihood of recurrence of injury should the measures be allowed to lapse.

#### *Union interest*

The Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. This was based on an examination of all the various interests involved, including those of the Union industry, importers and users. As regards Union industry, the Commission concluded that if the measures were allowed to lapse, they would likely be faced with increased unfair competition from Belarus producers most likely putting a halt to their on-going recovery.

While no importers came forward during the investigation, it could not be ruled out that the imposition of the measures had a negative impact on their activity. However, importers were not dependent on Belarus and could source the product under review from other countries, such as Norway and Türkiye. Therefore, the Commission concluded that from the importers' perspective, there were no compelling reasons not to extend the existing measures.

No user came forward during the investigation. The Commission concluded that there were no compelling Union interest reasons against the maintenance of the existing on imports of rebars originating in Belarus. Therefore, the measures were extended for a further period of five years in May 2023.

#### **Certain graphite electrode systems ('GES') from India**

In March 2022, the Commission initiated two expiry reviews on the anti-dumping and countervailing measures in force concerning imports of certain graphite electrode systems ('GES') originating in India.

The product under review was graphite electrodes of a kind used for electric furnaces, with an apparent density of 1,65 g/cm<sup>3</sup> or more and an electrical resistance of 6,0 µ.Ω.m or less and nipples used for such electrodes, whether imported together or separately, originating in India. The steel industry (namely electric arc furnaces steel producers) is the main user of this product.

The review investigation period ('RIP') was from 1 January 2021 to 31 December 2021 while the period to establish the injury trends was from 2018 to the end of the RIP.

#### *Sampling*

Three Union producers representing more than 68% of the estimated total volume of production and more than 70% of the sales of the like product in the Union were included in the sample.

No unrelated importers of graphite electrodes from India came forward and cooperated in the investigation.

#### *Likelihood of recurrence or continuation of dumping*

There are two producers of GES in India, HEG Ltd ('HEG') and Graphite India Limited ('GIL'). However, neither cooperated in the investigations so the Commission used facts available in accordance with Article 18 of the basic anti-dumping regulation. As a result, normal value was based on the data provided by the applicant: Mordor Intelligence and Valuates Reports. The two sources showed similar average domestic price of GES in India for the review investigation period. This price was cross-checked with the publicly available information published by SteelMint.com, a market data provider for steel producers and steel users.

To determine the export price of the Indian exporting producers to the Union the Commission used Eurostat statistics, which after adjustments for sea transport and insurance showed an FOB price Indian port (€2 578/tonne). This price was further adjusted for border compliance and documentary evidence costs and intra

Indian transport, €2 558/tonne. The normal value in India was then compared with the export price at ex-works level and expressed as a percentage of the CIF price resulting in a dumping margin of 44,7%.

The investigation showed that Indian imports continued to enter the Union market at significantly dumped prices and maintained their quantities and market shares as in the last two review investigations. Furthermore, the analysis of production volumes and spare capacity in India, export volumes and prices from India to the other third country markets, existing measures in the other third countries, and attractiveness of the Union market also showed that it is likely that the dumped exports would further increase their already substantial presence in the Union market should the current measures be allowed to lapse. Consequently, it was concluded that there is a likelihood of continuation of dumping should measures be allowed to lapse.

#### *Likelihood of recurrence or continuation of subsidisation*

HEG Limited cooperated in the investigation and the co-operation from the Government of India ('GOI') was good. The investigation established that during the RIP the cooperating exporting producer continued to benefit from seven schemes.

These schemes, except for the Remission of Duties and Taxes on Exported Products (RODTEP) scheme and the electricity-related schemes, were already countervailed in the previous investigations, were all export contingent and constituted a financial contribution by the GOI conferring a benefit on the exporters. The schemes which were found to be countervailable were: Advance Authorisation Scheme ('AAS'); Duty Drawback Scheme ('DDS'); Export Promotion Capital Goods Scheme ('EPCGS'); Merchandise Export Incentive Scheme ('MEIS') Preferential financing: Interest Equalization scheme ("IES"); Remission of Duties and Taxes on Exported Products (RODTEP); Captive Units Rebate - Electricity discount.

The investigation found that the subsidy schemes were conferring substantial benefits to the exporting producers during the RIP, amounting to a total of 9,85%. The investigation also established that AAS, DDS, EPCGS and MEIS and RODTEP are part of a 5-year Foreign Trade Policy (FTP 2015-20), which was originally set to expire on 31 March 2020. However, due to the COVID-19 pandemic, FTP 2015-20 was extended several times, the latest extension until 31 March 2023. The IES scheme was extended at least until 2024, and the Captive Units Rebate was extended to the financial year 2023. There was thus no indication that the subsidisation level would decrease in the future. Therefore, it was concluded that there was a clear likelihood of continuation of the subsidisation.

#### *Likelihood of recurrence or continuation of injury*

The investigation showed that the measures allowed the Union industry to maintain, at least partially, a significant market share throughout the period considered. Most of injury indicators showed that the economic situation of the Union industry was difficult. These difficulties were explained by the decrease in consumption coupled with the consequence of the COVID-19 outbreak and dumped imports from China and India which, during the same period, gained market share to the detriment of Union industry whose market share decreased.

Production, sales volumes and market shares decreased, as well as sales prices which had a negative effect on productivity. The increased price pressure from the dumped imports coming from India and China forced the Union industry to reduce its sales prices with negative effects on its profitability which decreased substantially over the period considered. Also, the rapidly decreasing returns on investments had a negative impact on the Union industry's ability to raise capital and investments. On the other hand, despite the declining trends, the Union industry still managed to maintain large sales volume and considerable market share. Likewise, despite the negative trend, profitability remained positive throughout the period considered. Therefore, the Commission concluded that the Union industry did not suffer material injury during the review investigation period.

Therefore, the Commission examined whether there would be a likelihood of recurrence of injury, originally caused by the dumped/subsidised imports from India, if the measures were allowed to lapse. In order to establish whether there would be a likelihood of recurrence of injury, the Commission considered (i) production volume and spare capacity in India, (ii) export volumes and prices from India to the other third country markets, (iii) existing measures in the other third countries, (iv) attractiveness of the Union market,

and (v) likely price levels of imports from India and their impact on the Union industry's situation, should the measures allowed to lapse.

The investigation found that Indian imports continued to enter the Union market at dumped prices and maintain their quantities and market shares as in the previous two review investigations. Both Indian producers were export oriented and India had spare capacity - the total Indian production capacity was estimated at around 178 000 tonnes, with production of 121 000 tonnes; hence a spare capacity of 57 000 tonnes in the RIP which represented about 41% of the Union consumption during the RIP. In addition, based on HEG's annual report 2021, the producer was expected to continue to increase its capacity adding another 20 000 tonnes by early 2023. This could be used to further increase the export volumes to the Union at dumped prices. The investigation showed that the Indian import prices (without duty) undercut the Union industry's sales price by 33,5%. It was considered that any increase of the dumped/subsidised imports undercutting the Union industry's sales price would likely exercise a downward price pressure on the Union market and the Union industry would likely be forced to either reduce its sales prices further reducing profitability or to lose sales and market share to the Indian exporters. Considering the attractiveness of the Union market, due to its size and its relatively high price level and India's capacity to increase export quantities to the Union, the Commission concluded that the expiry of the measures would, in all likelihood, result in a significant increase of dumped/subsidised imports from India at prices undercutting the Union industry prices, and therefore would aggravate the economic situation of the Union industry. It was highly likely that this would lead to a recurrence of material injury and, as a consequence, the viability of the Union industry would be at serious risk.

#### *Union interest and continuation of measures*

No importers and users came forward to provide information and therefore, and in line with the findings in the original investigation and in the previous expiry reviews, the Commission concluded that there were no compelling reasons to conclude that it was not in the Union interest to maintain the existing anti-dumping and countervailing measures on imports of GES from India. The measures were extended for a further period of five years in June 2023.

#### **Certain continuous filament glass fibre (GFR) products originating China**

The Commission initiated an expiry review in April 2022 on the anti-dumping measures on GFR originating in China. The review was initiated following a request of the European Glass Fibre Producers Association on behalf of producers representing more than 50% of the total Union production of certain continuous filament glass fibre products ('GFR').

GFR is a raw material used to reinforce thermoplastic and thermoset resins in the composites industry. The resulting composite materials (glass fibre reinforced plastics) are used in many applications in automotive, electronics, windmill blades, construction, tanks/pipes, consumer goods and aerospace. It is sold either as chopped strands, rovings (continuous glass strands, gathered together), or mats.

The review investigation period for dumping covered is 1 January 2021 to 31 December 2021 while the examination of trends relevant for the continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period.

#### *Sampling*

Three Union producers were sampled representing 76% of the production of the Union industry in the RIP.

#### *Likelihood of continuation or recurrence of dumping*

The analysis of the likelihood of continuation or recurrence of dumping was based on facts available given there was no cooperation from Chinese exporters nor the Government.

The applicants provided sufficient evidence of government induced distortions in China and the investigation was initiated in accordance with Article 2(6a) of the basic Regulation.

The investigation found that the main suppliers of the raw materials were affected by the existence of significant market distortions related to the factors of productions, in particular kaolin and dolomite. In addition, the investigation revealed substantial governmental intervention in other factors of production such as land, energy, capital, and labour. The Commission also found that the Chinese government owns a majority of the biggest GFR producers in China, as well as upstream suppliers and downstream users located in China. In particular, the two largest Chinese GFR producers, CPIC and Jushi, are major State-owned conglomerates.

Normal value was therefore constructed and based on data from Türkiye as representative country. It was calculated on the basis of the consumption ratios of the main raw materials (silica, kaolin, dolomite, limestone, platinum and rhodium), electricity, natural gas and direct labour costs provided by the Applicants in the review request. The benchmarks for the unit costs related to the inputs were based on the data obtained from Türkiye. Other direct costs, consumables and manufacturing overheads were based on a percentage calculated on the basis of the actual costs incurred by the applicants and were added to the direct undistorted manufacturing costs. Finally, the SG&A and profit of the Turkish producer, Türkiye Şişe Ve Cam Fabrikalari A.Ş. as published in their annual accounts for 2021 were used. The level of profits was estimated at 36,74% and for SG&A, 16,81%.

In the absence of cooperation from the Chinese exporting producers, the export price was based on Eurostat CIF import prices adjusted to ex works level. Thus, the CIF price was reduced by the sea transport freight, domestic transport costs and EU customs handling. These costs were based on data provided by the applicants in the request for review. The weighted average dumping margins were in the range of 50% to 54% - depending on the product type. It was therefore concluded that dumping continued during the review investigation period.

The Commission also investigated the likelihood of continuation of dumping, should the measures be repealed, analysing the development of the production capacity and spare capacity in the PRC, the relation between Chinese export prices to other third countries and the Chinese export prices to the Union and the attractiveness of the Union market.

#### *Likelihood of continuation or recurrence of injury*

The analysis of the situation of the Union industry showed that it continued to suffer material injury. Union production decreased by 23% between 2018 and 2020, then picked-up again by 18% between 2020 and the review investigation period resulting in 9% decrease over the entire period considered. One Union producer had to permanently close its plant in the summer of 2019. Overall, the capacities decreased by 3% over the period considered. The capacity utilisation developed in line with the changes in production and capacities, i.e., it decreased to 70% in 2020, due to COVID related restrictions. Once these restrictions were lifted, capacity utilisation increased to 87% in the review investigation period. Nonetheless, due to the technical restrictions when restarting idled capacities after COVID related restrictions, the Union producers were unable to sufficiently increase their production to meet the growing post-COVID demand in a timely manner.

The Union industry profits dropped from a 6,2% profit in 2018 to a 3,6% loss in the review investigation period showing the industry's particularly precarious situation. The Union industry's sales decreased by 14% between 2018 and 2020, then picked-up by 6% between 2020 and the review investigation period resulting in 9% decrease over the period considered. The Union industry's market share decreased to 45,3% at the end of the period considered, i.e., losing 5 percentage points from the beginning of the period. In addition, employment decreased by 9%. Closing stocks could not recover to their normal levels. The cash flow in the review investigation period decreased by 62% compared to 2018. The return on investments diminished to -3,1% from 10% in 2018. The decreasing production had a significant impact on the industry, reflected in the loss-making situation in 2020–2021, due to the high fixed costs and the impossibility to flexibly scale back production as furnaces needed to be fully utilised in this specific production process. Even in such adverse circumstances, continuous investments were necessary, mainly to replace furnaces with strictly limited lifetime which put additional financial pressure on the producers. On this basis, the Commission concluded that the Union industry continued to suffer material injury.

The Commission examined whether the dumped imports from China caused material injury to the Union industry. In the years preceding the review investigation period, the continued presence of Chinese imports exercising price pressure on the EU market clearly contributed to the injurious situation of the Union



industry. However, non-injurious Chinese import prices during the review investigation period, which were far above the Union industry's sales prices and cost of production, did not exert any pressure on the Union industry. Therefore, the Commission analysed whether injury was caused by factors such as imports from Egypt, increased costs of production in the Union and contractual conditions with the users. The Commission found that Chinese producers of GFR located in Egypt, still accounted for 12,7% market share during the review investigation period and their import prices were well below the prices observed for the other countries as well as the Union industry. Thus, the price pressure from Chinese producers of GFR located outside China was present throughout the whole period considered. The investigation also showed that the global shortage caused by governmental measures in relation to the COVID pandemic allowed the Union industry to start to recover on the sales side, but it had increased production costs, such as increased fixed costs due to the temporary idling of capacities in response to COVID-related lockdowns of user industries, and increased energy and certain raw material costs. Also, the Union industry was not able to immediately increase its production substantially, due to the time needed to restart idle capacities. As a result, users in the EU were temporarily forced to buy imported goods from China at much higher prices, which led to an increased Chinese market share of 6,5% in the RIP. In addition, the Union industry had long-term contracts with users and could not immediately increase sales prices to take advantage of the improved market situation and the absence of injurious Chinese prices.

The Commission concluded that the injury suffered by the Union industry during the RIP could not be attributed to the dumped imports from China, and that other factors affected the injurious situation of the Union industry, attenuating the causal link between the Chinese imports and the injury suffered by the Union industry in the RIP. As a result, the Commission further assessed, whether there would be a likelihood of recurrence of injury caused by the dumped imports from China if the anti-dumping measures were allowed to lapse.

The investigation showed that the prices of the Chinese dumped imports increased significantly (46%) between 2020 and the review investigation period. This was mainly due to the exceptional increase of freight cost. The estimated Chinese price at ex-works level increased by 5% only from 2020 to 2021 and was around €907 per tonne, thus, well below the average ex works price of the Union producers (€1 092/tonne). If the freight cost had remained unchanged from 2020 to 2021, Chinese imports without duties would have undercut the Union's industry's prices by 21,1% and would have remained below the cost of production of the Union industry, similar to the situation observed in the years preceding the review investigation period. The increase of freight cost was exceptional and temporary and dropped back to 2020 levels as of November 2022. At the start of 2023 the Chinese import prices were again undercutting the Union industry's post-review investigation period prices by 14,9%, and they were well below the cost of production of the Union industry in the review investigation period.

The Commission found that if the measures were allowed to lapse, it could be reasonably expected that, given the attractiveness of the Union market and the spare capacity in China, there would be a substantial increase of imports of GFR from China to the Union at dumped prices, undercutting and suppressing the Union industry's prices. On this basis, the Commission concluded that the absence of measures would, in all likelihood, result in a recurrence of injury to the Union industry.

#### *Union interest*

The Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. This was based on an examination of the various interests involved, including those of the Union industry, importers and users.

As regards Union industry, the Commission concluded that if the measures were allowed to lapse, it would likely lead to a significant increase of dumped Chinese imports of GFR, largely undercutting and suppressing the Union industry's prices thereby aggravating the injury to the Union industry. Therefore, the Commission concluded that that it was in the interest of the Union industry to maintain the measures in force.

Given that GFR is to a large extent standardised the sources of supply can be changed efficiently. On this basis, the Commission concluded that the measures in force had no significant negative effects on importers given the alternative sources were not subject to measures and therefore the continuation of the measures would not unduly affect them.

As regards users, they were in favour of the measures continuing as Union producers of GFR are the R & D and innovation drivers and without them the downstream fabrics industries and the innovation in this sector would stop. They would be almost entirely dependent on the supply of rovings by State-owned companies in China if the Union industry went out of business, putting them in a highly vulnerable position. This risk already materialised during the COVID pandemic, when Chinese producers were unable to supply EU users. Thus, the survival of the downstream fabrics industry in the Union is also dependent on the viability of the Union industry of GFR.

The Commission concluded there were no compelling reasons against the continuation of measures and in July 2023, the measures were extended for a further five years.

### **Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) - expiry review.**

On 12 May 2022, the Commission initiated an expiry review of the anti-dumping measures imposed on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross-section, of an external diameter exceeding 406,4 mm originating in the People's Republic of China (China), following a request lodged by the European Steel Tube Association (ESTA) on behalf of the Union industry.

The product under review was the same as in the original investigation, namely certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross section, of an external diameter exceeding 406,4 mm. The product is used in a wide range of applications, for example transportation of oil, gas, liquids, and fluids, in the construction business for piling, for mechanical uses, boiler tubes and oil and country tubular goods for casing in the oil industry.

The investigation of continuation or recurrence of dumping covered the period from 1 January 2021 to 31 December 2021. The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period.

#### *Likelihood of continuation or recurrence of dumping*

During the review investigation period, imports of the product into the Union from China continued although in lower quantities.

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions (allocation of capital, land, labour, energy, and raw materials) in the metallurgical sector in China. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in the case. Therefore, normal value was based on undistorted prices or benchmarks from the representative country, i.e., Mexico. To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Mexico per product type. To this, the Commission added an appropriate amount for manufacturing overheads and finally applied the SG&A and profit in Mexico which amounted to 26,16% and 15,34% respectively.

This normal value was compared to the export price which was based on CIF Eurostat data corrected to ex-works level by adjusting for sea freight and insurance costs and domestic transport cost in China. On that basis, the weighted average dumping margin was in the range of 10% to 44% for the cooperating exporting producers.

The Commission also examined the likelihood of the continuation of dumping if the measures were discontinued by examining production capacity and spare capacity in China and the attractiveness of the Union market. The applicant estimated that the Chinese capacity utilisation was around 2,3 million tonnes out of a total production capacity of 5 million tonnes, leaving spare capacity of around 2,7 million tonnes. The applicants estimated that during the same period, the production capacity of the 12 existing companies in the rest of the world was around 2,9 million tonnes. In view of the spare capacity in China, the Commission considered it likely that Chinese exporting producers would redirect their spare capacities increasingly towards the Union market in large quantities at dumped prices should the measures lapse. Moreover, the

Commission considered that the attractiveness of the Union market in terms of size and prices supported the likelihood that Chinese exports and spare capacity would be directed towards the Union market, should the measures lapse.

As a result, the Commission concluded that there was a strong likelihood that the expiry of the anti-dumping measures would result in an increase of dumped exports from China.

#### *Likelihood of continuation or recurrence of injury*

All injury indicators showed a negative pattern during the period considered. There was a decrease in Union consumption between 2018 and the review investigation period. At the same time, production volume decreased by 45% and sales decreased by 9%. This led to a decrease in capacity (21%) and employment (40%). Capacity utilisation and productivity also fell during the period considered by 30% and 8% respectively. In addition, the profit went from 9,3% in 2018 to a loss of 7,2% during the review investigation period. In view of all these factors, the Commission concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

As regards the causal link, imports from China were drastically reduced because of the anti-dumping measures in force. However, in a context of decreasing consumption, Chinese imports increased over the period considered to the detriment of the Union industry. The volume of total imports from China increased by 104% over the period considered. Concerning the prices, the average import prices decreased by 1% between 2018 and 2019, by 4% between 2018 and 2020 and increased by 13% between 2018 and the review investigation period. As a result, the weighted average undercutting margin was between 21,6% and 27%, without anti-dumping duties. However, when the same comparison was carried out including the anti-dumping duties no undercutting was observed. Imports from other countries, such as Thailand, Ukraine, and the United Kingdom, fell by 21% over the period considered and the market share of those countries also decreased.

This Commission also examined the likelihood of the recurrence of injury. Given the continuation of dumping, the overcapacities in China along with the attractiveness of the EU market, the Commission concluded that the absence of measures would, in all likelihood, result in a significant increase of dumped imports from China at injurious prices and material injury would be likely to recur. This would cause an even greater deterioration of the profitability of the Union industry. The Commission concluded that, in all likelihood, injury would therefore recur if the measures were allowed to lapse.

#### *Union interest*

The Commission examined if it was in the Union interest to maintain the anti-dumping measures by examining the interests of the Union industry, importers and users.

The investigation showed that if measures expired, it would likely have a significant negative effect on the Union industry as the situation would quickly deteriorate with lower sales volumes and sales prices and a strong decrease in profitability. Continuation of measures would allow the industry to recover further from past injury caused by dumped imports, and benefit from a Union market not impacted by dumped imports from China. Therefore, it was concluded that maintaining the anti-dumping measures in force was in the interest of the Union industry.

No users came forward in the review and only one importer came forward. The importer was not in favour of the measures claiming that Chinese imports were needed to fill demand. However, the Commission found that the importer's turnover for the product was less than 1% of its total turnover and therefore the continuation of the measures would not change the company's overall performance in any case. Furthermore, the initial investigation had shown there were sufficient alternative sources of supply with imports from all origins accounting for 10% of market share. Also, the Union industry had more than 46% spare capacity in the review investigation period, far beyond the Union consumption. As a result, the Commission concluded that there were no compelling reasons of Union interest against the maintenance of the measures. On 13 July 2023, the Commission extended the measures in place on imports of the product from China for another five-year period.

## **Lightweight thermal paper originating in the Republic of Korea**

On 3 May 2022, the Commission initiated an expiry review of the anti-dumping measures imposed on imports of certain lightweight thermal paper originating in the Republic of Korea, following a request lodged by the European Thermal Paper Association on behalf of the Union industry of certain lightweight thermal paper.

The product under review was the same as in the original investigation, namely certain lightweight thermal paper weighing 65 g/m<sup>2</sup> or less; in rolls of a width of 20 cm or more, a weight of the roll (including the paper) of 50 kg or more and a diameter of the roll (including the paper) of 40 cm or more ('jumbo rolls'); with or without a base coat on one or both sides; coated with a thermo-sensitive substance on one or both sides; and with or without a top coat. Lightweight thermal paper is used for point-of-sale applications such as the receipts issued by retail, but also for self-adhesive labels for e-commerce packaging, tickets and tags.

The investigation of continuation or recurrence of dumping covered the period from 1 January 2021 to 31 December 2021. The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the review investigation period.

### *Sampling*

The Commission selected a sample of three Union producers accounting for 86% of the estimated total Union production and Union sales volume of the product under review. Sampling was not necessary for unrelated importers as none came forward in the investigation. Sampling was also not necessary for the exporting producers. The main known exporting producer, Hansol Paper, accounting for almost all exports of lightweight thermal paper from Korea into the Union cooperated with the investigation.

### *Likelihood of continuation of dumping*

During the review investigation period, imports of lightweight thermal paper from the Republic of Korea continued, albeit at lower levels than in the investigation period of the original investigation.

The normal value was calculated as a weighted average of the price of all domestic sales during the review investigation period or as a weighted average of the profitable sales only, depending on the product type. Where a product type was not sold on the domestic market, and in the absence of a domestic sales price of a product type by any other exporting producer, the Commission constructed the normal value in accordance with Article 2(3) and (6) of the basic Regulation.

The export price was based on export sales of the sole cooperating exporting producer to the Union, which accounted for almost all imports of the product under review from the Republic of Korea. For direct sales to independent customers in the Union, the export price was the price actually paid or payable for the product under review when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation. For sales of the exporting producer to the Union, through its related trader Hansol Europe acting as an importer, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, in accordance with Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and profits.

The Commission compared, per product type, the normal value and the export price of the exporting producer on an ex-works basis. Where justified to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. Adjustments for transport costs, handling and loading costs, bank charges, EU customs duties, year-end rebates, commissions and for a duty drawback were deducted from domestic and/or export sales prices, where they were reported and found to be justified.

On this basis, the weighted average dumping margin was 29% for Hansol Paper. It was therefore concluded that dumping continued during the review investigation period.

The Commission also investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures be repealed. The following elements were analysed: the production capacity and spare capacity in the Republic of Korea and the attractiveness of the Union market

compared to other markets. It was established that production capacity in Korea was significant, about 10 times bigger than domestic consumption in Korea and representing almost twice the Union consumption. Furthermore, the main exporting producer, Hansol Paper, had announced its intention to expand its thermal paper business. Moreover, the investigation established that the Union market was attractive in terms of size and prices as compared to other markets. The Union market was the largest market for lightweight thermal paper in the world, accounting for some 25% of global consumption, with high growth potential in absolute terms. The domestic market of the Republic of Korea on the other hand was small, with an annual consumption ranging from 20 000 to 37 200 tonnes. Hansol Paper's annual production alone was 4 to 9 times bigger than the consumption of the product in its domestic market. The sales prices of Korean exports to destinations other than the Union dropped over the period under review. Finally, the US market, the main export market for Korean exports during the review investigation period had become less attractive following the imposition of anti-dumping measures on imports of thermal paper originating, inter alia, in the Republic of Korea in 2021.

As a result, the Commission concluded that there was a strong likelihood that the expiry of the anti-dumping measures on imports of the product concerned would result in the continuation of dumping.

#### *Likelihood of continuation or recurrence of injury*

During the period considered, the market share of the Union industry remained high and stable, at 92% or above. Sales volumes on the Union market decreased slightly, reflecting a similar decrease in consumption. In terms of financial indicators, the Union industry profitability was positive throughout the period. Notably, the Union industry made profits of 11,3%, 14,8% and 12,2% in 2018, 2019, and 2020 respectively. However, costs increased by 5,5% from 2020 to the review investigation period while prices remained stable, which drove profitability down to 6,6%. This also coincided with an increase of dumped imports with market share going from 0,9% in 2020 to 2,7% in the review investigation period. The price pressure from the dumped imports prevented the Union industry from increasing prices in line with the increase in their cost of production. The Commission established an undercutting margin of 13,7 %. The Commission also noted that there was a dramatic decrease in investment for the Union industry over the period considered. On this basis the Commission concluded that the Union industry was injured.

The Commission also examined the likelihood of the recurrence of injury. Given the continuation of dumping, the significant production capacity in Korea, along with the attractiveness of the EU market in terms of its size and prices, the Commission concluded that the absence of measures would, in all likelihood, result in a significant increase of dumped imports from Korea at injurious prices and material injury would recur.

#### *Union interest*

The Commission found that the removal of the measures would endanger the EU industry's long term financial viability. Therefore, the Commission concluded that the continuation of the measures was in the interest of the Union industry. As there was no cooperation from importers and users, the Commission had no information to indicate that the maintenance of the measures would have a negative impact on the users and/or importers outweighing the positive impact of the measures. Hence, the Commission concluded that there were no compelling Union interest reasons against the maintenance of the measures on imports of the product under review originating in Korea. In June 2023, the Commission extended the measures in place on imports of lightweight thermal paper from Korea for another five-year period.

### **Hot-rolled flat products of iron, non-alloy or other alloy steel (HRF) originating in the People's Republic of China - Anti-dumping and Anti-subsidy measures**

Definitive anti-dumping duties on imports of hot-rolled flat products from China were originally imposed in April 2017 for five years. Anti-subsidy duties on the same product were imposed subsequently, in June 2017. The combined duties (AD and CVD) range from 18,1% to 35,9%. On 5 April and 8 June 2022, following a request by the European Steel Association (EUROFER) representing more than 25% of EU production of the product concerned, the Commission initiated expiry reviews of the anti-dumping and anti-subsidy measures.

The reviews concerned imports of certain flat-rolled products of iron, non-alloy steel or other alloy steel, whether or not, in coils (including 'cut-to-length' and 'narrow strip' products), not further worked than hot-

rolled, not clad, plated or coated ('HRF'). The main use for the product is in construction (production of steel tubes), shipbuilding, gas containers, cars, pressure vessels and energy pipelines. The review investigation period (RIP) for both reviews was from 1 January to 31 December 2021 and the examination of the trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the RIP (period considered).

*Sampling (common for the anti-dumping and the anti-subsidy reviews)*

The Commission selected a sample of three Union producers based on the largest volume of production of the like product in the Union during the review investigation period that could reasonably be investigated within the time available. The sample accounted for around 29% of estimated total production in the Union. No exporting producers cooperated in the two expiry reviews.

*Likelihood of continuation or recurrence of dumping*

Owing to a lack of cooperation by the China producers, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available.

The Commission conducted the anti-dumping investigation in accordance with the provisions of Article 2(6a) of the basic anti-dumping Regulation as the request contained sufficient evidence of the existence of significant distortions in the steel sector in China, to which HRF products belong. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in this case. Therefore, normal value was calculated on the basis of undistorted prices or benchmarks from the representative country in the case, Mexico.

To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Mexico. To this, the Commission added an appropriate percentage amount for manufacturing overheads (11,30%) and applied the SG&A (10,74%) and profit (16,33%) from a selected company in Mexico.

In the absence of cooperation from Chinese exporting producers, the export price was based on statistical information from Eurostat. However, given that the low volumes of imports did not provide a sufficient basis for a continuation of dumping analysis, the Commission focused its investigation on the likelihood of recurrence of dumping should the measures be allowed to lapse. In view of the findings on spare capacities, attractiveness of the Union market in terms of size and prices and the fact that the prices charged by the exporting producers from the PRC to third countries were significantly below the established normal value, the Commission concluded that there was a likelihood of recurrence of dumping should the measures be allowed to lapse.

*Likelihood of continuation of subsidisation*

Owing to a lack of cooperation by the Government of China and the exporting producers of the product under review, the Commission used facts available to establish the continuation of subsidy practices. The Commission reiterated its conclusion from the original investigation that the Chinese steel industry is a key/strategic industry.

The Commission confirmed the continuation of subsidisation with respect to most of the subsidy schemes countervailed in the original investigation, as well as some of additional new subsidies.

Further to this finding, the Commission investigated the likelihood of continuation of subsidised imports, should the measures be repealed. The following additional elements were analysed: the production capacity and spare capacity in China and the attractiveness of the Union market.

The Commission concluded that there was sufficient evidence that subsidisation of the HRF industry in China is likely to continue in the future and no evidence showed that the subsidy programmes at issue would be terminated soon. Therefore, the Commission found that repealing the countervailing measures would be likely to result in a redirection of significant volumes of subsidised imports of HRF to the Union market.

### *Likelihood of continuation or recurrence of injury (common for the anti-dumping and the anti-subsidy reviews)*

Following the imposition of countervailing measures against imports of HRF from China in 2017, imports decreased and remained below the de minimis level allowing the Union industry to recover from the injurious effects of the subsidised imports from China by the end of 2018. However, this recovery came to an abrupt halt and was reversed in 2019, when the Union industry had to compete with significant volumes of low-priced dumped imports from Türkiye, forcing it to set its prices below costs to keep its market share and thus causing material injury. In July 2021, the Commission imposed definitive measures against Türkiye and the situation of the Union industry recovered by the end of 2021. Almost all injury indicators, notably production, capacity utilisation, sales volumes and sales prices, employment and productivity, profit, cash flow and return on investment followed a similar trend during the period considered. This trend was characterised by a decrease in 2019, a sharper decrease in 2020 and a rebound in the RIP to levels similar to 2018. On this basis, the Commission concluded that the Union industry did not suffer material injury during the RIP.

The Commission found that the estimated Chinese spare capacity corresponded to 89% of the EU free market consumption. It also noted that the Union market was among the largest HRF markets and the price levels in the Union were higher than the average price charged by the Chinese exporters in the rest of the world. Therefore, the Union market was found to be attractive. Considering the low volumes of imports from China from 2018 until 2021, the Commission considered, as a representative proxy for prices of HRF imports into the Union, the export prices from China to all third countries. The result showed that on average the Chinese exports to the Union undercut Union industry's average prices by around 8%. HRF is a highly price sensitive commodity product and rather modest levels of price undercutting combined with large volumes would have significant and immediate impact on the Union industry's performance. The Commission therefore concluded it was very likely that low-priced subsidised imports from China would recur in significant volumes and would undercut Union prices. This would have a significant adverse effect on the Union industry's performance resulting in material injury recurring.

### *Union interest and measures*

The Commission found that the effect of anti-subsidy measures would be positive for the Union producers, by helping it recover from the negative impact subsidised imports and the COVID-19 pandemic. No users or unrelated importers cooperated in the investigation. Given their lack of cooperation and in the absence of any indications to the contrary, the continuation of the measures was not considered against the interest of users and importers. The Commission also analysed whether measures against China would have a negative effect on the security of supply, as there are also measures in place on HRF against Türkiye, Brazil, Iran and Russia. The Commission concluded that there were no potential risks at the level of supply for downstream users. The Commission concluded that there were no compelling Union interest reasons against the continuation of the measures. Therefore, the anti-dumping and anti-subsidy measures on imports of HRF from China were maintained for another five years.

### **Hot-rolled flat products of iron, non-alloy or other alloy steel (HRF) from Russia, Iran, and Brazil**

On 5 October 2022, the Commission initiated an expiry review on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel from Russia, Iran and Brazil, following a request lodged by the European Steel Association (EUROFER) on behalf of the Union industry.

The investigation of dumping covered the period from 1 July 2021 to 30 June 2022, while the examination of trends relevant for the assessment of injury covered the period from 1 January 2019 to the end of the investigation period.

### *Sampling*

The Commission selected a sample of three Union producers, accounting for 25% of total EU production and 26% of total sales in the EU market. The Commission selected the largest EU producers, while taking also into consideration geographical spread.

The Commission selected three exporting producers (two groups) for the sample, covering 98% of the total imports into the Union from Brazil. Only one Iranian producer came forward and therefore no sampling was necessary. No exporting producer from Russia came forward.

#### *Likelihood of continuation or recurrence of dumping*

##### Russia

Due to the lack of cooperation from Russian producers, the Commission used facts available to establish the normal value, information submitted by EUROFER. Accordingly, the normal value was based on the domestic prices in Russia established from average domestic price lists for hot-rolled coils from the Developing Markets Steel Review published by MEPS International Ltd. (MEPS) during the review investigation period, to which processing costs were added to obtain the price of HRF. To arrive at ex-work prices, the inland transport costs were deducted based on the estimations provided in the request. The export price was based on CIF Eurostat import data corrected to ex works level. The estimated dumping margin expressed as a percentage of the CIF Union frontier price, duty unpaid, was around 5%. Thus, dumping continued during the review investigation period.

The Commission then assessed the likelihood of continuation of dumping, should the measures be allowed to lapse. The Commission analysed production capacity and spare capacity in Russia, the attractiveness of the Union market and the possible absorption capacity of third country markets of Russian exports.

Given the existing spare capacity and the attractiveness of the EU market, the Commission concluded that if measures were to lapse Russian exporting producers would likely activate their spare capacity as well as redirect exports in significant volumes from third countries towards the Union market at dumped prices and. Consequently, it found that there was a strong likelihood that the expiry of the anti-dumping measures on imports from Russia would result in the continuation of dumping.

##### Iran

During the review investigation period there were virtually no imports from Iran. Thus, it was not necessary to conduct a dumping calculation. The Commission looked instead at the likelihood of recurrence of dumping, should the measures be allowed to lapse. For this purpose, the Commission analysed production capacity and spare capacity in Iran, the attractiveness of the Union market for Iranian producers and exports from Iran to third countries. The Commission concluded that given the spare capacity available in Iran, the attractiveness of the Union market and the fact that prices of exports from Iran to third countries were below domestic prices, there was a high likelihood of recurrence of dumping from Iran if the measures are allowed to lapse.

##### Brazil

For the normal value, the analysis of domestic sales showed that more than 80% of all domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the prices of all domestic sales during the review investigation period. For the one product type not sold in the domestic market, the normal value was calculated based on the cost of production plus the average SG&A expenses and profit of all sales made in the domestic market.

The sampled exporting producers exported to related companies in the Union, which mainly used HRF to manufacture other products. Those related companies did not source the like product from other unrelated suppliers. Therefore, the Commission was not able to confirm whether those prices were at arm's length. However, since in expiry reviews there is no need to determine a dumping margin, but only likelihood of continuation or recurrence of dumping, the Commission considered it appropriate to use those prices to establish the export price.

The Commission compared, per product type, the normal value and the export price of the sampled exporting producers on an ex-works basis. The estimated weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, was 16,2% and 18,7% for the sampled producers.



The Commission then assessed the likelihood of continuation of dumping, should the measures be allowed to lapse. The Commission analysed production capacity and spare capacity in Brazil and the attractiveness of the Union market for Brazilian producers. It also looked at exports from Brazil to third countries. The Commission concluded that, in view of the fact that Brazilian imports at dumped prices only slightly decreased as compared to the original investigation, the attractiveness of the Union market in terms of prices and the fact that prices of exports from Brazil to third countries were below domestic prices, it was likely that Brazilian producers would continue to export to the Union at dumped prices if the measures were allowed to lapse.

*Likelihood of continuation or recurrence of injury*

Based on the economic indicators analysed (such as production, capacity utilisation, sales volume, market share, employment, prices, cost, and profitability), the Commission found that the Union industry had not suffered material injury during the review investigation period. However, it noted that the situation observed during the review investigation period reflected the COVID pandemic-induced slowdown and subsequent rebound in demand. The positive development came to an end in the second quarter of 2022 (end of the review investigation period) due to severe increases in energy costs and high inflation, which meant the favourable situation of the Union industry was unlikely to continue. Because HRF is a highly price-sensitive commodity and competition is mainly based on price, large volumes of dumped imports would drive Union prices down, leading to injury.

The Commission then analysed the likelihood of recurrence of injury if measures were allowed to lapse. It considered the level of production capacity and spare capacity in the countries concerned, the attractiveness of the Union market, and the likely price levels of imports into the Union from the countries concerned and their impact on the Union industry.

The period considered in this investigation was somewhat exceptional. During the review investigation period, the Commission found that the Union industry, despite having recovered from a turbulent and economically difficult period, including the COVID-19 pandemic, with accumulated losses, it was still in a fragile situation. Thus, the Commission concluded that it was highly likely that the continuation of dumped imports from Brazil and Russia and recurrence of dumping from Iran in significant volumes and prices below the Union industry prices would have a significant adverse effect on the Union industry’s performance, notably regarding production, sales volumes and prices, profitability and investment and result in material injury recurring.

*Union interest and measures*

The Commission analysed whether it was in the Union interest to adopt anti-dumping measures, analysing the various interests involved, including those of the Union industry and users. After balancing those interests, the Commission concluded that there were no compelling reasons of Union interest against the continuation of the existing measures on imports of HRF from Russia, Iran and Brazil.

On 13 December 2023, the Commission extended the measures in place on imports of HRF from Russia, Iran and Brazil for another five-year period.

3.2.1.4. Expiry reviews concluded by termination

In 2023, the Commission concluded one expiry review by terminating the measures in force.

<b>Product</b>	<b>Origin</b>	<b>Reason for termination</b>
Hot-rolled flat products (of iron, non-alloy or other alloy steel) (certain)	Ukraine	Withdrawal of complaint

**Hot-rolled flat products of iron, non-alloy or other alloy steel (HRF) from Ukraine**

On 5 October 2022, the Commission initiated an expiry review on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel from Russia, Iran and Brazil, following a request lodged by the European Steel Association (EUROFER) on behalf of the Union industry.

The product under review was certain flat-rolled products of iron, non-alloy steel or other alloy steel, whether or not in coils (including ‘cut-to-length’ and ‘narrow strip’ products), not further worked than hot-rolled, not clad, plated or coated.

The investigation of dumping and injury covered the period from 1 July 2021 to 30 June 2022, while the examination of trends relevant for the assessment of injury covered the period from 1 January 2019 to the end of the investigation period.

#### *Withdrawal of complaint.*

On 23 November 2022, the applicant withdrew its request for the expiry review as far as Ukraine was concerned. In its withdrawal, Eurofer considered that circumstances regarding Ukraine had changed since lodging the expiry review request, to the extent that it was no longer appropriate to pursue an expiry review against HRF imports from Ukraine. Eurofer referred to the destruction of a major part of HRF capacities in the country as well as the Ukrainian energy infrastructure. In addition, Eurofer noted that military conflict, or at least the consequences of the conflict as regards Ukraine, would be of a lasting nature with steel capacities not expected to return to normal operations in the short to medium term and, as a result, it was unlikely that Ukrainian HRF exports would be able to contribute to a recurrence of injury to the Union industry any time soon.

The Commission found that there were no reasons to indicate that termination of the review investigation would not be in the Union interest and hence terminated the review investigation in February 2023.

#### *Repayment of duties*

As the measures were not prolonged for Ukraine, any duties collected from the date of the initiation of the expiry review on HRF were to be repaid if requested from national customs authorities and granted by those authorities in line with the relevant Union customs legislation concerning repayment and remission of duty. However, no duty was due to be reimbursed because, prior to the date of initiation of the expiry review investigation, the European Union had already suspended the collection of anti-dumping duties on Ukrainian imports, including on HRF<sup>22</sup>.

#### 3.2.2. *Interim reviews*

Article 11(3) and Article 19 of the basic Regulations provide for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has lapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the EU producers. In carrying out the investigations, the Commission examines, *inter alia*, whether the circumstances regarding dumping/subsidisation and injury have changed significantly and whether these changes are of a lasting nature. Reviews can be limited to dumping/subsidisation or injury aspects.

During 2023, the Commission initiated 4 interim reviews (included 1 anti-subsidy measure). There were 5 interim reviews concluded in the year with an amendment of the duty. More information can be obtained from the Official Journal publications to which reference is given in Annex G.

##### 3.2.2.1 Details of individual cases concluded with amendment of duty.

#### **Tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India – Partial Interim Review**

On 22 September 2022, the Commission initiated a partial interim review of the anti-dumping measures applicable to imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India, following a request lodged by Electrosteel Castings Ltd (ECL).

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<sup>22</sup> Regulation (EU) 2022/870 of the European Parliament and of the Council of 30 May 2022 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 152, 3.6.2022, p. 103).

The product subject to the review is tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), with the exclusion of tubes and pipes of ductile cast iron without internal and external coating.

The initiation was based on sufficient evidence provided by the applicant that, the circumstances on the basis of which the existing measures were imposed changed and that these changes were of a lasting nature. In October 2020, the Board of Directors of the applicant and of its related company, Srikalahasthi Pipes Limited (SPL) decided that the two companies would merge. The legal documentation of the merger indicated that it would impact the cost structure of the applicant.

The investigation covered the period from 1 April 2021 to 31 March 2022.

#### *Withdrawal of the request*

In August 2023, ECL informed the Commission that it wished to withdraw its request for the partial interim review. However, the Commission decided it was not in the Union interest to terminate the investigation.

The Commission observed that the merger constituted a change of circumstances of a lasting nature that, in line with Article 11(3) of the basic anti-dumping Regulation, required a recalculation of the dumping margin as established in the original investigation.

#### *Significant and lasting change of circumstances*

The investigation confirmed that on 31 December 2021, SPL officially merged with ECL.

#### *Use of facts available*

During the investigation, the Commission concluded that ECL misreported in its accounting system the weight, or the length of the product concerned with the effect of reducing its dumping margin. By doing so, the Commission considered that ECL provided false or misleading information within the meaning of Article 18(1) of the basic anti-dumping Regulation, thereby significantly impeding the investigation.

Therefore, for the export price, the Commission used the prices of sales of ECL reported in the database established in accordance with Article 14(6) of the basic Regulation. The Commission then brought the price to an ex-works level and adjusted for the fact that the prices were mostly between related parties.

For the normal value, the Commission used data provided by the Union industry in the expiry review request based on prices offered, agreed and paid for multiple quantities, diameters and types of the product concerned in several different States and municipalities. Since the normal value was based on 2020 data, the Commission adjusted the normal value for inflation between the expiry review and the partial interim review investigation period.

On 23 November 2023, the Commission amended the anti-dumping duty applicable to ECL. Consistent with the approach adopted in the original investigation, the Commission reduced the dumping margin by the subsidy amounts found in relation to the export contingent schemes in the separate anti-subsidy investigation. The definitive anti-dumping duty applicable to ECL was 7%.

#### *3.2.3. New exporter reviews*

As far as anti-dumping measures are concerned, Article 11(4) of the basic AD Regulation allows for a "newcomer" review to be carried out in order to determine individual margins of dumping for new exporters located in the exporting country in question, which did not export the product during the IP.

Parties must show that they are genuine new exporters, i.e., that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually started to export to the EU following the IP, or that they have entered into an irrevocable contractual obligation to export a significant quantity to the EU.

When a review for a new exporter is initiated, the duties are repealed for that exporter. However, its imports become subject to registration under Article 14(5) of the basic AD Regulation to ensure that, should the

review result in a determination of dumping for that exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

As far as anti-subsidy measures are concerned, Article 20 of the basic AS Regulation allows for a review (accelerated review) to be carried out to promptly establish an individual countervailing duty rate. Any exporter whose exports are subject to a definitive countervailing duty but who was not individually investigated during the original investigation for reasons other than a refusal to co-operate with the Commission can request such review.

In 2023, the Commission initiated 3 newcomer reviews (Annex I). In 2023, 3 such reviews were completed.

#### *3.2.4. Anti-absorption investigations*

Where there is sufficient information showing that, after the original IP and prior to or following the imposition of measures, export prices have decreased or that there has been no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the EU, an absorption review may be opened. This examines whether the measure had an effect on the export prices. The duty may be increased to take account of such lower export prices. The provisions regarding absorption reviews are included in Articles 12 and 19(3) of the basic AD and AS Regulations respectively.

In 2023, there was no anti-absorption investigation initiated while one such investigation was completed with an increase in the level of the measures - (Annex J).

### **Optical fibre cables originating in the People's Republic of China**

On 8 December 2022, the Commission opened an anti-absorption investigation regarding imports of optical fibre cables originating in China. This followed a complaint by the Union industry alleging that the Chinese import prices into the Union had decreased significantly and therefore that the anti-dumping duties imposed in 2021, were being absorbed and were not providing effective protection for the EU industry.

The product under investigation was the same as in the original investigation, namely single mode optical fibre cables, made up of one or more individually sheathed fibres, with protective casing, whether containing electric conductors, originating in China. The following products were excluded:

- i. cables in which all the optical fibres are individually fitted with operational connectors at one or both extremities; and
- ii. cables for submarine use. Cables for submarine use are plastic insulated optical fibre cables, containing a copper or aluminium conductor, in which fibres are contained in metal module(s).

The optical fibre cables are used as an optical transmission medium in telecommunication networks in long haul, metro, and access networks.

The product under investigation was also subject to a definitive countervailing duty ranging from 5,1% to 10,3%, imposed by the Commission Implementing Regulation (EU) 2022/72, as corrected by the Commission Implementing Regulation (EU) 2022/469. However, the countervailing duty was not subject to the reinvestigation.

The absorption investigation period ('AIP') was from 1 October 2021 to 30 September 2022. The original investigation period ('OIP') was from 1 July 2019 to 30 June 2020.

An absorption reinvestigation pursuant to Article 12 of the basic Regulation aims at establishing whether export prices have decreased or whether there has been no movement, or insufficient movement, in resale prices or subsequent selling prices in the Union of the product under investigation after the OIP. If it is concluded that the measure should have led to movements in such prices, then, to remove the injury previously established in accordance with Article 3 of the basic Regulation, export prices shall be reassessed in accordance with Article 2 of the basic Regulation and dumping margins shall be recalculated to take account of the reassessed export prices.

#### *Change of export prices*

To determine whether export prices decreased, the Commission first established for each sampled exporting producer its cost, insurance, and freight ('CIF') export prices at the Union customs border during the AIP and compared these prices to the corresponding CIF export prices determined during the original investigation for the OIP.

The Commission then compared, for each sampled exporting producer, the prices of the product types sold in the AIP with the prices of the same product types sold in the OIP and calculated for them the weighted average price difference. Not all product types sold in the AIP were also sold in the OIP. To ensure sufficient comparability level, the Commission compared the prices of the most sold 'unmatched' product types in the AIP with the prices of the most closely resembling product types sold in the OIP, where available.

The above comparison made for the two sampled groups of exporting producers resulted in the weighted average export price decrease of 50,5% for FTT Group and the weighted average export price decrease of 13,2% for the ZTT Group.

Since there was a fall in export prices the Commission recalculated dumping margins of the sampled exporting producers, in accordance with Article 2 of the basic Regulation. The dumping margins of the sampled groups of exporting producers calculated for the AIP increased compared to the ones established in the OIP. As a result, on 9 August 2023, the European Commission imposed a revised anti-dumping duties on optical fibre cables ranging from 39,4% to 88%, which is twice the original duties and the maximum increase allowed.

### 3.2.5. *Anti-circumvention investigations*

The possibility of investigations being opened in circumstances where evidence is brought to show that measures are being circumvented is covered in Articles 13 and 23 of the basic AD and AS Regulations respectively.

Circumvention is defined as a change in the pattern of trade between third countries and the EU that stems from a practice, process or work for which there is insufficient cause or economic justification other than the imposition of the duty. The duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place. Duties may also be extended to imports of a slightly modified like product from the country subject to the measures.

In 2023, the Commission initiated 10 anti-circumvention investigations (counted on the basis of the number of countries where circumvention is allegedly taking place). These concerned 3 anti-dumping measures and 1 anti-subsidy measure. Two anti-circumvention investigations were concluded with an extension of duty to other exporting countries.

More information can be obtained from the Official Journal publications to which reference is given in Annex K.

#### 3.2.5.1 Details of some individual cases concluded by extension of duty.

#### **Certain hot-rolled stainless-steel sheets and coils from Indonesia – measures extended to Türkiye**

In October 2020, the Commission imposed a definitive anti-dumping duty and a definitive countervailing duty on imports of certain hot-rolled stainless-steel sheets and coils ('SSHR') originating in Indonesia. In July 2022, the Commission initiated an investigation following a complaint by the Union industry that the measures on imports of SSHR were being circumvented through minor processing operations in Türkiye. The set up in which the main exporting Turkish producer (which accounted for more than 90% of all Turkish exports of SSHR to the EU) was involved consisted of the following: A Union producer of downstream steel products purchased stainless-steel slabs from Indonesia, the main input material to produce SSHR, shipped those to Türkiye in order to be further processed (hot rolled) there under a tolling agreement, to be later imported into the Union as the final product, SSHR. Indonesian companies are subject to an anti-dumping duty of 17,3%.

### *Change in the pattern of trade*

The total volume of imports of SSHR from Türkiye increased from 1 611 tonnes in 2018 to 50 015 tonnes in the investigation period (1 July 2021 to 30 June 2022). In the same period, imports from Indonesia increased from 44 647 tonnes in 2018 to 128 191 tonnes in the investigation period.

Specifically, during the period in which the original investigation took place, (the investigation was opened in August 2019 and definitive measures were imposed in October 2020), imports from Türkiye to the EU multiplied more than ten-fold, from 2 137 tonnes in 2019 to 21 500 tonnes in 2020. In the same period, imports from Indonesia collapsed to less than one twentieth, dropping from 81 041 tonnes in 2019 to 3 595 tonnes in 2020.

In parallel with the increase in imports of SSHR from Türkiye to the Union, there was a significant increase in Turkish imports of the main input material (stainless-steel slabs) following the initiation of the original investigation against Indonesia and the imposition of the measures. Furthermore, the imports from Indonesia represented almost the totality of the total imports of stainless-steel slabs to Türkiye per year since 2019 to the investigation period.

The increase of exports of SSHR from Türkiye to the Union, together with the increase in Indonesian exports of stainless-steel slabs to Türkiye over the same period, constituted a change in the pattern of trade between Indonesia, Türkiye and the Union within the meaning of Article 13(1) of the basic anti-dumping Regulation.

### *Practice to avoid the duties*

The agreement between the Turkish producer and the EU producer of downstream products was concluded prior to the initiation of the original investigation and concerned limited volumes. However, the operations substantially increased during the investigation and after the imposition of measures against imports of SSHR against Indonesia. Almost 100% of the input material (stainless-steel slabs) used was of Indonesian origin, and almost 100% of the total imports of stainless-steel slabs were shipped to this Turkish producer. Furthermore, the value added to the slabs by the Turkish producer was found to be lower than 5%.

Even though there might have been reasons to set up this scheme other than the measures in place, i.e., to ensure security of supply, the change in the pattern of trade was linked to the imposition of the duties, because the scheme, though agreed prior to initiation of the original investigation, only materialized, in significant volumes, after the start of the original investigation. Therefore, there was no due cause or economic justification other than the imposition of the duty.

### *Undermining the remedial effect of the measures and evidence of dumping*

The quantities of SSHR that were exported to the Union increased significantly in absolute volumes during the investigation period and represented around 3,5% of the free sales consumption in the EU. In addition, as the investigation revealed that the Turkish producer had huge spare capacity, it was considered likely that volumes could substantially increase, if measures were not extended to Türkiye. Also, in terms of prices, these imports undermined the remedial effect of the measures; the imports of SSHR from Türkiye were found to undersell the prices of the EU producers by 16%. Finally, it was found that the imports of SSHR from Türkiye entered the Union market at dumped prices.

### *Extension of the measures*

As the investigation established that circumvention of the anti-dumping measures imposed against imports of SSHR from Indonesia took place through completion operations in Türkiye, the Commission extended these measures to imports of SSHR from Türkiye. The level of the extended duty was 17,3%.

## **Stainless steel butt-welding fittings from China – measures extended to Malaysia**

Anti-dumping measures were imposed on imports of certain stainless-steel tube and pipe butt-welding fittings, whether or not finished ('SSTPF'), originating in the People's Republic of China ('China') and

Taiwan in January 2017. After an expiry review investigation initiated in January 2022, the measures were extended for another five years in August 2023.

In June 2022, the Commission initiated an investigation following a complaint by the Union industry that the measures on imports of SSTPF from the PRC were being circumvented through the consignment of the goods via Malaysia.

Four companies in Malaysia came forward and requested an exemption from the duties being potentially extended to SSTPF consigned from Malaysia. Their exports represented the entirety of the Union's imports of Malaysian SSTPF.

#### *Change in the pattern of trade*

The total volume of imports of SSTPF from China to the Union decreased from 3018 tonnes in 2014 to 719 tonnes in 2021. At the same time, imports from Malaysia to the Union rose from 297 tonnes in 2014 to 1626 tonnes in 2021. The volumes of SSTPF exported to the Union by the cooperating companies increased also. In fact, two of them were only established after the measures on imports from China were put in place. SSTPF are produced from welded or seamless tubes and pipes. The cooperating companies increased their imports of those inputs from China tenfold, from 200-300 tonnes in 2014 to 2400-2500 tonnes in 2021.

The decrease of Chinese exports of SSTPF to the Union together with the increase of Malaysian exports of SSTPF to the Union and the increase of Malaysian imports of inputs from China constituted a change in the pattern of trade within the meaning of Article 13(1) of the basic anti-dumping Regulation.

#### *Practice to avoid the duties*

The Commission did not find any evidence of transshipment by the cooperating companies. The companies, however, imported inputs (welded or seamless tubes and pipes) from China, thus potentially circumventing the duties via assembly/completion operations.

Two cooperating companies were already identified in the complaint as genuine producers. Although their exports to the Union increased after the imposition of measures on imports from China, their production was found to be genuine. They imported small quantities of seamless pipes from China to manufacture SSTPF for export to the Union. Those imported inputs represented a minor share on the companies' cost of production.

The two other companies were, however, only established after the imposition of measures on SSTPF from China. They imported almost all their inputs from China and substantially increased their operations raising their share of Malaysian exports of SSTPF to the Union from 8% in 2018 to 47% in 2021. The Commission found that in both cases, the main economic justification for the companies' establishment and operations was to avoid duties imposed on Chinese SSTPF. In addition, in both cases, the imported inputs represented more than 60% of the cost of production and the value added by the companies was lower than 25%. Consequently, these two companies were found to be circumventing the duties on Chinese SSTPF via assembly/completion operations.

#### *Undermining the remedial effect of the measures and evidence of dumping*

The imports of SSTPF manufactured by the circumventing companies entered the Union market at dumped prices. Their volumes increased substantially during the investigation period and, in 2021, held 6% of the Union market. The import prices of SSTPF produced by the circumventing companies undersold the non-injurious Union price by more than 50%. Consequently, the Commission found that the measures imposed on SSTPF imports from China were undermined in terms of the volumes and prices of SSTPF imported from the two circumventing Malaysian producers.

#### *Extension of the measures*

Based on the above findings, it was established that circumvention of the anti-dumping measures imposed on SSTPF from China took place through assembly/completion operations in Malaysia except for two genuine

producers. Therefore, in March 2023 the anti-dumping measures on imports of SSTPF from China were extended to Malaysia. The duty rate of the extended measures to imports from Malaysia is 64.9%. Imports of SSTPF produced by the two genuine producers were exempted from the extended duties.

### 3.2.6. “Other” reviews (reinvestigations, or re-openings)

These investigations focus on the implementation of court rulings. In 2023, the Commission initiated no such reviews but concluded seven of them – five by amending the measures and two by terminating the measures. A list of the cases concerned is given in Annex H. More information can be obtained from the Official Journal publications to which reference is given in that Annex.

#### 3.2.6.1 Details of some ‘Other’ review cases concluded.

#### **E-bikes from China– AD and AS – implementation of court case (T-242/19 and T-243/19)**

On 6 July 2022, the Commission published a notice in the Official Journal reopening the original investigation in so far as it concerned Giant. The scope of the reopening was limited to the illegalities found by the Court in T-242/19 and T-243/19, that is, the Commission’s failure to make a fair comparison in the price undercutting analysis at the same level of trade. This error also tainted the causation analysis and potentially the injury margin as regards the applicant. On the same date, the Commission made imports of electric bicycles manufactured by Giant in China subject to registration. It also instructed national customs authorities to wait until the outcome of the re-examination before deciding on any claims for reimbursement of the annulled duties.

#### *Re-examination*

To ensure a fair comparison between Giant’s prices and the prices of the Union producers, the Commission recalculated its undercutting margin by adjusting the weighted average sales prices of the sampled Union producers in two ways. Firstly, where sales were made by the sampled Union producers via related traders, a deduction was made from the sales price to independent customers (of all types) to account for the actual SG&A expenses of the trader concerned and profits of 9%. For one Union producer, a particular arrangement like tolling was identified. In this case, where the costs of the related trader concerned production activities, those costs were not deducted. Secondly, where it was necessary to compare prices at an OEM level, a further deduction of 2,3% was made to the relevant Union industry prices to account for design, marketing and research and development (R&D) costs. No further adjustment was deemed necessary for the level of trade, in the sense of type of customer, because the investigation found that there was no consistent and distinct price difference between sales to traders and retailers in the Union. The revised undercutting margin for Giant was established at 11.5%. Consequently, the aggregated price undercutting for all sampled exporting producers was revised to 17%.

The Commission then re-examined its findings on injury to the Union industry. Although the levels of undercutting decreased, the Commission found that there was still significant price undercutting by the dumped imports from the PRC. Considering the (revised) significant undercutting margin, and the negative developments of nearly all injury indicators (findings which were still valid after the judgment), the Commission concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic anti-dumping Regulation.

Notwithstanding the reduction in the undercutting margin for all sampled Chinese exporters, this did not alter the fact that imports from the sampled Chinese exporters undercut the Union industry’s sales prices to a significant extent. Thus, the Commission concluded that the revised undercutting margin did not alter the original finding made by the Commission about the existence of a causal link between the injury suffered by the Union producers and the dumped imports from China.

The Commission then recalculated the injury elimination level. To ensure a fair comparison between Giant’s prices and the prices of the Union producers, the Commission adjusted the weighted average target prices of the sampled Union producers. Where sales were made by the sampled Union producers via related traders, a deduction was made from the price to independent customers to account for the actual SG&A expenses of the traders and profits of 9%. The SG&A amount varied according to the trader concerned. Where the costs



of the related trader concerned did not relate to the marketing of products, but to production activities (such as production planning and sourcing of raw materials), these costs were not deducted because they did not relate to the normal functions of a related trader marketing the products in the Union market. The profit level used in this calculation was the profit level established in the original investigation for the cooperating unrelated importers. The revised injury margin for Giant was established at 13,8%.

Given that anti-subsidy measures were in place in addition to the anti-dumping measure, in accordance with the lesser duty rule applicable to countervailing measures at the time of the original case, the anti-subsidy rate had to be deducted from the new injury margin to avoid exceeding the injury margin.

The revised anti-dumping duty was finally established at 9,9%. Both anti-dumping and countervailing measures were re-imposed and applied without any temporal interruption since the entry into force of the (original) regulations.

### **Certain lightweight thermal paper from Republic of Korea**

On 30 June 2022, the Commission published a notice in the Official Journal reopening the original investigation in so far as it concerned Hansol in Case T-383/17. The re-opening was limited in scope to the implementation of the judgment of the Court with regard to Hansol. On the same date, the Commission made imports of certain lightweight thermal paper originating in the Republic of Korea and produced by Hansol subject to registration. It also instructed national customs authorities to wait until the outcome of the re-examination before deciding on any claims for reimbursement of the annulled duties.

#### *Re-examination – normal value*

For two product types exported to the Union by Artone, the Commission had, in its calculating of dumping, constructed normal value in the absence of representative domestic sales of that party. One of the two product types referred to were sold on the domestic market in representative quantities and in the ordinary course of trade by the related company Hansol Paper. Given the Court's finding, the Commission revised the calculation of the normal value for that product type by replacing Artone's constructed normal value by the normal value of Hansol Paper as regards that product type. The other product type exported by Artone, for which normal value was constructed, did not have representative domestic sales by Hansol Paper either. Consequently, and in line with Article 2(3) of the basic Regulation, the normal value of that product type had also been constructed for Hansol Paper. In the absence of representative sales prices in the ordinary course of trade of other sellers or producers in the exporting country, the construction of Artone's normal value for this product type was therefore maintained.

#### *Re-examination – weighting*

In the original investigation leading to the Regulation at issue, three converters located in the Union and related to the Hansol Group, i.e., Schades Nordic, Heipa and R+S, had requested an exemption to complete the questionnaire for companies related to the exporting producer on the basis of the absence or limited volume of sales of the product concerned by these parties. These parties converted the product concerned for resale, in small rolls, to independent customers. The Commission accepted the exemption request.

As per Article 2(11) of the basic Regulation, the Commission is obliged to take into account all of the export transactions to the Union when calculating the dumping margin. To include in its calculation of dumping the significant volume of sales by the Hansol Group to the related converters which had been exempted from completing a questionnaire, the Commission had applied a weighting of the dumping margins calculated on the basis of the verified questionnaire replies of Hansol Paper, Artone, Hansol Europe and Schades UK Ltd. For that purpose, the Commission attributed a weight of between 15% and 25% to the dumping margin established for direct sales and sales of the product concerned through related companies and a weight of between 75% and 85% to the dumping margin established for sales to related converters for resale as small rolls to unrelated parties.

The General Court and the Court of Justice found that the weighting used was wrong as a certain volume of product concerned resold by Schades Nordic had been neglected. The volume of direct and indirect sales of the product concerned had thus been understated in the calculation of the weighting and the full extent of the dumping had consequently not been reflected in the calculations. Therefore, the Commission reviewed the

weighting calculation by adding to the volume of direct and indirect sales of the product concerned used for that computation, the volume of Hansol jumbo rolls resales through Schades Nordic as reported by Hansol during the investigation.

#### *Revised measures*

Based on the revised normal value and weighting, the Commission recalculated the dumping margin for Hansol, which was lowered from 10,3% to 10,2%.

Regarding the undercutting calculation, the Commission implemented the Court's judgment by applying the revised weighting rates, also to the undercutting margins for the direct and indirect sales of the product concerned, on the one hand, and for sales to related converters for resale as small rolls to unrelated parties, on the other. This resulted in a weighted average undercutting margin of 9,3%. In view of the immaterial difference between the original undercutting margin of 9.4% margin and the revised undercutting margin, the Commission concluded that the change did not warrant the reassessment of the injury or causation analysis.

The error identified by the General Court and upheld by the Court of Justice on the weighting of sales also affected the calculation of the injury margin. The Commission implemented the Courts' judgments by applying the revised weighting rates, also to the injury margins. This resulted in an injury margin for Hansol of 36,9%, whereas the injury margin established during the investigation leading to the regulation at issue was 37%.

Given that the re-established dumping margin was lower than the injury margin, in accordance with the applicable rules, the anti-dumping duty rate was set at the level of dumping i.e., 10,2%. The revised anti-dumping duty was applied in March 2023 without any temporal interruption since the entry into force of the original Regulation i.e., from 4 May 2017 onwards.

#### **Tyres for buses or lorries from China – Anti-dumping and Anti-subsidy**

In July 2022, the Commission published a notice in the Official Journal partially reopening both the original anti-dumping and anti-subsidy investigations in so far as they concerned the applicants. The re-opening was limited in scope to the implementation of the judgment of the General Court with regard to the companies represented by China Rubber Industry Association (CRIA) and China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporter (CCCMC) in T-30/19 and T-72/19. On the same date, the Commission made imports of tyres from the companies concerned subject to registration and instructed national customs authorities to wait until the outcome of the re-examination before deciding on any claims for reimbursement of the annulled duties.

The investigation period covered 1 July 2016 to 30 June 2017 and the examination of trends for the assessment of injury covered 1 January 2014 to the end of the investigation period.

#### *Re-examination of price effects*

The Court had found that the Commission failed to make a fair comparison when calculating the price undercutting margins because it adjusted the export price of the exporting producers by applying Article 2(9) of the basic anti-dumping Regulation by analogy while the Union industry also made sales via related selling entities and their sales were not adjusted.

In the original investigation, the Commission had determined price undercutting by comparing the weighted average sales prices per product type and segment of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level to the corresponding weighted average prices from the sampled Chinese exporting producers to the first independent customer on the Union market, established on a CIF basis, with appropriate adjustments for customs duties and post-importation costs. To comply with the Court's judgment, where sales were made via related traders, the export prices were no longer adjusted in accordance with Article 2(9) of the basic anti-dumping Regulation by analogy. The selling, general and administrative ('SG&A') expenses of the related trader and the profit of a sample of unrelated importers were thus added back to the export price.

The revised undercutting weighted average margin based on the imports of the sampled exporting producers thus established was 14,7%. The Commission examined if the revised undercutting margins would still have negative price effects on union sales. The Commission found that imports from China exercised price suppression due to their increased volumes and decreased prices during the period considered. This did not allow the Union industry to increase prices to reflect the increase of the unit cost of production. The Commission concluded that, even if the existence of undercutting were to be contested, there would be price suppression exercised by the subject imports in this case.

#### *Re-examination of causation*

The Commission examined whether there would still be a causal link between the subsidised imports and the injury suffered by the Union producers, in view of the revised undercutting margins for imports from the sampled Chinese exporting producers and the findings of price suppression.

The revised undercutting margin did not alter the fact that imports from the sampled Chinese exporters were undercutting the Union industry's sales prices to a significant extent. Therefore, the original finding made by the Commission about the existence of the causal link between the injury suffered by the Union producers and the dumped and subsidised imports from the China was confirmed.

#### *Re-examination of injury margins*

The Commission recalculated the injury elimination level for all companies that were subject to the re-opening to address the Court's finding regarding an error relating to the level of trade at which the price comparison was made. However, in this case the Commission did not have sufficiently detailed and verified information concerning the costs of production on a PCN basis, which is necessary for calculating the injury margin. The non-injurious price was exceptionally based on the final sales price per product type, sold directly or via related selling entities, and charged to unrelated customers on the Union market, adjusted to an ex-works level, from which the actual profit was deducted and a reasonable profit was then added. To comply with the judgment, it was considered appropriate to compare this price with the final sales price of exporting producers symmetrically, i.e., at the level of the related importers, also adjusted only for customs duties and post-importation costs but including SG&A and profit of the related importers based in the Union.

#### *Disclosing data specified by the court*

The General Court found that the Commission breached the applicants' rights of defence by not disclosing certain data. In order to implement the Court's findings, the Commission disclosed the additional data pertaining to: the gross injury indicators, before application of the weighting adjustments, and the data relating to SMEs, on the one hand, and large enterprises, on the other; injury indicators other than profitability after revision of the weighting; certain information relating to the sources of macroeconomic injury data and the list of SMEs of the Union industry which ceased production; the total exact volume of the sales of SMEs of the Union industry which cooperated in the investigations and information relating to the proportion of SMEs in the Union industry.

The revised anti-dumping and countervailing duties were imposed in April 2023 without any temporal interruption since the entry into force of the original Regulation i.e., 13 November 2018 onwards.

### **3.3. Safeguard investigations**

The Commission applies safeguard measures rarely. They are only used where it is clear that such measures are necessary and justified because, due to unforeseen circumstances, there has been a surge in imports and this has caused or threatens to cause serious damage to the EU industry. Unlike anti-dumping and anti-subsidy measures, safeguards do not focus on whether trade is fair or not, so the conditions for imposing them are more stringent.

Not all safeguard measures adopted by the EU constitute safeguards within the meaning of the WTO Agreement on Safeguards. Some of these measures are called 'safeguards' under particular regimes, such as bilateral safeguards or the safeguard investigations under the Generalised Scheme of Preferences (GSP). In January 2023, the Commission opened a review to implement a General Court judgment relating to a

bilateral safeguard measure imposed in 2019 on imports of Indica rice from Cambodia and Myanmar, under the Generalised Scheme of Preferences (GSP) (measure had expired in January 2022). The review investigation continued during 2023 and is expected to be concluded by Spring 2024.

There were no new *erga omnes* safeguard investigations initiated in 2023 although there were reviews and adjustments made to the steel safeguard measure which the Commission originally introduced in 2019.

### 3.3.1. Details on steel safeguard reviews

In 2023, the Commission published three implementing regulations concerning the steel safeguard measure.

First, on 26 June 2023, by Commission Implementing Regulation (EU) 2022/1301<sup>23</sup>, the Commission concluded an investigation that assessed whether there were grounds to terminate the measure by 30 June 2023, that is, one year earlier than originally foreseen.

In carrying out this investigation, the Commission sought views and evidence from interested parties, and assessed the performance of the Union producers and the impact on the measure on EU users through questionnaire replies. Regarding Union producers, the investigation concluded that the situation of the Union industry worsened towards the end of the period considered, due to some factors which took place in 2022, together with the remaining import pressure caused notably by the continued application of the US Section 232 measures and growing global overcapacity in steel production. This led the Union industry to lower its prices and reduce its market share. As regards users, the investigation concluded that users did not provide any evidence that the volume of Tariff Rate Quotas ('TRQs') (including the increased volumes due to liberalisation that were added to the TRQs as of 1 July 2023) together with the availability of Union-produced steel would not be adequate to fulfil their, then existing and forecasted, demands.

Furthermore, the Commission complemented the above analysis by carrying out a forward-looking assessment. In this regard, the Commission concluded that the Union market continued to be attractive for exporting countries both in terms of volume and prices. The Commission also concluded that the level of import penetration in the Union market continued to be at high levels and that it even increased in 2022 compared to 2021 despite a reduction in consumption. The Commission also confirmed that the situation in 2022 regarding global overcapacity in the steel sector continued to follow the same upwards trend, and that in overall terms, exporting countries had not been able to find other outlets to compensate for the trade volumes lost in the US and Union market since 2018. The Commission thus concluded that imports into the Union would increase if the safeguard measure was terminated by 30 June 2023. In view of all these elements, the Commission concluded that the termination of the measure by 30 June 2023 was not justified. The Commission also took the opportunity to update the list of developing countries members of the WTO subject to and excluded from the measure based on import data of the year 2022.

On 29 June 2023, by Commission Implementing Regulation (EU) 2023/1331,<sup>24</sup> the Commission amended the steel safeguard measure by creating two additional TRQs in product categories 7 (Non-Alloy and Other Alloy Quarto Plates) and 17 (Angles, Shapes and Sections of Iron or Non Alloy Steel) to allow transfers into Northern Ireland of these products originating in, and consigned directly from, other parts of the United Kingdom. In this way, transfers of products falling within these product categories originating in the United Kingdom and consigned directly from other parts of the United Kingdom could enter Northern Ireland free-of-duty until the allocated quota is exhausted. Out of such quota, a 25% safeguard duty would apply.

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<sup>23</sup> Commission Implementing Regulation (EU) 2023/1301 of 26 June 2023 amending Commission Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure on imports of certain steel products (OJ L 161, 27.6.2023, p. 44).

<sup>24</sup> Commission Implementing Regulation (EU) 2023/1331 of 29 June 2023 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure on imports of certain steel products (OJ L 166, 30.6.2023, p.98).

This implementing regulation was the result of an amendment to Regulation (EU) 2020/2170 of the European Parliament and of the Council<sup>25</sup> on the application of Union tariff rate quotas and other import quotas<sup>26</sup>.

Lastly, on 14 December 2023, by Commission Implementing Regulation (EU) 2023/2840,<sup>27</sup> the Commission amended the steel safeguard measure by creating five additional TRQs for Stainless Hot Rolled Sheets and Strips (category 8), Stainless Cold Rolled Sheets and Strips (category 9), Rebars (category 13), Large Welded Tubes (category 25.A) and Non-Alloy Wire (category 28). This amendment was of the same nature and followed the same rationale as the one previously introduced by Commission Implementing Regulation (EU) 2023/1331, thus allowing transfers into Northern Ireland of such product categories originating in, and consigned directly from, other parts of the United Kingdom.

### **3.4. Verification activities**

Based on Articles 16 and 26 of the basic AD and AS Regulations respectively, in the course of investigations, the Commission normally carries out visits to examine the records of companies or associations with the aim of verifying the information provided during the proceedings.

In 2023 the Commission verified data from 136 companies, 78 within the EU and 58 outside. The verification of data from 121 companies involved on-spot verification visits, 72 within the EU and 49 outside. The remaining 15 companies' data was verified through remote cross checking (RCC) which was a practice introduced as a result of the travel restrictions related to the COVID-19 outbreak in 2020. For the RCCs, six companies were based in the EU and nine outside.

## **4. ENFORCEMENT OF ANTI-DUMPING/COUNTERVAILING MEASURES**

During 2023, the Commission continued to ensure that measures imposed were effective and not undermined by practices by economic operators designed to evade duties. In this context, there was continued cooperation between the TDI services and enforcement-oriented services (OLAF, DG TAXUD and customs authorities in Member States), as well as regular exchanges with the Union industry.

More information on the Commission's monitoring and enforcement activities can be found in the main body of the Report.

### **4.1. Follow-up of measures**

The follow-up activities concerning measures in force are centred on four main areas: (1) to pre-empt fraud, by defining risk-related areas, alerting customs authorities and assessing the feedback from customs and economic operators; (2) to monitor trade flows and market developments; (3) to improve the effectiveness with the appropriate instruments (new investigation, interim review, newcomer review, contact with national administrations) and (4) to react to irregular practices by enhancing the co-operation with enforcement-related services (OLAF and national customs) and by initiating anti-absorption or anti-circumvention investigations.

### **4.2. Monitoring of undertakings**

Monitoring of undertakings forms part of the enforcement activities, given that undertakings allow for the suspension of AD or AS measures. The Commission accepts such undertakings if it is satisfied that they can

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<sup>25</sup> Regulation (EU) 2020/2170 of the European Parliament and of the Council of 16 December 2020 on the application of Union tariff rate quotas and other import quotas (OJ L 432, 21.12.2020, p. 1).

<sup>26</sup> As a result of the amendment to Regulation (EU) 2020/2170, steel categories 7 and 17 in the safeguard measure, listed in Annex 1 to Regulation (EU) 2020/2170, originating in the United Kingdom and brought into Northern Ireland by direct transport from other parts of the United Kingdom shall be eligible for treatment pursuant to the relevant Union tariff rate quotas if those goods are released for free circulation in the territory of Northern Ireland.

<sup>27</sup> Commission Implementing Regulation (EU) 2023/2840 of 14 December 2023 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure on imports of certain steel products (OJ L 15.12.2023).

effectively eliminate the injurious effects of dumping or subsidisation and regularly checks the exporters' compliance with the undertakings.

During 2023, 10 price undertakings in force were scrutinised which showed that the exporting producers were complying in full. Any undertakings offered in investigations concluded in 2023 were not accepted as the Commission considered they were not enforceable and unworkable and would not therefore eliminate injurious dumping. No offer was rejected on the grounds of inadequate social and environmental standards in the exporting country. More information is available in Annexes M and Q.

### **4.3. OLAF activity**

The Commission has developed a range of activities addressing prevention and detection of fraud, and this includes close cooperation with the European Anti-Fraud Office (OLAF), through annual meetings, day-to-day contacts, or exchange of case information, via a special OLAF liaison officer within the Directorate-General for Trade.

By mutual agreement between the Commission and OLAF, the Commission provides OLAF with any information and evidence relating to possible cases of fraud, or any other illegal activity related to TDI. Circumvention of TDI measures can occur in the form of false declaration of product origin; misclassification under product codes outside measures; assembly operations; channelling via companies with no or low duty rates or undervaluation of imported products.

The Commission and OLAF react whenever they have indications of any of the above practices. These manifest themselves through (i) subsequent to the imposition of measures, a significant decrease in imports from the country concerned into the EU which is entirely or partially offset by an increase in imports of products from another third country, or products classified under a product code outside measures, or parts of the product which are not subject to measures; (ii) subsequent to the imposition of measures, imports from the country concerned into the EU are coming from a company with a low or a zero duty at the expense of imports from a company with a higher duty; or (iii) where low amount of duties was collected by Member States' customs authorities.

Whenever the Commission receives information on irregularities occurring from the Union industry, either on an ad-hoc basis or in the framework of formal complaints, it informs OLAF. In the same vein, the Commission maintains regular contacts on these matters with Member States' customs authorities, for example, by publishing specialised risk warnings in the EU common customs risk management system. However, given that investigations by OLAF or Member States' law enforcement authorities into above practices are confidential, no further information can be given. OLAF publishes an annual report presenting its activities of the previous year, as well as statistics of its investigative performance and examples of cases.

## **5. REFUNDS**

Articles 11(8) and 21(1) of the basic anti-dumping and anti-subsidy Regulations allow importers to request the reimbursement of the relevant collected duties where it is shown that the dumping/subsidy margin, on the basis of which duties were paid, has been eliminated or reduced to a level below that of the duty in force.

49 new refund requests were submitted during 2023. At the end of that year, 10 refund investigations were still on-going, covering 105 requests. Moreover, the Commission adopted 3 Implementing Decisions granting partial refund requests and 2 Implementing Decisions rejecting refund requests. More details on these decisions and on the status of refund investigations can be found [here](#).

## **6. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS**

In addition to the initiatives outlined under Section 2.2 of the Annual Report for SMEs, the Commission engaged in several reach-out information sessions on trade defence.

In 2023, the Commission organised a TDI Seminar for the representatives of the Member States in the Trade Defence Instruments Committee providing a comprehensive overview of the main challenges and substantial

issues of proceedings. This helps the Committee members in giving opinions on draft implementing acts of the trade defence instruments.

During 2023, the Commission held meetings with business representative organisations such as Business Europe, AEGIS Europe and other sector specific representative organisations to exchange views on trade defence related matters. There was also a presentation on trade defence made in the context of Civil Society Dialogue.

To promote the EU's high standards in TDI investigations, the Commission services resumed the TDI seminar for officials from third country investigating authorities after a break of almost four years. The purpose was to engage in in-depth technical exchanges with third country administrations on best practices in TDI investigations. A one-week seminar for around 20 participants was held in 2023 and was attended by officials from Brazil, Gulf Cooperation Council (GCC), Ghana, Türkiye and Ukraine. Moreover, the Commission's TDI experts have engaged in separate discussions with officials from other trading partners.

Finally in November 2023, the Commission participated in the Trade Remedy Webinar 2023 hosted by the Ministry of Economy, Trade and Industry (METI), Japan. There were participants from other investigating authorities including Australia, Brazil, India, Japan, USA, as well as experts from the WTO Secretariat.

## **7. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE AND THE GENERAL COURT**

### **7.1. Overview of the judicial reviews in 2023**

In 2023, the General Court (GC) and the Court of Justice (CJ) rendered 25 judgments and orders in TDI cases. The GC handed down 14 rulings whereas the CJ decided on nine appeals, one request for a preliminary ruling and one appeal concerning an application to intervene.

### **7.2. Cases pending**

At the end of 2023, 26 cases were pending before the GC and 10 before the CJ. A list of the cases is given in Annex S.

### **7.3. New cases**

In 2023, 18 new court cases were lodged in the field of trade defence. Nine of these were lodged before the GC and nine appeals before the CJ.

### **7.4. Selection of court decisions**

#### **Joined Cases C-439/20 P and C-441/20 P - Commission v Jiangsu Seraphim Solar System**

On 16 March 2023, the Court of Justice set aside the General Court's ruling of 8 July 2020 in T- 110/17, Jiangsu v Commission. The General Court's ruling partially annulled Regulation 2016/214628 establishing that the Commission acted unlawfully when it applied anti-dumping and countervailing duties on Jiangsu's imports of solar modules retroactively after finding that Jiangsu breached its price undertaking commitments three years after their imposition.

In its judgment, the Court of Justice noted that the General Court's reasoning was based on the incorrect premise that Regulation 2016/2146 applied the payment of anti-dumping and countervailing duties on the transactions covered by those invoices "retroactively". The CJ explained that Regulation 2016/2146 "did not impose any new duties in respect of the [invalidated] transactions, but applied the duties imposed by [the initial regulations in 2013, namely Implementing Regulations No 1238/2013 and No 1239/2013], it being

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<sup>28</sup> Commission Implementing Regulation (EU) 2016/2146 of 7 December 2016 withdrawing the acceptance of the undertaking for two exporting producers under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures. (OJ L 333, 8.12.2016, p. 4-29)

understood that the application of those duties was suspended only for as long as the undertaking entered into by Jiangsu Seraphim was in force”.

The CJ’s judgment therefore clarified that the Commission can legally collect duties for past transactions covered by a price undertaking agreement if those transactions are ruled invalid at a later stage.

### **Joined Cases C-747/21 P Severstal v Commission and C-748/21 P NLMK v Commission**

On 8 June 2023 the CJ delivered a judgement in Joined Cases C-747/21P and C-748/21P dismissing the appeal by two exporting producers of cold rolled flat products of steel from Russia against the rulings of the GC in T-752/16 NLMK v Commission and T-753/16 – Severstal v Commission. The GC dismissed, respectively, Severstal’s action and NLMK’s action for the annulment of Regulation 2016/1328<sup>29</sup> (‘the regulation at issue’), in so far as that regulation concerned them.

The CJ confirmed that the Commission was entitled to use facts available pursuant to Article 18 given the lack of cooperation by the two Russian producers. The CJ first recalled that Article 18(1) of the basic regulation enables the Commission to make its findings in relation to dumping and injury on the basis of the facts available in cases in which any interested party does not cooperate in the anti-dumping investigation by refusing access to, or otherwise failing to provide, necessary information within the time limits provided in that regulation, or by significantly impeding the investigation. According to the case-law of the Court, the concept of ‘necessary information’ corresponds to information held by the interested parties which enables the Commission to complete its anti-dumping investigations by making provisional or final, affirmative or negative, findings. In the case at hand, the CJ found that contrary to the appellants’ claims, it was apparent from reading the judgment in *Severstal v Commission* (T-753/16) and the judgment in *NLMK v Commission* (T-752/16) that the GC did sufficiently state the reasons why it found that the Commission’s application of Article 18(1) of the basic regulation to *Severstal* and *NLMK*. Accordingly, the CJ rejected as unfounded the appellants’ complaint that the GC misinterpreted Article 18(1) of the basic regulation on the ground that it did not examine or give reasons for the classification of the product concerned as semi-finished before assessing the Commission’s application of that provision to the appellants in the regulation at issue.

The CJ further confirmed that, when establishing the target profit for the purposes of calculating the underselling margin, the Commission was allowed to take into account a year not forming part of the period considered, as the most recent representative year. The profit margin to be used when calculating the target price must correspond to the profit margin which the Union industry could reasonably achieve under normal conditions of competition, in the absence of dumped imports, since the choice of such a profit margin contributes to the imposition of the anti-dumping duties re-establishing fair competition in the post-investigation period. Therefore, given that during the period considered (2011-2015) there were significant volumes of low-priced imports which had an adverse impact on the Union industry’s profitability and the years 2009 and 2010 could not be regarded as reflecting normal conditions of competition in view of the financial crisis, the year 2008 was considered appropriate.

Finally, as in its previous judgment in case *Commission v Hansol Paper*, C-260/20 P, the Court held that the Commission may consider the application, by analogy, of the price construction method referred to in Article 2(9) of the basic regulation (in case of sales via related importers for instance) in order to assess price undercutting, provided that that method is consistent with the legal framework laid down by the basic regulation and does not lead to a manifestly incorrect result.

### **T-326/21 - Guangdong Haomei New Materials Co. Ltd and Guangdong King Metal Light Alloy Technology Co. Ltd v Commission**

On 21 June 2023, the GC delivered the judgement in Case T-326/21, dismissing the action challenging Commission Implementing Regulation (EU) 2021/546, imposing definitive anti-dumping measures on imports of aluminium extrusions from China (“the contested Regulation”). The applicants were Guangdong

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<sup>29</sup> Commission Implementing Regulation (EU) 2016/1328 of 29 July 2016 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cold rolled flat steel products originating in the People’s Republic of China and the Russian Federation (OJ 2016 L 210, p. 1.)



Haomei New Materials Co. Ltd and Guangdong King Metal Light Alloy Technology Co. Ltd, two Chinese exporters part of the Haomei Group, affected by the measures. The applicants challenged (i) the definition of the product concerned, which in their view incorrectly covered thousands of product types, and claimed that the Commission had acted in excess of its discretion; (ii) the imposition of anti-dumping measures based on a vague and hypothetical analysis of market distortions in China, founded on the Commission's report on significant distortions in the Chinese market ("the Report"), and that ignored the evidence presented by the applicants; (iii) the use of Türkiye as the representative country; and (iv) the Commission's findings of material injury.

In relation to (i) the product concerned, the GC recalled the Commission's wide discretion when defining the product concerned/product under investigation. The Court analysed whether the Commission had exceeded its broad discretion, misvalued the factors which it considered relevant, or that the analysis of other more relevant factors was required when defining the product concerned. The Court noted that the Commission justified its choice of product concerned, referring to the physical, technical and chemicals of the products, their use, their interchangeability, customer demand and the manufacturing process, and considered interested parties' comments.

In relation to (ii) the analysis of significant distortions under article 2(6a) of the basic Regulation, the Court found that it was apparent from the analysis of the various aspects of the Chinese market, the various data sources reviewed, which were not limited to the Report, and the conclusions drawn from those sources, that the Commission conducted an objective analysis of the relevant facts available in the file, carefully and impartially examined all the relevant elements of the case and did not exceed its broad discretion. The Court also disagreed that the Commission had ignored the evidence presented by the applicant, referring to the Commission's reasoning/replies in specific recitals in the contested Regulation. While not ruling on an additional (and inadmissible) plea presented during the hearing that the applicants had not been consulted when the Report was drawn up, and therefore its use in their case would be vitiated by a violation of their rights of defence, the Court noted that the basic Regulation does not provide for the consultation of exporting producers in the country concerned for the drafting of the report.

In relation to (iii) the choice of Türkiye as the representative country, the Court found that the Commission based its choice on the criteria set out under Article 2(6a) of the basic Regulation. It also noted that there is nothing in the basic Regulation requiring the Commission to consider population when it chooses a representative country contrary to what the Applicants claimed. The Court pointed out that, China being the most populated country in the world, it would be unreasonable to require the Commission to select a country with an equivalent population, domestic demand, and economies of scale.

Finally, in relation to (iv) material injury, the Court noted that the basic Regulation does not establish a threshold below which the industry cannot be found materially injured. The Court further noted that it was clear from the information in the contested Regulation that the Union industry had lost market shares during the period considered, despite the increase in demand. In addition, the Court found that, in its injury assessment, the Commission had taken into consideration the high market share of the Union industry and the existence of certain indicators showing a positive trend. Recalling its case law, the Court highlighted that while market share is an important factor in the determination of injury, the various injury indicators, including the market share, should not be viewed in isolation, but globally. The Court also found that, contrary to the applicants' claim, the Commission had considered not only the prices of imports but also their volumes in the injury assessment.

This was the first judgment dealing with the significant distortions dumping methodology.

### **T-301/20 Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE v Commission**

On 1 March 2023, the GC delivered the judgement in Case T-301/20, dismissing the action challenging Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre (GFF) fabrics originating in the People's Republic of China and Egypt ("the contested Regulation"). The applicants were Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE, two Egyptian exporting producers of GFF. The

applicants claimed that (i) the Commission breached Article 2(5) of the basic Regulation when it adjusted the cost of one of the inputs (GFR) when constructing Hengshi's normal value - the applicants also challenged the methodology used for such adjustment; and (ii) the Commission had breached their rights of defence by not disclosing to them its intention not to take account of the alleged payment of customs duties in the computation of costs.

In relation to (i) the adjustments to the costs under Article 2(5) of the basic Regulation, the Commission had replaced the costs reported by Hengshi as regards purchases of GFR from the related entity Jushi since those intra-group prices were not at arm's length (50% lower than the prices charged by Jushi when selling GFR to unrelated customers in Egypt). Accordingly, the Commission used Jushi's prices to unrelated customers in Egypt instead of the cost reported by Hengshi.

Confirming the correctness of Commission's methodology, the Court observed that Article 2(5) does not preclude the Commission from disregarding the costs reported in the records of the party under investigation where the price of the raw material used for the manufacture of the product under consideration is not at arm's length. The Court referred to the report of the WTO Appellate Body in the case European Union – Anti-dumping measures on biodiesel from Argentina (WT/DS 473/AB/R), adopted on 26 October 2016, paragraph 6.33 as confirming this reading of Article 2(5).

In this case, the prices at which Hengshi purchased GFR from Jushi were consistently and substantially below the prices at which Jushi sold the same product to independent customers operating on the Egyptian market. Given the significant difference between those prices, the Commission rightly concluded that the prices paid by Hengshi to Jushi could not be considered at arm's length. Whether Jushi made profits when selling to Hengshi did not lead to the automatic conclusion that a transaction was made at arm's length. That profit margin was anyway significantly lower than that achieved when selling to unrelated customers.

The Court also rejected the claim regarding the methodology used to adjust the costs. The applicants argued that, since the Commission verified and accepted the GFR production costs of Jushi, which was the sole producer of GFR in Egypt, the Commission was obliged to make the adjustment of Hengshi's costs based on Jushi's costs. The Court observed that the Commission did not "accept" Jushi's GFR production cost and that, in any event, it might disregard domestic costs where it considers that that information cannot be used. In this case, the Commission considered that the fact that Jushi was a vertically integrated company, whereas Hengshi was not, warranted Jushi's GFR cost not to be used for the construction of Hengshi's normal value.

In relation to (ii), the Court rejected the claims regarding an infringement of the rights of the defence. The Court dismissed the claim, noting that the applicants never submitted, in the anti-dumping investigation, any evidence whatsoever of paying such duties. The document showing the payment of the customs duties on which the applicants relied was submitted to the Commission in the context of the parallel anti-subsidy investigation on GFR on 18 March 2020, i.e., significantly later than the deadline for comments in the AD case. Thus, the Court considered that the applicants could not benefit from their own negligence by criticising the Commission for failing to take account of evidence which they had every interest in submitting and which they did not produce. The Court confirmed that the Commission could not on its own initiative have used the documents from the other investigations in view of Article 29(6) of the basic anti-subsidy regulation "Information received pursuant to this Regulation shall be used only for the purpose for which it was requested".

### **T-480/20 Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SA / Commission**

On 1 March 2023, the GC dismissed the actions brought by the Egyptian exporters against Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt .

The most important feature of this case concerned the Commission's decision to countervail subsidies consisting of financial contributions granted indirectly via another country. The Court agreed with the Commission's interpretation that the basic anti-subsidy regulation, like the WTO Agreement on subsidies and countervailing measures ('SCM Agreement'), covers financial contributions granted also indirectly via another country.

According to the Court, the definition of "government" in Article 2(b) of the basic anti-subsidy regulation merely interprets the term "government" as including the government or public bodies of the country of origin or export. However, that provision does not rule out the possibility that the financial contribution may be attributed to the government of the country of origin or export of the product concerned, on the basis of the specific evidence available. Moreover, the words "within the territory of a country" used in recital (5) of the basic anti-subsidy regulation do not imply that the financial contribution must come directly from the government of the country of origin or export. On the contrary, the use of those words, as the Commission points out, does not preclude the possibility of concluding that the financial contributions may be attributed to the country of origin or export of the product concerned.

The Court then examined the situation of the specific context of the SETC-Zone, noting that (i) such a zone was recognised by the Government of Egypt ('GOE') and the Government of China ('GOC') as a key project of the bilateral cooperation between Egypt and China and where, under the Belt and Road initiative, Chinese companies were eligible to receive public support; (ii) the 2016 Cooperation Agreement between the GOC and the GOE recognised the areas as receiving public support by the GOC; (iii) GOC-GOE set up a consultation mechanism to ensure the implementation of the 2016 Cooperation Agreement, including a joint body (TEDA), 80% owned by the GOC; and (iv) the financial support granted by the GOC to the Chinese companies established in the zone was significant. The GC considered that the GOC and the GOE worked closely together to establish the SETC-Zone as a zone with special legal and economic features which enabled the government authorities of China to confer directly all the facilities inherent in China's Belt and Road initiative on the Chinese undertakings established in that zone. On that basis, the Court held that it could not be accepted that an economic and legal construct such as that of the SETC-Zone would not be covered by the basic anti-subsidy regulation, without this undermining that regulation's effectiveness or its purpose and objectives.

The Court noted that Article 1.1(a)(1) of the SCM Agreement "defines a subsidy as a financial contribution by a government or any public body within the territory of 'a' Member of the WTO. That wording does not therefore preclude the possibility that a financial contribution granted by a third country may be attributed to the government of the country of origin or export, since it is sufficient that the financial contribution of the government or any public body is within the territory of 'a' Member of the WTO". Moreover, Articles 13 and 18 of the SCM Agreement do not call into question this conclusion since members whose products may be investigated may be consulted on financial contributions attributable to them and, second, members whose products may be investigated may impose limitations on the subsidies attributable to them.

Finally, as regards the analysis of whether the scheme in question was specific, the Court stated that "the fact that the preferential measures granted by the Government of China from which the Chinese companies established in the SETC-Zone benefited can be attributed to the Government of Egypt means that the Government of Egypt has the status of authority which granted the preferential financing".

### **Judgment T-540/20 - Jushi Egypt for Fiberglass Industry v Commission**

On the same day, 1 March 2023, the Court issued its judgement concerning a different regulation, Commission Implementing Regulation (EU) 2020/870 of 24 June 2020 imposing a definitive countervailing duty and definitively collecting the provisional countervailing duty imposed on imports of continuous filament glass fibre products originating in Egypt, and levying the definitive countervailing duty on the registered imports of continuous filament glass fibre products originating in Egypt (OJ 2020 L 201, p. 10). That investigation was largely like the findings made in GFF. The pleas brought by the exporter in T-540/20 were very similar to the ones raised in T-480/20. Thus, the Court followed the same reasoning as in T-480/20.

### **T-693/20 and C-257/23 P – Hansol Paper v European Commission**

On 17 February 2023, the GC issued an order declaring the action brought by the Korean exporter Hansol against Commission Implementing Regulation (EU) 2020/1524 of 19 October 2020 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of certain heavyweight thermal paper originating in the Republic of Korea as manifestly lacking any foundation in law.

In essence, the Court concluded that by using constructed prices under Article 2(9) of the basic anti-dumping regulation and not the prices charged by the applicant and by Hansol Europe to independent customers for the purposes of calculating price undercutting, the Commission did not err in law or commit any manifest error of assessment and did not infringe the principle of equal treatment. The Court also confirmed that the underselling calculation was correct since it was based on COP plus profit, and thus the costs and profits of the selling companies related to the sampled Union producers were therefore not considered in the calculation of the injury margin.

This order was subject to an appeal in C-257/23 P on the grounds that the GC committed a manifest error in its finding that the adjustment under Article 2(9) of the basic anti-dumping regulation carried out by the Commission for the purpose of undercutting was correct.

On 14 November 2023, the CJ found, that where import sales are made via importers related to the exporting producer, the Commission may, when comparing import prices with EU prices, construct the import price by deducting SG&A costs and a profit margin from the resale price to independent customers, by analogy with the methodology used for the construction of the export price under Article 2(9) of the basic Anti-Dumping Regulation. The Court considered that such a method does not result in altering the level of trade of the import price used for the injury analysis. Rather, the method consists in replacing prices charged by the related importer with constructed prices.

Thus, the CJ found that the GC did not err in law and concluded that the appeal must be dismissed as manifestly unfounded.

### **Case C-478/21 P (21 September 2023), China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME) and Others v Commission**

On 21 September 2023, the CJ dismissed the appeal brought by China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME) and others against the judgment of the GC in case T-254/18, seeking the annulment of Commission Implementing Regulation (EU) 2018/140 of 29 January 2018 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cast iron articles originating in the People's Republic of China and terminating the investigation for India.

On admissibility, the CCCME claimed to be a representative association of importers or exporters of the product concerned in the sense of the basic regulation and therefore had procedural rights. Although the basic regulation grants certain procedural rights to representative associations of importers or exporters of the dumped product, that regulation does not define the concept of such a representative association. The CJ clarified that the concept of a 'representative association of importers or exporters' must be understood as designating an association whose purpose includes representing the collective and general interests of importers or exporters of a dumped product provided that the association, first, enjoys independence as regards the authorities of that State in order to be able to ensure such representation and, second, that its membership includes a large number of importers or exporters whose imports or exports of that product are significant. The memorandum and articles of association of the CCCME indicated that the association is under the supervision, management and business guidance of two Chinese ministries and that it conducts its relevant activities in accordance with appointment and authorisations of the Chinese Government. Therefore, based on the evidence on file, the CJ confirmed that the CCCME did not have sufficient independence as regards the Chinese State to be able to be regarded as a 'representative association' of exporters of the product concerned. In addition, the CCCME had not demonstrated that its members included many importers or exporters of the product concerned, nor that exports of that product by its members were significant.

The CJ also concluded that the CCCME did not have standing to bring a direct action for annulment. That action is inadmissible in so far as it was brought by the CCCME in its own name. However, the CJ confirmed that the CCCME is empowered to represent its members in legal proceedings. The Court concluded that an association's right to bring legal proceedings on behalf of its members is not subject to a condition relating to the 'representativeness of that association for the purposes of the legal tradition common to the Member States' and therefore, in essence, relating to being organised democratically.

On substance, the Court rejected all grounds of the appeal and confirmed the judgment of the GC of which the most relevant points are as follows.

In relation to the need to examine causality by market segment, the CJ confirmed that an analysis of the causal link between the imports of the product concerned and the injury of the industry as a whole is sufficient. The injury assessment by segment was not required in this case because the products in question were sufficiently interchangeable. Indeed, those types of products being sufficiently interchangeable ensures that the market is not characterised by marked segmentation and, additionally, that the analysis of price undercutting is objective. Furthermore, the finding that an assessment by segment is not required when examining injury also applies in relation to the examination of the causal link. The CJ concluded that it can be deduced from the interchangeability of the products that sales of the EU products will be affected by the dumped imports irrespective of the segment relating to those products or imports.

The CCCME claimed that the Commission failed to observe its procedural guarantees on the ground that it did not disclose the information relevant to the determination of dumping and injury. The GC rejected this claim. It recalled the balance between the right of defence and the protection of confidential information and insisted on the difference between an exporting producer and an association representing an industry. The CJ recalled that the CCCME indicated clearly during the proceeding that it was involving itself on behalf of the overall interests of the Chinese cast iron exporting industry and not in the name of the individual interests of its members, as is required for it to be able to exercise the procedural rights of the latter. The CJ recalled that an association's ability to exercise the procedural rights of certain of its members is subject to the condition that that entity has demonstrated, during the investigation, the intention to act as the representative of certain of its members, which presupposes that those members have been identified and that the entity has received, from them, a mandate enabling it to exercise those procedural rights on their behalf. The CJ confirmed that the Commission was entitled to refuse the association access to the confidential details of the calculations and confirmed that the information which had been communicated to CCCME allowed it to make its views known. The CJ stated that procedural rights are specific to the person on whom they are conferred and held that it is the concerned parties themselves that must be able to effectively exercise those rights. The CJ confirmed that CCCME's members had not made requests seeking disclosure of these calculations during the proceeding. The CJ recalled that the basic regulation confers procedural rights and guarantees on certain interested parties, but the exercise of those rights and guarantees depends on the active participation by those parties in the proceedings in question. The CJ stated that the volume of information requested by the association was such that accepting such a claim for information adapted for the sole of the applicant need could have impeded the investigation (subject to strict time limits).

When it comes to import volumes data, the CJ confirmed that the GC set out, without making an error of law or imposing an unreasonable burden of proof, the conditions for an applicant to be able legitimately to challenge the reliability of certain data used by the Commission. Indeed, such a challenge cannot merely provide alternative data, but must also set out the reasons why such alternative data are more reliable than those used by the Commission. The CJ confirmed that the Commission rightly relied on Eurostat data to establish, following adjustments, the import volumes and was not obliged to collect import lists, transaction by transaction, from the customs authorities of all the Member States as this would be disproportionate. The CJ also confirmed that the Commission was not required to compile a data sample by collecting certain more detailed data from the national customs authorities. This finding does not contravene the obligation on the Commission to make an examination on its own initiative, since it did not appear that collecting a sample from the national customs authorities would have made it possible to obtain data more reliable than the Eurostat data used by the Commission.

In the examination of the impact of the dumped imports on the EU industry prices, which is undertaken for the purposes of the determination of injury, the Commission was unable to compare 37,4% of the sales of the sampled EU producers because there were no sales of the same products by Chinese exporters. However, the

CJ confirmed that the fact that the Commission was able to establish that there was an undercutting margin ranging from 31,6% to 39,2%, covering 62,6% of EU sales constitutes significant price undercutting which is capable of being classified as having a material impact on the EU industry. The CJ recalled that while the basic regulation sets out certain matters to be taken into consideration in the determination of injury caused by the dumped imports, it does not lay down any precise method for analysing price undercutting. Since that determination involves complex economic assessments, the Commission enjoys a broad discretion. The Court also considers that the basic regulation does not provide that the Commission is required, in all circumstances, to take account of all the products sold by the EU industry, including the product types in question not exported by the sampled exporting producers, in the determination of injury caused by dumped imports.

### **Cases T-126/21 - Nevinnomysskiy Azot and NAK "Azot" v Commission**

On 5 July 2023, the GC annulled Commission Implementing Regulation (EU) 2020/2100<sup>30</sup> imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of the basic anti-dumping Regulation.

The GC considered that the conditions relating to the sufficiency of the evidence in a request for a review made by or on behalf of Union producers, within the meaning of the second subparagraph of Article 11(2) of the basic anti-dumping Regulation, are satisfied where such evidence is submitted no later than three months before the end of the measures.

According to the GC, after the legal time limit and within the three-month period preceding the end of the measures, Union producers may submit additional information. However, such evidence cannot constitute new arguments, nor can it replace the request for a review lodged within the legal time limit or remedy the insufficiency of the evidence contained therein.

As regards the facts of the case, the GC found that the Commission relied on a dumping margin calculation provided after the legal deadline to initiate the expiry review. It also stated that it is in no way apparent from the notice of initiation or the regulation imposing definitive duties that the original request lodged before the three-months deadline contained sufficient evidence to open an expiry review.

The GC considered that the new dumping calculation provided after the three-month deadline did not consist of a mere clarification of the evidence contained in the original request. It follows that since that evidence was filed after the expiry of the legal time limit, the Commission could not rely on it in deciding to initiate the expiry review following the request for a review.

Accordingly, the GC found that the Commission infringed Article 11(2) of the basic anti-dumping regulation and annulled the regulation imposing definitive anti-dumping duties.

The judgment is under appeal.

## **8. ACTIVITIES BY THIRD COUNTRIES TARGETING THE EU**

The main developments and trends regarding third country trade defence actions in 2023 are presented below. In addition, this section also highlights important cases initiated by countries that use the instruments less frequently but have an impact on EU exports.

The main users of the trade defence instruments against EU exports remain the United States with 38 measures in force, China, and Türkiye, with 18 measures each, followed by Brazil and Indonesia, each with 11 measures imposed. The list of frequent TDI users against the EU is complemented by Canada, with 9 definitive measures in place, ahead of Australia, Madagascar, and South Africa, each with 7 measures in place impacting EU exports.

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<sup>30</sup> Commission Implementing Regulation (EU) 2020/2100 of 15 December 2020 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 425, 16.12.2020, p. 21–78)

## **United States**

### *Overall trends*

In 2023, the US initiated 4 new trade defence investigations affecting EU exports. After two years of a slowdown in the trend of new investigations (1 new investigation in 2022 and none in 2021), this was a significant increase in new cases. At the end of 2023, the US had 38 measures in force affecting EU imports (32 AD, 5 AS and 1 SFG). In the course of 2023, 1 new AD measure on preserved mushrooms was imposed and 1 SFG measure on large residential washers expired.

### *Main cases*

#### *Tin mill products AD*

The investigation concerning imports of tin mill products from Germany and the Netherlands was initiated on 7 February 2023. The applicants alleged significant dumping margins, namely 44% for Germany and up to 294% for the Netherlands. Given that the economic interest in this case is €1 billion, higher than in any other US trade defence case against the EU or its Member States to date, the Commission has been very active in this investigation in support of the exporters concerned. On 17 August 2023, the US Department of Commerce made a preliminary determination of 7% dumping of imports from Germany and no dumping of imports from the Netherlands.

In January 2024, the investigation was officially terminated.

#### *Paper shopping bags AD*

On 20 June 2023, the US initiated an anti-dumping investigation into imports of paper shopping bags from Portugal. The petitioners alleged dumping margins of up to 189%. The economic interest in this case is €17 million. The Commission has been active in support of the exporters concerned since the start of the investigation.

#### *Ripe olives AD and AS*

On 3 July 2023, the US International Trade Commission launched an expiry review of the duties against ripe olives from Spain. The US initially imposed the measures on 1 August 2018.

The EU economic interest, before the imposition of measures, was €67 million. The AS measures target support measures under the EU Common Agricultural Policy (CAP), which the EU considers as “green box”, i.e., they comply with the WTO Agreement on Agriculture. The Commission challenged these duties before the WTO and on 20 December 2021, the WTO Dispute Settlement Body adopted the final panel report declaring these duties inconsistent with WTO rules. Despite the favourable panel report, the measures remain in place. The Commission considered that the US had failed to implement the WTO ruling and, when consultations did not deliver results, requested the establishment of a compliance panel, which was composed on 31 July 2023. In February 2024, the WTO circulated the compliance panel report. The report confirmed the EU’s claim that the US had not complied with the previous WTO ruling. It presents a clear and full win for the EU. The EU is expecting the US to take swift action to ensure the full implementation of the WTO ruling and the removal of the duties.

#### *Mattresses AD*

On 1 August 2023, the US authorities initiated an anti-dumping investigation on imports of mattresses from Bulgaria, Italy, Poland, Slovenia and Spain. Petitioners alleged extremely high dumping margins, between 43% and 1094%. The economic interest in this case is €415 million. The Commission has been active in support of the exporters concerned since the start of the investigation.

## *Aluminium extrusions AD*

This investigation was initiated on 25 October 2023 against imports of aluminium extrusions from Italy, with petitioners alleging a dumping margin of 42%. The economic interest in this case is €104 million. Since the start of the investigation, the Commission has been active in support of the exporters concerned.

## **China**

### *Overall trends*

In 2023, China's trade defence activity towards the EU continued to be rather limited. The total number of measures in force against the EU at the end of 2023 was 18 (17 AD, 1 AS), unchanged since 2022. China did not initiate any new investigations or impose any new measures in 2023.

### *Main cases*

#### *Potato starch AS*

In September 2022, China initiated a second expiry review of the AS measures regarding imports of potato starch from the EU. The initial measures were imposed in 2011 and in 2017. The Commission actively intervened in support of the EU producers, arguing that, following the reform of the EU's common agricultural policy (CAP) the subsidies subject to the measure are not specific, not actionable and fully compliant with the WTO Agreement on Agriculture and the WTO Agreement on Subsidies and Countervailing Measures. On 14 September 2023, the Chinese Ministry of Commerce decided to extend the measures for another five years.

## **Türkiye**

### *Overall trends*

At the end of 2023, Türkiye had 18 measures in force affecting the EU (11 AD and 7 SFG). In November 2023, Türkiye initiated 4 new trade defence investigations affecting EU exports (1 new SFG investigation targeting imports of hot-rolled bars and rods and 3 new anti-circumvention (AC) investigations on solar panels from Croatia, on imports of woven fabrics and on PU leather). The Commission continues to follow all the cases closely and will intervene, in support of the EU industry, as appropriate.

Türkiye imposed provisional SFG measures on imports of hot-rolled bars and rods and extended definitive SFG measures on Polyethylene terephthalate (PET) in December 2023.

### *Main cases*

#### *Woven fabrics AC*

This anti-circumvention investigation concerning woven fabrics of synthetic filament yarn and woven fabrics of synthetic and artificial staple fibres was initiated in January 2023. Given the high economic interest of €238 million, the Commission has made several interventions in support of EU industry and Member States and will continue to do so as the investigation continues.

#### *PU leather AC*

This investigation concerning the exports of PU leather from Bulgaria and France was initiated in January 2023. It is linked to an AC measure on the same product against Greece, through the same AD measure, which was concluded in June 2022 and where the Commission intervened on several occasions.

#### *Bars and Rods SFG*

This investigation was initiated in November 2023. The economic interest in this case is €218 million. The Commission has been active in support of the exporters concerned since the start of the investigation. The provisional measures were imposed on 31 December 2023 (\$175 per ton) and will be in force for 200 days.



## **Brazil**

### *Overall trends*

Brazil remains one of the main users of TDI against the EU. At the end of 2023, there were 11 AD measures in force against EU exports, the same as in 2022. Brazil did not initiate any new investigations against the EU in 2023.

## **Canada**

### *Overall trends*

In 2023, Canada did not initiate any investigations or impose any new measures against the EU. At the end of 2023, Canada had 9 (8 AD, 1 AS) measures in force concerning the EU.

## **Indonesia**

### *Overall trends*

Indonesia remains one of the most frequent users of safeguard investigations in the world, regularly resorting to SFG, rather than AD or AS.

By the end of 2023, the number of measures imposed by Indonesia increased to 11 (compared to 9 in 2022). Indonesia's safeguard measures are increasingly in place for long periods of time, with extensions being routine.

In addition, Indonesia initiated 5 new SFG investigations concerning imports of artificial filament yarn, woven fabrics of artificial filament yarn, mineral wool, cotton fabrics and cotton yarn. Indonesia initiated 4 SFG reviews in 2023 on imports of carpets, fructose syrup, knitted or crocheted fabrics and cigarette paper with a total EU economic interest of around €25 million.

### *Main cases*

#### *Cigarette paper SFG*

Indonesia initiated the investigation in October 2020. Given the significant economic interest of the EU (exports worth €6,3 million in 2019), the Commission, at the request of the European paper industry association (CEPI), together with AT and ES, intervened several times. Definitive measures were imposed in November 2021 in the form of a specific duty for a period of two years. In June 2023, Indonesia initiated an expiry review and the Commission, in close cooperation with the EU industry, intervened throughout the investigation, including WTO consultations. The Ministerial Decree extending the measures for a further three years was published on 27 December 2023.

## **Australia**

### *Overall trends*

Australia is not the most frequent user of TDIs against the EU but has increased its activity since 2013. At the end of 2023, Australia had a total of 7 AD measures in force against the EU, the same as in 2022.

During 2023, the Australian Anti-Dumping Commission initiated 3 expiry review investigations concerning imports of railway wheels from France, ammonium nitrate from Sweden, and Quenched and tempered steel plate from Finland and Sweden. In addition, Australia initiated a revocation review on A4 copy paper from Austria, Slovakia and Finland and a reinvestigation on imports of rebar from Spain.

Australia did not initiate any new investigations on imports from the EU but terminated an investigation on imports of ammonium nitrate from Lithuania.

#### *Investigation on ammonium nitrate AD*

The investigation, initiated by the Australian Anti-Dumping Commission on 8 June 2022, had a direct impact on one of the largest EU fertilizer producers located in Lithuania. The Commission submitted written arguments both after the initiation and after the preliminary report (EU economic interest around €5 million). The Australian investigating authority ultimately determined that imports from Lithuania had not caused, and did not threaten to cause, material injury to the Australian industry producing like products and terminated the investigation in its entirety on 8 August 2023, without imposing measures.

### **Madagascar**

#### *Overall trends*

Madagascar's trade defence activity was not significant prior to 2023. However, last year the National Trade Remedies Authority initiated 4 new SFG investigations impacting the EU (napkins and nappies, concentrated milk, flour, and woven sacks and sheaths of polypropylene), compared to 1 in 2022 and none the year before.

In addition, Madagascar imposed 3 new SFG measures in 2023 bringing the total number of definitive SFG measures imposed to 7 compared to 4 in 2022.

### **South Africa / Southern African Customs Union**

#### *Overall trends*

At the end of 2023, there were 7 measures in force, 4 AD (frozen bone-in portions of chicken, ropes and cables, frozen potato chips and frozen chicken) and 3 SFG (bolts, screws and threaded fasteners).

Definitive AD measures on imports of frozen chicken from Denmark, Ireland, Spain and Poland were imposed in August 2022 and immediately suspended for 1 year. The suspension was lifted in August 2023.

No new investigation was initiated in 2023. At the end of 2023, the Southern African Customs Union had 1 AD measure in force against the EU (pasta).

#### *Main cases*

##### *Frozen chicken AD*

Following an expiry review of the AD measures originally imposed in 2015, the original duty levels on imports from the Netherlands and Germany were upheld and extended until 2026. In addition, a new AD investigation on frozen poultry from Denmark, Ireland, Spain and Poland was initiated on 24 February 2021 and concluded with the imposition of definitive measures in August 2022. Ad valorem duties ranged from 3% to 96% but were immediately suspended until August 2023. Due to the difficulties of the local population to have access to an affordable source of protein, in October 2023, ITAC launched an investigation into the possible rebate of ordinary customs duties including AD duties. The investigation was concluded in February 2024 with no rebate for AD duties on EU imports. EU economic interest is around €100 million.

### **Ukraine**

#### *Overall trends*

2023 was another difficult year for Ukraine, following the invasion and war of aggression started by the Russian Federation on 24 February 2022. In February 2022, Ukraine put on hold all its ongoing TDI investigations and no new investigations have been opened since.

## **Other important cases**

### *Super absorbent polymer (SAP) AD*

In November 2021 the Gulf Cooperation Council ('GCC') initiated an anti-dumping investigation concerning imports of super absorbent polymer imported by the Kingdom of Saudi Arabia from Belgium, France, China, Japan, Singapore and South Korea. The Commission has intervened to ensure access of the EU exports worth €9 million. On 28 November 2022, the GCC issued the Final Report, which recommended excluding imports from Japan due to their small volume while it determined the existence of dumping by imports from China, Belgium, Singapore, the Republic of Korea and France, with dumping margins ranging from 2% to 124%. Definitive measures in the form of ad valorem were imposed on 4 March 2023, for a period of five years.

## **9. ACTIVITIES IN THE FRAMEWORK OF THE WTO**

### **9.1 Dispute settlement in the field of trade defence**

The WTO procedure for the settlement of disputes between WTO Members concerning the application of the WTO agreements is divided into two main stages.

The first stage consists of bilateral consultations between the WTO Members concerned. If those consultations fail to settle the dispute, the second stage can be opened by requesting the WTO Dispute Settlement Body to establish a panel.

WTO Members, other than the complaining and defending parties, with an interest in a given dispute, can intervene as 'third parties' before the panel.

The panel issues a report, which must be adopted by the WTO Dispute Settlement Body (DSB) in order to become binding between the parties to the dispute. In a fully functioning WTO dispute settlement system (see further below), panel reports first can be appealed before the WTO Appellate Body (AB) (each appeal being heard by three members of a permanent seven-member body set up by the Dispute Settlement Understanding (DSU)).

Both the panel report and the report by the AB are adopted by the Dispute Settlement Body (DSB) unless the DSB rejects the report by unanimity. The findings of a panel report or an AB report must be implemented by the WTO Member whose measures have been found to be inconsistent with the relevant WTO Agreements.

If the complaining WTO Member is not satisfied with the way the reports are implemented, it can ask for the establishment of a so-called 'implementation panel'. Here too, an appeal against the findings of the panel is possible.

Anti-dumping, anti-subsidy and safeguards measures are among the most common subject matters in WTO dispute settlement. The EU is also an active participant in WTO dispute settlement proceedings as a third party in relation to TDI.

Regarding the procedures, it should be noted that, since 11 December 2019, due to the blockage of new appointments to the AB, the WTO dispute settlement system is not able to function fully, because there are no members on the Appellate Body. This affects the capacity of the WTO dispute settlement system to deliver binding resolutions of trade disputes and undermines rules-based international trade.

The EU continues its efforts to find, together with the WTO Membership, a lasting solution to this situation. Pending a solution, the EU, together with certain other WTO Members, created a workaround arrangement to apply as long as the appointments to the AB remain blocked. Known as the 'MPIA', the Multi-party interim appeal arbitration arrangement allows its participating WTO Members to bring appeals and solve disputes within the framework of the DSU despite the current paralysis of the AB. It achieves this through the conclusion of agreements between participating WTO Members to have appeals in disputes between

them dealt with by way of arbitration within the framework of the DSU. In this way, the MPIA provides a functioning, binding, two-tier and independent dispute settlement system in the disputes that it covers. It mirrors the usual WTO appeal rules and, for as long as the AB remains unable to function fully, can be used between any Members of the WTO that join the MPIA.

***DS 618: Countervailing duties on imports of biodiesel from Indonesia***

In August 2023, Indonesia requested consultations with the European Union regarding the definitive countervailing duties on imports of biodiesel from Indonesia. In October 2023, Indonesia requested the establishment of a panel.

Indonesia claimed that the definitive countervailing duties on imports of biodiesel from Indonesia and the investigation leading to their imposition are inconsistent with certain provisions of the ASCM. Indonesia alleges that the countervailing duties adopted by the EU are in contravention of the WTO Agreement on Subsidies and Countervailing Measures. Indonesia is challenging the Commission's determination concerning Government support to the biodiesel industry through direct transfer of funds via the 'Biodiesel Subsidy Fund' and also the provision of crude palm oil ("CPO") for less than adequate remuneration. Indonesia is also challenging the threat of injury and the causal link analysis made by the Commission.

On 13 October 2023, Indonesia requested the establishment of a panel. At its meeting on 26 October 2023, the DSB deferred the establishment of a panel.

***DS 616: Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia***

On 24 January 2023, Indonesia requested consultations with the European Union with respect to countervailing and anti-dumping measures imposed by the European Union on imports of stainless-steel cold-rolled flat products from Indonesia. Indonesia claimed that the measures are inconsistent with a number of provisions of the WTO Agreement on Subsidies and Countervailing measures (ASCM) and the Anti-Dumping Agreement.

The main issue raised by Indonesia is the legality of the 'attribution theory' used in EU trade defence policy, whereby financial contributions formally paid by the Chinese government are attributed to a third country government, in this case the Government of Indonesia. This attribution was made because of a substantive body of evidence demonstrating that Indonesia 'acknowledged and adopted' the subsidizing conduct of the Chinese state as its own. The theory was used for the first time in the Egyptian Glass-Fiber Fabric case, where the General Court approved the Commission's use of the attribution theory.

Indonesia also contested the part of the EU Regulation concerning the provision of nickel ore at less than adequate remuneration, in particular the treatment of the Indonesian mining companies as public bodies or private bodies being entrusted or directed by the government, the selection of the appropriate benchmark for nickel ore and the calculation of the benefit.

Consultations between the EU and Indonesia took place on 13 March 2023 but failed to resolve the dispute. On 17 April 2023, Indonesia requested the establishment of a panel. At its meeting on 30 May 2023, the DSB established a panel. Following the agreement of the parties, the panel was composed on 13 September 2023. Argentina, Australia, Brazil, Canada, China, Egypt, India, Japan, Korea, the Russian Federation, Singapore, Chinese Taipei, Thailand, Türkiye, Ukraine, the United Kingdom, and the United States reserved their third-party rights.

***DS494: European Union – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia***

On 24 July 2020, the panel circulated to all WTO Members its final report in DS494 European Union – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia. Both the EU and Russia appealed the report. However, with the ongoing difficulties in the WTO Dispute Settlement, there was no progress in 2023.

### ***DS521: European Union — Anti-Dumping Measures on Certain Cold-Rolled Flat Steel Products from Russia***

The case dates from January 2017, when the Russian Federation requested consultations with the European Union concerning anti-dumping measures imposed by the European Union on imports of certain cold-rolled flat steel products from the Russian Federation. Consultations with Russia took place on 8 June 2017. Almost two years later, on 13 March 2019, the Russian Federation requested the establishment of a panel. The panel was established on 16 March 2020. Written procedure took place during the summer 2020 whereas the first substantive meeting planned for the autumn was postponed due to COVID-19 related travel restrictions. In March 2022 and again in July 2023, the Chair of the panel informed the DSB that it had granted the Russian Federation's requests of March 2022 and June 2023, that the panel suspend its work pursuant to Article 12.12 of the DSU. In granting the suspension of the panel in July 2023, the Chair of the panel noted that, pursuant to Article 12.12, if the work of the panel has been suspended for more than 12 months, the authority for establishment of the panel shall lapse.

### ***DS591: Anti-Dumping Duties by Colombia on Frozen Fries from Belgium, Germany and the Netherlands***

In 2023, the Commission continued to participate in the WTO dispute settlement proceeding regarding the AD measures on frozen fries by Colombia, which started in January 2020 with WTO consultations. The outcome, in December 2022, was largely in favour of the EU. Colombia issued on 7 December 2023 the Status Report to the Chairman of the Dispute Settlement Body, in which Colombia claims that it had completed the implementation of the ruling. The Commission is assessing the implementation by Colombia.

## **9.2 Meetings of the WTO Anti-dumping, ASCM and Safeguards Committees.**

Twice yearly in spring and autumn meetings of the Subsidies and Countervailing, Anti-dumping and Safeguards Committees are held in the WTO. In the context of the Anti-dumping Committee, the WTO also hosts a Working Group on Implementation where members share their practical approach in anti-dumping investigations. In addition, in May 2023, the WTO hosted a workshop for the heads of investigating authorities.

The meetings give WTO Members the opportunity to monitor the implementation of the agreements by investigating authorities, as well as providing a forum to exchange views and concerns on trade defence cases. The EU plays an active part in all the Committees by raising issues of concern while defending its own actions in the field of trade defence.

In addition to the Safeguard Committee, there are also meetings of the Working Group on Implementation and two informal sessions dedicated to the so-called "Friends of Safeguard Investigations". The Committee facilitates an exchange of opinions and information of a procedural and more general nature between WTO Members. In this context, Members discussed the US proposal to transfer the informal "Friends of Safeguard Investigations" group to the Committee, but no consensus was reached due to India's opposition.

Individual cases of concern account for most of the exchanges in the WTO Safeguards Committee. One such case was the EU steel safeguard, which was the most scrutinised safeguard measure on the agenda at both meetings. The EU participated actively in the discussions regarding the measure and responded to comments made by WTO Members. Many maintained the previous argument that the safeguard measure should have been terminated, while others argued that the measure should not have been extended. On the other hand, the EU also raised concerns about the safeguard practices of other WTO Members. In particular, the EU questioned the continuation of a worrying trend of overuse and misuse of the safeguard instrument, with poor standards of initiation, inadequate disclosure and lack of transparency. The EU's intervention on proliferation of safeguards was welcomed and appreciated by some other WTO Members.

In the Anti-Dumping Committee, the EU raised concerns about the US investigation on tin mill products from, inter alia, Germany and the Netherlands. The lack of evidence of dumping, as well as the fact that the case was tantamount to a safeguard investigation covering almost all imports into the US, were highlighted.

The EU defended its actions against criticisms levelled by other members on some cases, including Bulb Flat from Türkiye, Fatty Acid from Indonesia and Ductile tubes and pipes from India. In addition, the EU rebutted unfounded criticisms from China regarding the long duration of some measures.

The EU participated in the Anti-dumping Working Group on Implementation which was held only once in 2023. The discussion centred around average, benchmark and account-specific prices and price analysis in injury proceedings and non-attribution analysis in causal link determination.

Under the ASCM, subsidy notifications, which are made every second year, were due in 2023. The Commission submitted the EU's Subsidy notification covering subsidies granted at EU level as well as those of the Member States. These will be reviewed in the Spring 2024 meeting of the ASCM Special Committee. Despite notification being an obligation under the Agreement, an update on the state of play by the WTO Secretariat in October 2023 showed that only a third of members had complied. Therefore, in the ASCM Committee, the EU continued to push for greater compliance with the notification obligations as this is critical for understanding the impact of subsidies in global trade. To encourage members in this exercise, the Commission provided guidance on how to make a subsidy notification in an event organised by the WTO Secretariat in June 2023.

In the regular Committee on Subsidies and Countervailing Measures, the EU defended its decision to open an anti-subsidy investigation into battery electric vehicles from China in response to criticisms about the case from the latter. The EU raised China's decision to continue measures on potato starch from the EU, following an expiry review, despite the subsidies being neither specific nor actionable. The impact of subsidies in creating overcapacities and the effects on developing countries was also discussed in the Committee.

The Workshop for the Heads of Investigating Authorities included presentations and exchanges on topics including, developments in legislation and practice, challenges related to resources & training and conducting investigations during the pandemic as well as Administrative, Arbitral and Judicial Reviews. In June 2023 the EU, on behalf of the 27 Member States, accepted the WTO Agreement on Fisheries Subsidies which had been concluded at the 12th Ministerial conference the previous year. The Agreement will enter into force once two-thirds of the WTO members have accepted it. The WTO negotiations continue on the outstanding issues to achieve a comprehensive agreement.

Also in 2023, the WTO co-sponsor members taken forward the subsidies related work strands under the WTO Fossil Fuel Subsidy Reform initiative<sup>31</sup> and on Trade and Environmental Sustainability Structured Discussions<sup>32</sup>

Trilateral cooperation with US and Japan continued throughout 2023 focussing on tackling market-distortive policies and practices, including subsidies that currently are not sufficiently addressed by WTO rules. While there were limited exchanges on coordination of tools and the rule-making side, it was acknowledged that the current ASCM rules are not well suited to capture all subsidy practices, particularly in China. In addition, the partners concentrated on identifying concrete examples and exchanging information on non-market behaviour across various sectors, and on potential tools to address the identified practices.

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31 [https://www.wto.org/english/tratop\\_e/envir\\_e/fossil\\_fuel\\_e.htm](https://www.wto.org/english/tratop_e/envir_e/fossil_fuel_e.htm)

32 [https://www.wto.org/english/tratop\\_e/tessd\\_e/tessd\\_e.htm](https://www.wto.org/english/tratop_e/tessd_e/tessd_e.htm)

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## **ANNEX A**

### **New investigations initiated during the period 1 January - 31 December 2023**

#### A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	OJ Reference
Electrolytic manganese dioxides (certain)	People's Republic of China	16.02.2023 C57/11 [AD692]
Polyethylene terephthalate (PET)	People's Republic of China	30.03.2023 C115/5 [AD693]
Alkyl Phosphate Esters (certain)	People's Republic of China	11.08.2023 C282/4 [AD694]
Mobile access equipment	People's Republic of China	13.11.2023 C/2023/783 [AD698]
Titanium dioxide	People's Republic of China	13.11.2023 C/2023/786 13.11.2023 [AD696]
Polyvinyl Chloride	Egypt United States of America	15.11.2023 C/2023/1033 [AD697]
Optical fibre cables (OFC)	India	16.11.2023 C/2023/891 [AD695]



<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Erythritol	People's Republic of China	21.11.2023 C/2023/1020 [AD699]
Biodiesel	People's Republic of China	20.12.2023 C/2023/1574 [AD700]

B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
New battery electric vehicles for passengers	People's Republic of China	04.10.2023 C/2023/160 [AS689]
Alkyl Phosphate Esters (certain)	People's Republic of China	21.12.2023 C/2023/1567 [AS701]

## ANNEX B

### A) New investigations initiated by product sector during the period 2019 - 2023 (31 December)

Product sector	2019	2020	2021	2022	2023
Aluminium	1	4	-	-	-
Ceramics	-	-	2	-	-
Chemical & allied	-	2	2	1	4
Electronics	-	2	2	-	1
Iron & steel	7	6	6	3	-
Minerals	-	-	-	-	-
Other	7	-	1	-	3
Other mechanical engineering	-	-	-	-	1
Other metals	-	-	-	-	-
Plastics & Rubber	-	-	1	-	3
Textiles	-	-	-	1	-
Wood and paper	1	1	-	-	-
	<b>16</b>	<b>15</b>	<b>14</b>	<b>5</b>	<b>12</b>
Of which					
anti-dumping	11	12	11	4	10
anti-subsidy	5	3	3	1	2

**B) New investigations initiated by country of export during the period 2019 - 2023 (31 December)**

Country of origin	2019	2020	2021	2022	2023
Bahrain	1	-	-	-	-
Brazil	-	-	1	-	-
Egypt	4	-	-	-	1
India	-	1	2	-	1
Indonesia	2	1	2	1	-
Morocco	-	-	1	-	-
People's Republic of China	7	8	4	3	9
Republic of Korea	1	-	1	-	-
Russian Federation	-	1	1	-	-
Saudi Arabia	-	1	-	-	-
Taiwan	1	-	-	-	-
Türkiye	-	2	2	1	-
United States of America	-	1	-	-	1
	16	15	14	5	12

## **ANNEX C**

### **Imposition of provisional duties during the period 1 January - 31 December 2023**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Stainless steel refillable kegs	People's Republic of China	11.01.2023	12.01.2023 L 10/36 [AD689]
Bulb flat	People's Republic of China Türkiye	11.07.2023	12.07.2023 L177/63 [AD691]
Electrolytic manganese dioxides (certain)	People's Republic of China	12.10.2023	13.10.2023 L/2023/2120 [AD692]
Polyethylene terephthalate (PET)	People's Republic of China	27.11.2023	28.11.2023 2023/2659 [AD693]

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX D**

### **New investigations concluded by the imposition of definitive duties during the period 1 January - 31 December 2023**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Aluminium road wheels	Morocco	11.01.2023	12.01.2023 L 10/1 [AD686]
Fatty Acid	Indonesia	18.01.2023	19.01.2023 l18/1 [AD687]
Ceramic tiles	India Türkiye	09.02.2023	10.02.2023 L 41/1 [AD684]
Polyester yarn (High tenacity)	People's Republic of China	11.05.2023	12.05.2023 L127/58 [AD690]
Stainless steel refillable kegs	People's Republic of China	03.07.2023	04.07.2023 L169/1 [AD689]

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX E**

### **New investigations terminated without the imposition of measures during the period 1 January - 31 December 2023**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
None			

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Fatty acid	Indonesia	-	20.03.2023, OJ L80/99 [AS688]

## **ANNEX F**

**Expiry reviews initiated or concluded  
during the period 1 January - 31 December 2023  
(chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Cast iron articles (certain)	People's Republic of China	27.01.2023 C 30/11 [R788]
Corrosion resistant steel (CRS)	People's Republic of China	08.02.2023 C 48/32 [R790]
Seamless pipes and tubes of iron or steel (certain)	People's Republic of China	03.03.2023 C80/56 [R792]
Steel ropes and cables	People's Republic of China	14.04.2023 C130/8 [R793]
Oxalic acid	India People's Republic of China	30.06.2023 C 230/160 [R795]
Seamless pipes and tubes of iron or steel	Russian Federation	02.10.2023 C/2023/93 [R801]
Tyres for buses or lorries (new and retreaded)	People's Republic of China	20.10.2023 (C/2023/379) [R802]
Lever arch mechanisms	People's Republic of China	08.11.2023 C/2023/614 [R803]
Tyres for buses or lorries (new and retreaded)	People's Republic of China	10.11.2023 C/2023/711 [R804]

<b>Concluded: confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Aluminium road wheels (certain)	People's Republic of China	18.01.2023	19.01.2023 L18/66 [R759]
Sodium gluconate	People's Republic of China	12.04.2023	13.04.2023 L100/16 [R754]
Tubes and pipe fittings of stainless steel (butt-welding fittings)	People's Republic of China Taiwan	13.04.2023	14.04.2023 L101/22 [R758]
Polyester yarn (High tenacity)	People's Republic of China	11.05.2023	12.05.2023 L127/1 [R760]
Heavy plate of non-alloy or other alloy steel (certain)	People's Republic of China	16.05.2023	17.05.2023 L133/214 [R761]
Rebars	Belarus	30.05.2023	31.05.2023 L141/16 [R773]
Graphite electrode systems	India	06.06.2023	07.06.2023 L147/27 [R763]
Graphite electrode systems	India	06.06.2023	07.06.2023 L147/5 [R762]
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	07.06.2023	08.06.2023 L148/45 [R765]
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	07.06.2023	08.06.2023 L148/84 [R770]
Okoumé plywood	People's Republic of China	13.06.2023	14.06.2023 L 153/3 [R764]
Thermal paper (certain lightweight )	Republic of Korea	29.06.2023	30.06.2023 L 166/76 [R768]
Glass fibre reinforcements (GFR)	People's Republic of China	13.07.2023	14.07.2023 L 179/57 [R767]



### Concluded: confirmation of duty

Product	Country of origin	Regulation / Decision N°	OJ Reference
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain)	People's Republic of China	13.07.2023	14.07.2023 L 179/9 [R769]
Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder	People's Republic of China	08.08.2023	09.08.2023 L 199/48 [R772]
Coated fine paper	People's Republic of China	21.08.2023	22.08.2023 L 207/1 [R776]
Coated fine paper	People's Republic of China	21.08.2023	22.08.2023 L 207/41 [R775]
Melamine	People's Republic of China	14.09.2023	15.09.2023 L228/199 [R774]
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Brazil Iran Russian Federation	12.12.2023	13.12.2023 2023/2758 [R780]
Trichloroisocyanuric acid (TCCA)	People's Republic of China	13.12.2023	14.12.2023 2023/2757 [R786]

### Concluded: termination and repeal of the measures

Product	Country of origin	Regulation / Decision N°	OJ Reference
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Ukraine	-	17.02.2023 OJ L50/56 [R780]

## ANNEX G

### Interim reviews initiated or concluded during the period 1 January - 31 December 2023 (chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
Glass fibre woven fabrics (GFF)	Türkiye (ext)	04.07.2023 C236/7 [R796]
Tyres for buses or lorries (new and retreaded)	People's Republic of China	15.12.2023 C/2023/1491 [R806]
Tyres for buses or lorries (new and retreaded)	People's Republic of China	15.12.2023 C/2023/1500 [R805]
Melamine	People's Republic of China	20.12.2023 C/2023/1595 [R808]

Concluded: amendment of duty			
Product	Country of origin	Regulation / Decision N <sup>o</sup>	OJ Reference
High tenacity yarn of polyester	People's Republic of China	-	<a href="#">L 127; 12.05.2023, p.1</a>
Threaded tube or pipe cast fittings, of malleable cast iron	People's Republic of China		<a href="#">L 2023 2202 ; 17.10.2023</a>
Woven and/or stitched glass fibre fabrics, certain	Türkiye		<a href="#">L 2023 2169 ; 18.10.2023</a>
Woven and/or stitched glass fibre fabrics, certain	Türkiye		<a href="#">L 2023 2158 ; 18.10.2023</a>
Tubes and pipes of ductile cast iron	India		<a href="#">L 2023 2605 ;</a>

Concluded: amendment of duty			
Product	Country of origin	Regulation / Decision N°	OJ Reference
			<a href="#">23.11.2023</a>

Concluded by termination without amendment of duty			
Product	Country of origin	Regulation / Decision N°	OJ Reference
None	-	-	-

Concluded: termination and repeal of measures			
Product	Country of origin	Regulation / Decision N°	OJ Reference
None	-	-	-

## **ANNEX H**

**Other reviews initiated or concluded  
during the period 1 January - 31 December 2023  
(chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
None	-	-

<b>Concluded: confirmation/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Case N°</b>	<b>OJ Reference</b>
Lightweight thermal paper	Republic of Korea	AD629a	<a href="#">L 79; 17.03.2023, p.54</a>
Electric bicycles	People's Republic of China	AD643a	<a href="#">L 80; 20.03.2023, p.41</a>
Electric bicycles	People's Republic of China	AS646a	<a href="#">L 80; 20.03.2023, p.54</a>
New and retreaded tyres for buses or lorries	People's Republic of China	AD640a	<a href="#">L 96; 05.04.2023, p.9</a>
New and retreaded tyres for buses or lorries	People's Republic of China	AS641a	<a href="#">L 96; 05.04.2023, p.45</a>

<b>Concluded: termination and repeal of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Biodiesel	Argentina	-	28.09.2023, OJ L239/23
	Indonesia		[AD593]



## **ANNEX I**

### **New exporter reviews initiated or concluded during the period 1 January - 31 December 2023 (chronological by date of publication)**

#### A. Anti-dumping investigations

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Citric acid	People's Republic of China	R789	<a href="#">L 26; 30.01.2023, p.11</a>
Melamine	People's Republic of China	R791	<a href="#">L 64; 01.03.2023, p.12</a>
Trichloroisocyanuric acid	People's Republic of China	R794	<a href="#">L 93; 31.03.2023, p.88</a>

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Citric acid	People's Republic of China	16.10.2023	17.10.2023 L/2023/2180 [R789]
Melamine	People's Republic of China	27.11.2023	28.11.2023 L/2023/2653 [R791]

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Trichloroisocyanuric Acid (TCCA)	People's Republic of China	2023/2766	14.12.2023 [R794]

B. Anti-subsidy investigations ("accelerated" investigations)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None	-	-	-

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None	-	-	-

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None	-	-	-



## **ANNEX J**

**Anti-absorption investigations initiated or concluded  
during the period 1 January - 31 December 2023  
(chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
None	-	-

<b>Concluded with increase of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Optical fibre cables	People's Republic of China	-	<a href="#">L 199; 09.08.2023, p.34</a>

<b>Concluded without increase of duty / termination</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None	-	-	-

## ANNEX K

### Anti-circumvention investigations initiated or concluded during the period 1 January - 31 December 2023 (chronological by date of publication)

Initiated			
Product	Country of origin (consigned from)	Regulation / Decision N <sup>o</sup>	OJ Reference
Stainless steel cold-rolled flat products (SSCR) AS	Indonesia Taiwan (ext) Türkiye (ext) Vietnam (ext)	11.08.2023	14.08.2023 L202/10 [R798]
Stainless steel cold-rolled flat products (SSCR) AD	Indonesia Taiwan (ext) Türkiye (ext) Vietnam (ext)	11.08.2023	14.08.2023 L202/16 [R797]
Biodiesel	Indonesia People's Republic of China (ext)  United Kingdom (ext)	16.08.2023	17.08.2023 L 204/3 [R800]
Birch plywood	Russian Federation Kazakhstan (ext) Türkiye (ext)	21.08.2023	22.08.2023 L 207/77 [R799]

Concluded with extension of duty			
Product	Country of origin (consigned from)	Regulation N <sup>o</sup>	OJ Reference
Stainless steel tube and pipe butt-welding fittings, whether or not finished (Certain)	Malaysia (ext)	02.03.2023	03.03.2023 L67/119 [R777]
Stainless steel hot-rolled flat products (SSHR)	Türkiye (ext)	17.04.2023	18.04.2023 L103/12

**Concluded with extension of duty**

<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
			[R778]

**Concluded without extension of duty / termination**

<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

**Exemptions granted and/or rejected**

<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX L**

### **Safeguard review investigations initiated or concluded during the period 1 January - 31 December 2023 (chronological by date of publication)**

<b>Investigations initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Steel products (certain)	Erga Omnes (ext)	30.03.2023 C115/18 [Safe009UKNITRQS]
Steel products (certain)	Erga Omnes (ext)	06.11.2023 C/2023/591 [Safe009UKNITRQS2 ]
Indica rice	Myanmar Cambodia	19.01.2023 C 18/8 [Safe008a]

<b>Investigations terminated without imposition of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None			

<b>Issue of licences</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
None	-	-	-

Safeguard measures which expired		
Product	Country of origin	Date of expiry
None	-	-

Concluded: imposition/amendment of duty		
Product	Case nr	Date of expiry
Steel products	SAFE009R6	<a href="#">L 161; 27.06.2023, p.44</a>
Steel products	SAFE009UKNITRQS	<a href="#">L 166; 30.06.2023, p.98</a>
Steel products	SAFE009UKNITRQS2	<a href="#">L 2023 2840 ; 15.12.2023</a>

## **ANNEX M**

**Undertakings accepted or repealed  
during the period 1 January - 31 December 2023  
(chronological by date of publication)**

<b>Undertakings accepted</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

<b>Undertakings withdrawn or repealed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

<b>Undertakings which expired/lapsed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Original measure(s) &amp; OJ Reference</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX N**

### **Measures which expired / lapsed during the period 1 January - 31 December 2023 (chronological by date of publication)**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>OJ Reference</b>
Tartaric acid	The People's Republic of China	Commission Implementing Regulation (EU) 2018/921 of 28 June 2018 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 164, 29.6.2018, p. 14)	28.6.2023 OJ C 226/9
Seamless pipes and tubes of iron or steel	Ukraine	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	2.10.2023 OJ C/2023/5

Product	Country of origin	Original measure & OJ Reference	OJ Reference
		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)	

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Original measure & OJ Reference	OJ Reference
None	-	-	-



## **ANNEX O**

### **Definitive anti-dumping measures in force on 31 December 2023**

#### A. Ranked by product (alphabetical)

Case no.	Product name	Country	Extension	Entry into force date
R727	Acesulfame Potassium (ACE-K)	People's Republic of China		01-11-2015
AD673	Aluminium converter foil	People's Republic of China		09-12-2021
AD664	Aluminium extrusions	People's Republic of China		31-01-2021
AD668	Aluminium flat-rolled products	People's Republic of China		12-10-2021
R730	Aluminium foil (certain)	People's Republic of China		07-10-2009
R732	Aluminium foil (jumbo rolls)	People's Republic of China	Thailand	16-09-2021
R733	Aluminium foil (small rolls)	People's Republic of China	Thailand	16-09-2021
R684	Aluminium foil in rolls	People's Republic of China		14-03-2013
R676	Aluminium radiators (certain)	People's Republic of China		10-11-2012

AD686	Aluminium road wheels	Morocco		13-01-2023
R759	Aluminium road wheels (certain)	People's Republic of China		29-10-2010
R706	Ammonium nitrate	Russian Federation		24-08-1995
R742	Aspartame	People's Republic of China		30-07-2016
R688	Bicycles	People's Republic of China	People's Republic of China	18-01-1997
R688	Bicycles	People's Republic of China	Philippines	20-05-2015
R688	Bicycles	People's Republic of China	Cambodia	20-05-2015
R688	Bicycles	People's Republic of China	Tunisia	06-06-2013
R688	Bicycles	People's Republic of China		09-09-1993
R688	Bicycles	People's Republic of China	Malaysia	06-06-2013
R688	Bicycles	People's Republic of China	Indonesia	06-06-2013
R688	Bicycles	People's Republic of China	Sri Lanka	06-06-2013
R688	Bicycles	People's Republic of China	Pakistan	20-05-2015
AD643	Bicycles (electric)	People's Republic of		19-01-

		China		2019
R723	Biodiesel	United States of America		13-03-2009
R723	Biodiesel	United States of America	Canada	12-05-2011
AD672	Birch Plywood	Russian Federation		10-11-2021
AD679	Calcium silicon	People's Republic of China		25-03-2022
AD637	Cast iron articles (certain)	People's Republic of China		31-01-2018
AD684	Ceramic tiles	India		11-02-2023
R650	Ceramic tiles	People's Republic of China		16-09-2011
AD684	Ceramic tiles	Türkiye		11-02-2023
R678	Chamois leather	People's Republic of China		15-09-2006
R717	Citric acid	People's Republic of China	Malaysia	16-01-2016
R717	Citric acid	People's Republic of China		04-12-2008
R709	Citrus fruits (namely mandarins, etc.)	People's Republic of China		31-12-2008
R775	Coated fine paper	People's Republic of China		15-05-2011
R745	Cold-rolled flat steel products	People's Republic of		05-08-2016

		China		
R745	Cold-rolled flat steel products	Russian Federation		05-08-2016
AD639	Corrosion resistant steel (CRS)	People's Republic of China		09-02-2018
AD682	Corrosion resistant steels	Russian Federation		13-08-2022
AD682	Corrosion resistant steels	Türkiye		13-08-2022
R736	Ductile pipes (tubes and pipes of ductile cast iron)	India		19-03-2016
AD683	Electrolytic chromium coated steel (ECCS)	Brazil		15-11-2022
AD683	Electrolytic chromium coated steel (ECCS)	People's Republic of China		15-11-2022
AD687	Fatty Acid	Indonesia		20-01-2023
R698	Ferro-silicon	People's Republic of China		29-02-2008
R698	Ferro-silicon	Russian Federation		29-02-2008
R648	Glass fibre open mesh fabrics	People's Republic of China	Taiwan	17-01-2013
R648	Glass fibre open mesh fabrics	People's Republic of China	Indonesia	21-12-2013
R648	Glass fibre open mesh fabrics	People's Republic of China	Thailand	17-01-2013
R648	Glass fibre open mesh fabrics	People's Republic of China	India	21-12-2013
R648	Glass fibre open mesh fabrics	People's	Malaysia	25-07-

		Republic of China		2012
R648	Glass fibre open mesh fabrics	People's Republic of China		10-08-2011
R767	Glass fibre reinforcements (GFR)	People's Republic of China		16-03-2011
AD653	Glass fibre woven fabrics (GFF)	Egypt		07-04-2020
R755	Glass fibre woven fabrics (GFF)	Egypt	Türkiye	09-09-2022
AD653	Glass fibre woven fabrics (GFF)	People's Republic of China		07-04-2020
R739	Glass fibre woven fabrics (GFF)	People's Republic of China	Morocco	26-02-2022
R755	Glass fibre woven fabrics (GFF)	People's Republic of China	Türkiye	09-09-2022
R728	Grain oriented flat-rolled products of silicon electrical steel (GOES)	Japan		31-10-2015
R728	Grain oriented flat-rolled products of silicon electrical steel (GOES)	People's Republic of China		31-10-2015
R728	Grain oriented flat-rolled products of silicon electrical steel (GOES)	Republic of Korea		31-10-2015
R728	Grain oriented flat-rolled products of silicon electrical steel (GOES)	Russian Federation		31-10-2015
R728	Grain oriented flat-rolled products of silicon electrical steel (GOES)	United States of America		31-10-2015
R762	Graphite electrode systems	India		19-09-2004
AD680	Graphite Electrode Systems	People's Republic of China		08-04-2022

R654	Hand pallet trucks	People's Republic of China		22-07-2005
R654	Hand pallet trucks and their essential parts	People's Republic of China	Thailand	
R761	Heavy plate of non-alloy or other alloy steel (certain)	People's Republic of China		01-03-2017
AD665	Hot rolled flat products (HRFS)	Türkiye		07-07-2021
R780	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Brazil		07-10-2017
R780	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Iran		07-10-2017
R780	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Russian Federation		07-10-2017
R765	Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China		07-04-2017
AD676	Iron or steel fasteners	People's Republic of China		18-02-2022
R549	Ironing boards	People's Republic of China		27-04-2007
R693	Ironing boards	People's Republic of China		27-04-2007
R675	Lever Arch Mechanisms	People's Republic of China		28-07-2006
R692	Malleable tube fittings (threaded, of cast iron)(MTF)	People's Republic of China		15-05-2013
R692	Malleable tube fittings (threaded, of cast iron)(MTF)	Thailand		15-05-2013

R774	Melamine	People's Republic of China		14-05-2011
R744	Molybdenum wires	People's Republic of China		17-06-2010
R744	Molybdenum wires	People's Republic of China	Malaysia	13-01-2012
AD671	Mono Ethylene Glycol (MEG)	Saudi Arabia		16-11-2021
AD671	Mono Ethylene Glycol (MEG)	United States of America		16-11-2021
R712	Monosodium glutamate (MSG)	Indonesia		23-01-2015
R712	Monosodium glutamate (MSG)	People's Republic of China		03-12-2008
R764	Okoumé plywood	People's Republic of China		13-11-2004
AD669	Optical fibre cables (OFC)	People's Republic of China		19-11-2021
R683	Organic coated steel products (certain)	People's Republic of China		16-03-2013
R672	Oxalic acid	India		19-04-2012
R672	Oxalic acid	People's Republic of China		19-04-2012
R697	Peroxosulphates (persulphates)	People's Republic of China		12-10-2007
R760	Polyester yarn (High tenacity)	People's Republic of China		02-12-2010

AD690	Polyester yarn (High tenacity)	People's Republic of China		13-05-2023
AD654	Polyvinyl alcohol (certain) (PVA)	People's Republic of China		30-09-2020
R721	PSC wires and strands	People's Republic of China		14-05-2009
R773	Rebars	Belarus		18-06-2017
R738	Ring binder mechanisms	People's Republic of China	Vietnam	02-07-2004
R738	Ring binder mechanisms	People's Republic of China	Lao People's Democratic Republic	13-01-2006
R738	Ring binder mechanisms	People's Republic of China		25-01-1997
R769	Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain)	People's Republic of China		13-05-2017
R665	Seamless pipes and tubes of iron or steel	Russian Federation		30-06-2006
R657	Seamless pipes and tubes of stainless steel (certain)(SSSPT)	People's Republic of China		21-12-2011
R743	Silicon	People's Republic of China		29-07-1990
R743	Silicon	People's Republic of China	Republic of Korea	20-01-2007
R743	Silicon	People's Republic of China	Taiwan	06-04-2013



R741	Sodium cyclamate	Indonesia		12-03-2004
AD626	Sodium cyclamate	People's Republic of China		17-06-2016
R741	Sodium cyclamate	People's Republic of China		12-03-2004
R754	Sodium gluconate	People's Republic of China		29-10-2010
R701	Solar glass	People's Republic of China		15-05-2014
R722	Stainless steel cold-rolled flat products	People's Republic of China		28-08-2015
R722	Stainless steel cold-rolled flat products	Taiwan		28-08-2015
AD670	Stainless Steel Cold-Rolled products (SSCR)	India		19-11-2021
AD670	Stainless Steel Cold-Rolled products (SSCR)	Indonesia		19-11-2021
AD658	Stainless steel hot-rolled flat products (SSHR)	Indonesia		08-10-2020
R778	Stainless steel hot-rolled flat products (SSHR)	Indonesia	Türkiye	19-04-2023
AD658	Stainless steel hot-rolled flat products (SSHR)	People's Republic of China		08-10-2020
AD658	Stainless steel hot-rolled flat products (SSHR)	Taiwan		08-10-2020
AD689	Stainless steel refillable kegs	People's Republic of China		05-07-2023
R777	Stainless steel tube and pipe butt-welding fittings, whether or not finished	People's Republic of	Malaysia	04-03-2023

	(Certain)	China		
AD652	Steel road wheels	People's Republic of China		05-03-2020
AD674	Steel wind towers	People's Republic of China		17-12-2021
R655	Steel wire ropes and cables	People's Republic of China	Republic of Korea	12-05-2010
R655	Steel wire ropes and cables	People's Republic of China	Morocco	10-02-2012
R655	Steel wire ropes and cables	People's Republic of China		18-08-1999
R716	Sulphanilic acid	People's Republic of China		26-07-2002
AD681	Superabsorbent polymers	Republic of Korea		07-04-2022
R695	Sweet corn (prepared or preserved in kernels)	Thailand		21-06-2007
R687	Tableware and kitchenware (ceramic)	People's Republic of China		16-05-2013
AD659	Thermal paper (certain heavyweight)	Republic of Korea		21-10-2020
R768	Thermal paper (certain lightweight )	Republic of Korea		04-05-2017
R786	Trichloroisocyanuric acid (TCCA)	People's Republic of China		08-10-2005
R726	Tube and pipe fittings of iron or steel	People's Republic of China		04-04-1996
R726	Tube and pipe fittings of iron or steel	People's Republic of	Sri Lanka	02-12-

		China		2004
R726	Tube and pipe fittings of iron or steel	People's Republic of China	Indonesia	02-12-2004
R726	Tube and pipe fittings of iron or steel	People's Republic of China	Taiwan	15-04-2000
R726	Tube and pipe fittings of iron or steel	People's Republic of China	Philippines	30-04-2006
R682	Tube and pipe fittings(certain)	Malaysia		25-08-2002
R682	Tube and pipe fittings(certain)	Republic of Korea		25-08-2002
R682	Tube and pipe fittings(certain)	Russian Federation		25-08-2002
R758	Tubes and pipe fittings of stainless steel (butt-welding fittings)	People's Republic of China		28-01-2017
R758	Tubes and pipe fittings of stainless steel (butt-welding fittings)	Taiwan		28-01-2017
R772	Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder	People's Republic of China		28-09-1990
R685	Tungsten electrodes	People's Republic of China		14-03-2007
R710	Tungsten electrodes	People's Republic of China	Lao People's Democratic Republic	05-09-2020
R710	Tungsten electrodes	People's Republic of China	Thailand	05-09-2020
AD640	Tyres for buses or lorries (new and retreaded)	People's Republic of China		23-10-2018

AD649	Urea and ammonium nitrate (UAN)	Russian Federation		10-10-2019
AD649	Urea and ammonium nitrate (UAN)	Trinidad & Tobago		10-10-2019
AD649	Urea and ammonium nitrate (UAN)	United States of America		10-10-2019
R713	Welded pipes and tubes (WPT)	Belarus		20-12-2008
R713	Welded pipes and tubes (WPT)	People's Republic of China		20-12-2008
R713	Welded pipes and tubes (WPT)	Russian Federation		20-12-2008
R725	Wire rods	People's Republic of China		06-08-2009

B. Ranked by country (alphabetical)

Case no.	Country	Product name	Extension	Entry into force date
R773	Belarus	Rebars		18-06-2017
R713	Belarus	Welded pipes and tubes (WPT)		20-12-2008
AD683	Brazil	Electrolytic chromium coated steel (ECCS)		15-11-2022
R780	Brazil	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)		07-10-2017

AD653	Egypt	Glass fibre woven fabrics (GFF)		07-04-2020
R755	Egypt	Glass fibre woven fabrics (GFF)	Türkiye	09-09-2022
AD684	India	Ceramic tiles		11-02-2023
R736	India	Ductile pipes (tubes and pipes of ductile cast iron)		19-03-2016
R762	India	Graphite electrode systems		19-09-2004
R672	India	Oxalic acid		19-04-2012
AD670	India	Stainless Steel Cold-Rolled products (SSCR)		19-11-2021
AD687	Indonesia	Fatty Acid		20-01-2023
R712	Indonesia	Monosodium glutamate (MSG)		23-01-2015
R741	Indonesia	Sodium cyclamate		12-03-2004
AD670	Indonesia	Stainless Steel Cold-Rolled products (SSCR)		19-11-2021
AD658	Indonesia	Stainless steel hot-rolled flat products (SSHR)		08-10-2020
R778	Indonesia	Stainless steel hot-rolled flat products (SSHR)	Türkiye	19-04-2023
R780	Iran	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)		07-10-2017
R728	Japan	Grain oriented flat-rolled products of silicon electrical steel (GOES)		31-10-2015
R682	Malaysia	Tube and pipe fittings(certain)		25-08-2002
AD686	Morocco	Aluminium road wheels		13-01-2023
R727	People's Republic of China	Acesulfame Potassium (ACE-K)		01-11-2015
AD673	People's Republic of China	Aluminium converter foil		09-12-2021
AD664	People's Republic of China	Aluminium extrusions		31-01-2021

AD668	People's Republic of China	Aluminium flat-rolled products		12-10-2021
R730	People's Republic of China	Aluminium foil (certain)		07-10-2009
R732	People's Republic of China	Aluminium foil (jumbo rolls)	Thailand	16-09-2021
R733	People's Republic of China	Aluminium foil (small rolls)	Thailand	16-09-2021
R684	People's Republic of China	Aluminium foil in rolls		14-03-2013
R676	People's Republic of China	Aluminium radiators (certain)		10-11-2012
R759	People's Republic of China	Aluminium road wheels (certain)		29-10-2010
R742	People's Republic of China	Aspartame		30-07-2016
R688	People's Republic of China	Bicycles	People's Republic of China	18-01-1997
R688	People's Republic of China	Bicycles	Philippines	20-05-2015
R688	People's Republic of China	Bicycles	Cambodia	20-05-2015
R688	People's Republic of China	Bicycles	Tunisia	06-06-2013
R688	People's Republic of	Bicycles		09-09-1993

	China			
R688	People's Republic of China	Bicycles	Malaysia	06-06-2013
R688	People's Republic of China	Bicycles	Indonesia	06-06-2013
R688	People's Republic of China	Bicycles	Sri Lanka	06-06-2013
R688	People's Republic of China	Bicycles	Pakistan	20-05-2015
AD643	People's Republic of China	Bicycles (electric)		19-01-2019
AD679	People's Republic of China	Calcium silicon		25-03-2022
AD637	People's Republic of China	Cast iron articles (certain)		31-01-2018
R650	People's Republic of China	Ceramic tiles		16-09-2011
R678	People's Republic of China	Chamois leather		15-09-2006
R717	People's Republic of China	Citric acid	Malaysia	16-01-2016
R717	People's Republic of China	Citric acid		04-12-2008
R709	People's Republic of China	Citrus fruits (namely mandarins, etc.)		31-12-2008

R775	People's Republic of China	Coated fine paper		15-05-2011
R745	People's Republic of China	Cold-rolled flat steel products		05-08-2016
AD639	People's Republic of China	Corrosion resistant steel (CRS)		09-02-2018
AD683	People's Republic of China	Electrolytic chromium coated steel (ECCS)		15-11-2022
R698	People's Republic of China	Ferro-silicon		29-02-2008
R648	People's Republic of China	Glass fibre open mesh fabrics	Taiwan	17-01-2013
R648	People's Republic of China	Glass fibre open mesh fabrics	Indonesia	21-12-2013
R648	People's Republic of China	Glass fibre open mesh fabrics	Thailand	17-01-2013
R648	People's Republic of China	Glass fibre open mesh fabrics	India	21-12-2013
R648	People's Republic of China	Glass fibre open mesh fabrics	Malaysia	25-07-2012
R648	People's Republic of China	Glass fibre open mesh fabrics		10-08-2011
R767	People's Republic of China	Glass fibre reinforcements (GFR)		16-03-2011
AD653	People's Republic of	Glass fibre woven fabrics (GFF)		07-04-2020



	China			
R739	People's Republic of China	Glass fibre woven fabrics (GFF)	Morocco	26-02-2022
R755	People's Republic of China	Glass fibre woven fabrics (GFF)	Türkiye	09-09-2022
R728	People's Republic of China	Grain oriented flat-rolled products of silicon electrical steel (GOES)		31-10-2015
AD680	People's Republic of China	Graphite Electrode Systems		08-04-2022
R654	People's Republic of China	Hand pallet trucks		22-07-2005
R654	People's Republic of China	Hand pallet trucks and their essential parts	Thailand	
R761	People's Republic of China	Heavy plate of non-alloy or other alloy steel (certain)		01-03-2017
R765	People's Republic of China	Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)		07-04-2017
AD676	People's Republic of China	Iron or steel fasteners		18-02-2022
R549	People's Republic of China	Ironing boards		27-04-2007
R693	People's Republic of China	Ironing boards		27-04-2007
R675	People's Republic of China	Lever Arch Mechanisms		28-07-2006

R692	People's Republic of China	Malleable tube fittings (threaded, of cast iron)(MTF)		15-05-2013
R774	People's Republic of China	Melamine		14-05-2011
R744	People's Republic of China	Molybdenum wires		17-06-2010
R744	People's Republic of China	Molybdenum wires	Malaysia	13-01-2012
R712	People's Republic of China	Monosodium glutamate (MSG)		03-12-2008
R764	People's Republic of China	Okoumé plywood		13-11-2004
AD669	People's Republic of China	Optical fibre cables (OFC)		19-11-2021
R683	People's Republic of China	Organic coated steel products (certain)		16-03-2013
R672	People's Republic of China	Oxalic acid		19-04-2012
R697	People's Republic of China	Peroxosulphates (persulphates)		12-10-2007
R760	People's Republic of China	Polyester yarn (High tenacity)		02-12-2010
AD690	People's Republic of China	Polyester yarn (High tenacity)		13-05-2023
AD654	People's Republic of	Polyvinyl alcohol (certain) (PVA)		30-09-2020

	China			
R721	People's Republic of China	PSC wires and strands		14-05-2009
R738	People's Republic of China	Ring binder mechanisms	Vietnam	02-07-2004
R738	People's Republic of China	Ring binder mechanisms	Lao People's Democratic Republic	13-01-2006
R738	People's Republic of China	Ring binder mechanisms		25-01-1997
R769	People's Republic of China	Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain)		13-05-2017
R657	People's Republic of China	Seamless pipes and tubes of stainless steel (certain)(SSSPT)		21-12-2011
R743	People's Republic of China	Silicon		29-07-1990
R743	People's Republic of China	Silicon	Republic of Korea	20-01-2007
R743	People's Republic of China	Silicon	Taiwan	06-04-2013
AD626	People's Republic of China	Sodium cyclamate		17-06-2016
R741	People's Republic of China	Sodium cyclamate		12-03-2004
R754	People's Republic of China	Sodium gluconate		29-10-2010

R701	People's Republic of China	Solar glass		15-05-2014
R722	People's Republic of China	Stainless steel cold-rolled flat products		28-08-2015
AD658	People's Republic of China	Stainless steel hot-rolled flat products (SSHR)		08-10-2020
AD689	People's Republic of China	Stainless steel refillable kegs		05-07-2023
R777	People's Republic of China	Stainless steel tube and pipe butt-welding fittings, whether or not finished (Certain)	Malaysia	04-03-2023
AD652	People's Republic of China	Steel road wheels		05-03-2020
AD674	People's Republic of China	Steel wind towers		17-12-2021
R655	People's Republic of China	Steel wire ropes and cables	Republic of Korea	12-05-2010
R655	People's Republic of China	Steel wire ropes and cables	Morocco	10-02-2012
R655	People's Republic of China	Steel wire ropes and cables		18-08-1999
R716	People's Republic of China	Sulphanilic acid		26-07-2002
R687	People's Republic of China	Tableware and kitchenware (ceramic)		16-05-2013
R786	People's Republic of	Trichloroisocyanuric acid (TCCA)		08-10-2005

	China			
R726	People's Republic of China	Tube and pipe fittings of iron or steel		04-04-1996
R726	People's Republic of China	Tube and pipe fittings of iron or steel	Sri Lanka	02-12-2004
R726	People's Republic of China	Tube and pipe fittings of iron or steel	Indonesia	02-12-2004
R726	People's Republic of China	Tube and pipe fittings of iron or steel	Taiwan	15-04-2000
R726	People's Republic of China	Tube and pipe fittings of iron or steel	Philippines	30-04-2006
R758	People's Republic of China	Tubes and pipe fittings of stainless steel (butt-welding fittings)		28-01-2017
R772	People's Republic of China	Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder		28-09-1990
R685	People's Republic of China	Tungsten electrodes		14-03-2007
R710	People's Republic of China	Tungsten electrodes	Lao People's Democratic Republic	05-09-2020
AD640	People's Republic of China	Tyres for buses or lorries (new and retreaded)		23-10-2018
R713	People's Republic of China	Welded pipes and tubes (WPT)		20-12-2008
R725	People's Republic of China	Wire rods		06-08-2009

R710	People's Republic of China	Tungsten electrodes	Thailand	05-09-2020
R728	Republic of Korea	Grain oriented flat-rolled products of silicon electrical steel (GOES)		31-10-2015
AD681	Republic of Korea	Superabsorbent polymers		07-04-2022
AD659	Republic of Korea	Thermal paper (certain heavyweight)		21-10-2020
R768	Republic of Korea	Thermal paper (certain lightweight )		04-05-2017
R682	Republic of Korea	Tube and pipe fittings(certain)		25-08-2002
R706	Russian Federation	Ammonium nitrate		24-08-1995
AD672	Russian Federation	Birch Plywood		10-11-2021
R745	Russian Federation	Cold-rolled flat steel products		05-08-2016
AD682	Russian Federation	Corrosion resistant steels		13-08-2022
R698	Russian Federation	Ferro-silicon		29-02-2008
R728	Russian Federation	Grain oriented flat-rolled products of silicon electrical steel (GOES)		31-10-2015
R780	Russian Federation	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)		07-10-2017
R665	Russian Federation	Seamless pipes and tubes of iron or steel		30-06-2006
R682	Russian Federation	Tube and pipe fittings(certain)		25-08-2002
AD649	Russian Federation	Urea and ammonium nitrate (UAN)		10-10-2019
R713	Russian Federation	Welded pipes and tubes (WPT)		20-12-2008

AD671	Saudi Arabia	Mono Ethylene Glycol (MEG)		16-11-2021
R722	Taiwan	Stainless steel cold-rolled flat products		28-08-2015
AD658	Taiwan	Stainless steel hot-rolled flat products (SSHR)		08-10-2020
R758	Taiwan	Tubes and pipe fittings of stainless steel (butt-welding fittings)		28-01-2017
R692	Thailand	Malleable tube fittings (threaded, of cast iron)(MTF)		15-05-2013
R695	Thailand	Sweet corn (prepared or preserved in kernels)		21-06-2007
AD649	Trinidad & Tobago	Urea and ammonium nitrate (UAN)		10-10-2019
AD684	Türkiye	Ceramic tiles		11-02-2023
AD682	Türkiye	Corrosion resistant steels		13-08-2022
AD665	Türkiye	Hot rolled flat products (HRFS)		07-07-2021
R723	United States of America	Biodiesel		13-03-2009
R723	United States of America	Biodiesel	Canada	12-05-2011
R728	United States of America	Grain oriented flat-rolled products of silicon electrical steel (GOES)		31-10-2015
AD671	United States of America	Mono Ethylene Glycol (MEG)		16-11-2021
AD649	United States of America	Urea and ammonium nitrate (UAN)		10-10-2019

## **ANNEX P**

### **Definitive anti-subsidy measures in force on 31 December 2023**

#### A. Ranked by product (alphabetical)

Case no.	Product name	Country	Extensi on	Entry into force date
AS675	Aluminium converter foil	People's Republic of China		23-12-2021
AS646	Bicycles (electric)	People's Republic of China		19-01-2019
AS644	Biodiesel	Argentina		13-02-2019
AS650	Biodiesel	Indonesia		10-12-2019
R724	Biodiesel	United States of America	Canada	12-05-2011
R724	Biodiesel	United States of America		11-07-2009
R776	Coated fine paper	People's Republic of China		15-05-2011
R737	Ductile pipes (tubes and pipes of ductile cast iron)	India		19-03-2016
AS657	Glass fibre reinforcements (GFR)	Egypt		26-06-2020
R708	Glass fibre reinforcements (GFR)	People's Republic of China		24-12-2014
AS656	Glass fibre woven fabrics (GFF)	Egypt		16-06-2020
R756	Glass fibre woven fabrics (GFF)	Egypt	Türkiye	09-09-2022
AS656	Glass fibre woven fabrics (GFF)	People's Republic of China		16-06-2020



R740	Glass fibre woven fabrics (GFF)	People's Republic of China	Morocco	26-02-2022
R756	Glass fibre woven fabrics (GFF)	People's Republic of China	Türkiye	09-09-2022
R763	Graphite electrode systems	India		19-09-2004
R770	Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China		10-06-2017
AS67 7	Optical fibre cables (OFC)	People's Republic of China		20-01-2022
R686	Organic coated steel products (certain)	People's Republic of China		16-03-2013
R694	PET (Polyethylene terephthalate)	India		01-12-2000
R702	Solar glass	People's Republic of China		15-05-2014
AS67 8	Stainless steel cold-rolled flat products	India		17-03-2022
AS67 8	Stainless steel cold-rolled flat products	Indonesia		17-03-2022
R720	Trout (Rainbow)	Türkiye		28-02-2015
AS64 1	Tyres for buses or lorries (new and retreaded)	People's Republic of China		13-11-2018

#### B. Ranked by country (alphabetical)

Case no.	Product name	Country	Extension	Entry into force date
AS64 4	Biodiesel	Argentina		13-02-2019
AS65 7	Glass fibre reinforcements (GFR)	Egypt		26-06-2020

AS65 6	Glass fibre woven fabrics (GFF)	Egypt		16-06- 2020
R756	Glass fibre woven fabrics (GFF)	Egypt	Türkiye	09-09- 2022
R737	Ductile pipes (tubes and pipes of ductile cast iron)	India		19-03- 2016
R763	Graphite electrode systems	India		19-09- 2004
R694	PET (Polyethylene terephthalate)	India		01-12- 2000
AS67 8	Stainless steel cold-rolled flat products	India		17-03- 2022
AS65 0	Biodiesel	Indonesia		10-12- 2019
AS67 8	Stainless steel cold-rolled flat products	Indonesia		17-03- 2022
AS67 5	Aluminium converter foil	People's Republic of China		23-12- 2021
AS64 6	Bicycles (electric)	People's Republic of China		19-01- 2019
R776	Coated fine paper	People's Republic of China		15-05- 2011
R708	Glass fibre reinforcements (GFR)	People's Republic of China		24-12- 2014
AS65 6	Glass fibre woven fabrics (GFF)	People's Republic of China		16-06- 2020
R740	Glass fibre woven fabrics (GFF)	People's Republic of China	Morocco	26-02- 2022
R756	Glass fibre woven fabrics (GFF)	People's Republic of China	Türkiye	09-09- 2022

R770	Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China		10-06-2017
AS677	Optical fibre cables (OFC)	People's Republic of China		20-01-2022
R686	Organic coated steel products (certain)	People's Republic of China		16-03-2013
R702	Solar glass	People's Republic of China		15-05-2014
AS641	Tyres for buses or lorries (new and retreaded)	People's Republic of China		13-11-2018
R720	Trout (Rainbow)	Türkiye		28-02-2015
R724	Biodiesel	United States of America	Canada	12-05-2011
R724	Biodiesel	United States of America		11-07-2009

## **ANNEX Q**

### **Undertakings in force on 31 December 2023**

#### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Biodiesel	Argentina	Undertakings	COMMISSION IMPLEMENTING DECISION (EU) 2019/245  of 11 February 2019	12.2.2019 L40/71 [AS644]
Citric acid	People's Republic of China	Undertakings	COMMISSION DECISION of 2 December 2008 02.12.2008	03.12.2008 L323/62 [AD522]

#### B. Ranked by country (alphabetical)

<b>Origin</b>	<b>Product</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Argentina	Biodiesel	Undertakings	COMMISSION IMPLEMENTING DECISION (EU) 2019/245  of 11 February 2019	12.2.2019 L40/71 [AS644]
People's Republic of China	Citric acid	Undertakings	COMMISSION DECISION of 2 December 2008 02.12.2008	03.12.2008 L323/62 [AD522]

## **ANNEX R**

### **Anti-dumping & anti-subsidy investigations pending on 31 December 2023**

#### A. New investigations (ranked by product - in alphabetical order)

<b>Case no.</b>	<b>Product name</b>	<b>Initiation date</b>	<b>Instrument</b>	<b>Country</b>
AD694	Alkyl Phosphate Esters (certain)	11-08-2023	AD	People's Republic of China
AS701	Alkyl Phosphate Esters (certain)	21-12-2023	AS	People's Republic of China
AD700	Biodiesel	20-12-2023	AD	People's Republic of China
AD691	Bulb flat	14-11-2022	AD	Türkiye
AD691	Bulb flat	14-11-2022	AD	People's Republic of China
AD692	Electrolytic manganese dioxides (certain)	16-02-2023	AD	People's Republic of China
AD699	Erythritol	21-11-2023	AD	People's Republic of China
AD698	Mobile access equipment	13-11-2023	AD	People's Republic of China
AS689	New battery electric vehicles for passengers	04-10-2023	AS	People's Republic of China
AD695	Optical fibre cables (OFC)	16-11-2023	AD	India
AD693	Polyethylene terephthalate (PET)	30-03-2023	AD	People's Republic of China
AD697	Polyvinyl Chloride	15-11-2023	AD	Egypt
AD69	Polyvinyl Chloride	15-11-2023	AD	United States of

7				America
AD69 6	Titanium dioxide	13-11-2023	AD	People's Republic of China

B. Review investigations (ranked by product - in alphabetical order)

Case no.	Product name	Initiation date	Instrument	Country	Extension
R800	Biodiesel	17-08-2023	AS	Indonesia	People's Republic of China
R800	Biodiesel	17-08-2023	AS	Indonesia	United Kingdom
R799	Birch plywood	22-08-2023	AD	Russian Federation	Türkiye
R799	Birch plywood	22-08-2023	AD	Russian Federation	Kazakhstan
R788	Cast iron articles (certain)	27-01-2023	AD	People's Republic of China	
R782	Ceramic tiles	22-11-2022	AD	People's Republic of China	
R790	Corrosion resistant steel (CRS)	08-02-2023	AD	People's Republic of China	
R781	Glass fibre open mesh fabrics	04-11-2022	AD	People's Republic of China	
R783	Hand pallet trucks	29-11-2022	AD	People's Republic of China	
Safe008 a	Indica rice	19-01-2023	SFG	Myanmar	
Safe008 a	Indica rice	19-01-2023	SFG	Cambodia	
R803	Lever arch mechanisms	08-11-2023	AD	People's Republic of China	

R808	Melamine	20-12-2023	AD	People's Republic of China	
R795	Oxalic acid	30-06-2023	AD	People's Republic of China	
R795	Oxalic acid	30-06-2023	AD	India	
R801	Seamless pipes and tubes of iron or steel	02-10-2023	AD	Russian Federation	
R792	Seamless pipes and tubes of iron or steel (certain)	03-03-2023	AD	People's Republic of China	
R797	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AD	Indonesia	Vietnam
R798	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AS	Indonesia	Türkiye
R797	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AD	Indonesia	Taiwan
R798	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AS	Indonesia	Taiwan
R798	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AS	Indonesia	Vietnam
R797	Stainless steel cold-rolled flat products (SSCR)	14-08-2023	AD	Indonesia	Türkiye
R793	Steel ropes and cables	14-04-2023	AD	People's Republic of China	
R529a	Tartaric acid	07-09-2017	AD	People's Republic of China	
R802	Tyres for buses or lorries (new and retreaded)	20-10-2023	AD	People's Republic of China	
R804	Tyres for buses or lorries (new and retreaded)	10-11-2023	AS	People's Republic of China	
R806	Tyres for buses or lorries (new and retreaded)	15-12-2023	AS	People's Republic of China	
R805	Tyres for buses or lorries (new and retreaded)	15-12-2023	AD	People's Republic of China	

## **ANNEX S**

### **Court cases**

#### A. Court cases pending before the Court of Justice of the European Union and the General Court on 31 December 2023

<b>Court of Justice</b>	
C-412/22	Autoridade Tributária e Aduaneira (request for preliminary ruling)
C-517/22 P	Eurobolt B.V. and Others
C-688/22 P	Methanol Holdings (Trinidad) v Commission (appeal against T-744/19)
C-725/22 P	Nevinnomyssky "Azot" and NAK "Azot" v Commission (appeal against T-865/19)
C-95/23 P	Euranimi v Commission (appeal against T-769/21)
C-112/23 P	Pelita Agung Agrindustri and Permata Hijau Palm Oleo v Commission (appeal against T-143/20)
C-252/23 P	Euranimi v Commission
C-261/23 P	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission (appeal against T-301/20)
C-269/23 P	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission (appeal against T-480/20)
C-272/23 P	Jushi Egypt for Fiberglass Industry v Commission (appeal against T-540/20)
C-554/23 P	Fertilizers Europe v Nevinnomysskiy Azot and NAK "Azot" (appeal against T-126/21)



C-568/23 P	Commission v Nevinnomysskiy Azot and NAK "Azot" (appeal against T-126/21)
C-772/23 P	Euranimi vs European Commission (appeal against T-598/21)
<b>General Court</b>	
T-733/19	Zhejiang Sunflower Light Energy Science & Technology LTD and Sunowe Solar GmbH c/ Commission
T-403/20	Wuxi Suntech Power v Commission
T-660/20	Zhejiang Beyondsun Green Energy Technology v Commission
T-762/20	Sinopec Chongqing SVW Chemical and Others v Commission
T-763/20	Inner Mongolia Shuangxin Environment-Friendly Material v Commission
T-764/20	Anhui Wanwei Updated High-Tech Material Industry and Inner Mongolia Mengwei Technology v Commission
T-629/21	Ereğli Demir ve Çelik Fabrikaları and Others v Commission
T-630/21	Çolakoğlu Metalurji and Çolakoğlu Dış Ticaret v Commission
T-2/22	Sveza Verkhnyaya Sinyachikha and others v Commission
T-3/22	ZHPLK v Commission
T-32/22	Vyatsky Plywood Mill / Commission
T-245/22	PGTEX Morocco v Commission
T-246/22	PGTEX Morocco v Commission
T-263/22	CCCME v Commission
T-348/22	PT Indonesia Ruipu Nickel and Chrome Alloy v Commission
T-356/22	LG Chem, Ltd v Commission
T-445/22	Columbus Stainless v Commission
T-122/23	Ege İhracatçıları Birliği and Others v Commission
T-165/23	Arkema France v Commission
T-176/23	PT Musim Mas v Commission
T-187/23	PT Permata Hijau Palm Oleo and PT Nubika Jaya v Commission

T-199/23	Hansol Paper v Commission
T-230/23	Hitit Seramik v Commission
T-231/23	Akgün Seramik and Others v Commission
T-378/23	Marcegaglia Specialties v Commission
T-379/23	Çolakoğlu Metalurji v Commission

B. Judgments, orders or other decisions rendered in 2023

<b>Court of Justice</b>	
C-439/20 P	Commission v Jiangsu Seraphim Solar System (appeal against T-110/17)
C-441/20 P	Council v Jiangsu Seraphim Solar System and Commission (appeal against T-110/17)
C-123/21 P	Changmao Biochemical Engineering v Commission (appeal against T-541/18)
C-478/21P	China Chamber of Commerce for Import and Export of Machinery and Electronic Products and Others v Commission (appeal against T-254/18)
C-747/21P	PAO Severstal v Commission (appeal against T-753/16)
C-748/21P	NLMK v Commission (appeal against T-752/16)
C-268/22	Vitol (request for preliminary ruling)
C-467/22 P	Airoldi Metalli v Commission (appeal against T-328/21)
C-764/22 P	Airoldi Metalli v Commission (appeal against T-1/22)
C-140/23 P(I)	Euranimi v Commission
C-257/23 P	Hansol Paper Co., Ltd. v Commission (appeal against T-693/20)
<b>General Court</b>	
T-500/17RENV	Hubei Xinyegang Special Tube v Commission
T-781/17	Kraftpojkarna v Commission

T-782/17	Wuxi Saijing Solar v Commission
T-301/20	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission
T-480/20	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission
T-540/20	Jushi Egypt v Commission
T-693/20	Hansol Paper v Commission
T-126/21	Nevinnomysskiy Azot and NAK "Azot" v Commission
T-326/21	Guangdong Haomei New Materials and Guangdong King Metal Light Alloy Technology v Commission
T-598/21	Euranimi v Commission
T-748/21	Hangzhou Dingsheng Industrial Group e.a. v Commission
T-81/22	Euranimi v Commission
T-781/21	EAA v Commission
T-782/21	EAA v Commission

## **ANNEX T**

### **Safeguard and surveillance measures in force on 31 December 2023**

#### A. Safeguard measures

<b>List of safeguard measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Steel products	Erga Omnes (ext)	12.01.2023	13.01.2023 L 12/7 [Safe009DSI]

#### B. Surveillance measures

<b>List of surveillance measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Renewable ethanol for fuel	all	(EU) 2023/1777	L 228/247

## **Annex U**

### **Third country cases against the EU**

#### **Investigations initiated during 2023**

<b>Country</b>	<b>Product</b>	<b>Instrument</b>	<b>Initiation Date</b>	<b>Exporting MS</b>
India	Sodium Cyanide	AD	31-03-2023	Germany
India	Low Ash Metallurgical Coke	SG	30-06-2023	Germany, Spain, Italy, Cyprus, Netherlands, Poland, Portugal
Indonesia	Artificial filament yarn	SG	27-10-2023	
Indonesia	Cotton yarn	SG	27-10-2023	
Indonesia	Woven fabrics of artificial filament yarn	SG	27-10-2023	
Indonesia	Slag-wool, rock-wool and similar mineral wools, incl. intermixtures thereof, in bulk, sheets or rolls	SG	25-07-2023	
Indonesia	Cotton fabric	SG	27-10-2023	
Madagascar	Napkins and diapers	SG	25-10-2023	
Madagascar	Concentrated milk	SG	11-02-2023	
Madagascar	Flour	SG	18-02-2023	
Madagascar	Woven sacks and sheaths of polypropylene	SG	27-12-2023	
Philippines	Liquefied Petroleum Gas (LPG)	SG	29-03-	Denmark, Germany, France,

	cylinders		2023	Latvia
Türkiye	Fabrics, impregnated, coated, covered or laminated with polyurethane, imitation leather/others	AD	25-01-2023	
Türkiye	Woven Fabrics of Synthetic Filament Yarn and Woven Fabrics of Synthetic and Artificial Stable Fibers	AD	24-01-2023	
Türkiye	hot rolled bars and rods	SG	03-11-2023	Belgium, Germany, Spain, France, Italy, Netherlands, Austria, Romania
Türkiye	solar panels	AD	25-11-2023	Croatia
United States	Paper shopping bags	AD	20-06-2023	Portugal
United States	aluminium extrusions	AD	25-10-2023	Italy
United States	Tin mill products	AD	07-02-2023	Germany, Netherlands
United States	Mattresses	AD	01-08-2023	Spain, Italy, Poland, Slovenia, Bulgaria

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### Measures imposed during 2023

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Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Gulf Cooperation Council	Super absorbent polymer (SAP)	AD	Definitive	04-03-2023	Belgium, France
India	Isopropyl alcohol	SG	Definitive	01-04-2023	Belgium, Germany, Spain, Ireland, Italy, Netherlands, Poland, Portugal, Slovenia
Madagascar	Flour	SG	Definitive	24-10-2023	
Madagascar	Concentrated milk	SG	Definitive	16-09-2023	
Madagascar	Water and oil paints	SG	Definitive	01-11-2023	
Mexico	Steel beams (H and I)	AD	Definitive	25-02-2023	Germany, Spain
Philippines	Liquefied Petroleum Gas (LPG) cylinders	SG	Provisional	29-11-2023	Denmark, Germany, France, Latvia
South Africa	Frozen potato chips	AD	Definitive	17-05-2023	Belgium, Germany, Netherlands
Tunisia	wire of iron or non-alloy steel for springs.	SG	Definitive	30-11-2023	Belgium, Italy, Portugal
Türkiye	hot rolled bars and rods	SG	Provisional	31-12-2023	Belgium, Germany, Spain, France, Italy, Netherlands, Austria, Romania
United States	certain preserved mushrooms	AD	Definitive	23-05-2023	Spain, France, Netherlands, Poland

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## Measures in Force

At 31-12-2023

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Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Argentina	Sodium Benzoate	AD	Definitive	01-11-2022	Netherlands
Argentina	Radiators	AD	Definitive	22-11-2019	Spain, Italy
Argentina	Electrical terminals	AD	Definitive	02-04-2009	Germany
Argentina	Straight handsaw blades	AD	Definitive	21-02-2008	Sweden
Argentina	Certain boilers	AD	Definitive	26-03-2020	Italy, Slovakia
Australia	Ammonium nitrate	AD	Definitive	29-05-2019	Sweden
Australia	Railway wheels	AD	Definitive	12-07-2019	France
Australia	A4 Copy paper	AD	Definitive	02-04-2019	Austria, Slovakia, Finland
Australia	Steel reinforcing bar	AD	Definitive	08-03-2018	Greece, Spain
Australia	Chrome bars	AD	Definitive	08-09-2016	Romania
Australia	Q&T Steel Plate	AD	Definitive	05-11-2014	Finland, Sweden
Australia	Steel Reinforcing Bar	AD	Definitive	19-11-2015	Spain
Brazil	Silicon electrical steel	AD	Definitive	12-07-2019	Germany
Brazil	Monobutyl ethers of	AD	Definitive	22-04-	Germany



	ethylene glycol			2016	
Brazil	Frozen fries	AD	Definitive	17-02-2017	Belgium, Germany, France, Netherlands
Brazil	Ethanolamines and triethanolamines	AD	Definitive	04-11-2013	Germany
Brazil	Adipic Acid	AD	Definitive	01-04-2015	Germany, France, Italy
Brazil	Ethylene glycol monobutyl ether	AD	Definitive	22-08-2022	France
Brazil	Plastic Tubes for Blood Collection	AD	Definitive	30-04-2015	Germany, United Kingdom
Brazil	Elastomeric rubber pipes	AD	Definitive	22-06-2015	Germany, Italy
Brazil	Nitrile Rubber	AD	Definitive	13-08-2018	France
Brazil	Laminated steel	AD	Definitive	04-10-2013	Germany, Finland
Brazil	Offset printing plates	AD	Definitive	05-03-2015	Belgium, Germany, United Kingdom
Canada	Refined sugar	AD	Definitive	06-11-1995	Denmark, Germany, Netherlands, United Kingdom
Canada	Wheat gluten	AD	Definitive	23-04-2021	Belgium, Germany, France, Lithuania, Austria
Canada	Refined sugar	CVD	Definitive	06-11-1995	European Union of 15
Canada	Certain hot-rolled carbon steel heavy plate and high-strength low-	AD	Definitive	05-02-2021	Germany

	alloy steel heavy plate				
Canada	Concrete reinforcing bar	AD	Definitive	04-06-2021	Italy
Canada	Steel plate	AD	Definitive	04-06-2014	Denmark, Italy
Canada	Concrete reinforcing bar	AD	Definitive	04-05-2017	Spain, Portugal
Canada	Copper tubes	AD	Definitive	02-01-2014	Greece
Canada	Hot-rolled carbon steel plate and high-strength low-alloy steel plate	AD	Definitive	09-01-2004	Czech Republic, Bulgaria, Romania
China	Dispersion Unshifted Single-mode Optical Fiber	AD	Definitive	22-04-2011	Denmark, Germany, France, Italy, Netherlands
China	Chloroprene Rubber	AD	Definitive	10-05-2005	Germany, France, European Union of 15
China	Perchlorethylene	AD	Definitive	30-05-2014	Germany, France
China	Unbleached sack paper	AD	Definitive	09-04-2016	Austria, Finland, Sweden, Bulgaria
China	Grain oriented flat-rolled steel (GOES)	AD	Definitive	23-07-2016	Germany, Poland, United Kingdom
China	halogenated butyl rubber	AD	Definitive	20-08-2018	Belgium, United Kingdom
China	Toluidine	AD	Definitive	13-03-2013	Germany
China	meta-Cresol	AD	Definitive	15-01-2021	Belgium, Denmark, Germany, Spain,

					France, Ireland, Netherlands
China	Alloy Seamless Tubes	AD	Definitive	10-05-2014	Germany, France, Italy
China	Ethylene Glycol Monobutyl Ether	AD	Definitive	25-01-2013	Germany, France, Sweden
China	EPDM	AD	Definitive	20-12-2020	Belgium, Germany
China	Potato Starch	CVD	Definitive	17-09-2011	Germany, France, Netherlands
China	Polyamide-6 (PA6)	AD	Definitive	22-04-2010	Belgium, Germany, Italy, Netherlands, Poland
China	Certain iron or steel fasteners	AD	Definitive	29-06-2010	Germany, Spain, France, Italy, Netherlands, Poland, Sweden, United Kingdom
China	Phenol	AD	Definitive	06-09-2019	Belgium, Denmark, Germany, Spain, France
China	Stainless Steel Billet and Hot-rolled Stainless Steel Plate (Coil)	AD	Definitive	23-07-2019	Belgium, Czech Republic, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, , Hungary, Netherlands, Austria, Poland, Slovenia,

						Slovakia, Finland, Sweden, United Kingdom
China	Potato Starch	AD	Definitive	06-02- 2007		Germany, France, Netherlands
China	Photographic paper	AD	Definitive	23-03- 2012		Netherlands, United Kingdom
Colombia	Frozen fries	AD	Definitive	09-11- 2018		Belgium, Germany, Netherlands
Egypt	Raw aluminium (Ingots, Billets & Wire Rod)	SG	Definitive	15-04- 2021		Spain
Egypt	Edam and Gouda Cheese	AD	Definitive	10-01- 2022		Netherlands
Eurasian Economic Union	Herbicides	AD	Definitive	18-06- 2019		Belgium, Germany, France
Gulf Cooperation Council	Super absorbent polymer (SAP)	AD	Definitive	04-03- 2023		Belgium, France
Gulf Cooperation Council	Uncoated paper or paperboard in rols or sheets (other than Containerboard)	AD	Definitive	01-05- 2019		Spain, Italy, Poland
India	2-Ethyl Hexanol	AD	Definitive	29-03- 2016		Germany
India	Acetone	AD	Definitive	11-03- 2008		Belgium, Spain, Italy
India	Isopropyl alcohol	SG	Definitive	01-04- 2023		Belgium, Germany, Spain, Ireland, Italy, Netherlands, Poland, Portugal, Slovenia

India	Toluene Di-Isocyanate	AD	Definitive	02-12-2020	Belgium, Czech Republic, Germany, Greece, Spain, Italy, Latvia, Hungary, Netherlands, Poland, Portugal, United Kingdom
India	Methylene Chloride	AD	Definitive	21-05-2014	Belgium, Germany, Spain, France, Italy, Netherlands, Portugal, United Kingdom
India	Normal Butanol or N-Butyl Alcohol	AD	Definitive	19-02-2016	Germany
Indonesia	Curtains (Including Drapes), Interior Blinds, Bed Valances, and Other Furnishing Articles	SG	Definitive	27-05-2020	Belgium, Denmark, Germany, Greece, Spain, France, Italy, Netherlands, Poland, Portugal, Sweden
Indonesia	Carpets	SG	Definitive	17-02-2021	Belgium, Czech Republic, Denmark, Germany, Spain, France, Ireland, Italy, Netherlands, Austria, Poland, Portugal, Finland, Sweden,

					Bulgaria, Romania
Indonesia	Fructose syrup	SG	Definitive	17-09-2020	France, Netherlands
					Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg , Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, Bulgaria, Romania, Croatia
Indonesia	Articles of Apparel	SG	Definitive	12-11-2021	
					Belgium, Germany, Spain, Italy, Netherlands, Austria, Sweden, Romania
Indonesia	Yarn (other than sewing thread) of synthetic and artificial staple fibres)	SG	Definitive	27-05-2020	
					Belgium, Czech Republic, Denmark, Germany, Greece, Spain,
Indonesia	Cotton; Man- Made Filaments; Man-Made Staple Fibres; Special Woven Fabrics; Knitted or Crocheted	SG	Definitive	27-05-2020	

	Fabrics				France, Ireland, Italy, Latvia, Lithuania, Luxembourg , Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, Bulgaria, Romania, Croatia
Indonesia	Cigarette Paper	SG	Definitive	30-11- 2021	Czech Republic, Denmark, Germany, Spain, France, Lithuania, Hungary, Netherlands, Austria, Poland
Indonesia	Evaporators	SG	Definitive	11-01- 2020	Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg , Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia,

					Slovakia, Finland, Sweden, Romania, Croatia
Indonesia	Ceramic tiles and mosaic	SG	Definitive	12-10- 2018	Germany, Spain, France, Italy, Netherlands
Indonesia	H and I sections of other alloy steel	SG	Definitive	21-01- 2015	France, Italy, Netherlands, Sweden
Indonesia	Expansible polystyrene	SG	Definitive	24-12- 2021	Spain, Italy
Korea/South	Stainless steel bar	AD	Definitive	30-07- 2004	Spain
Korea/South	Stainless steel bar	AD	Definitive	22-02- 2019	Italy
Korea/South	Butyl Glycol Ether	AD	Definitive	06-12- 2016	France
Korea/South	Coated printing paper	AD	Definitive	22-07- 2018	Finland
Lebanon	corn flakes, rice and roasted wheat	AD	Definitive	26-09- 2019	Germany, France, Poland
Madagascar	Water and oil paints	SG	Definitive	01-11- 2023	
Madagascar	blankets and travelling rugs	SG	Definitive	31-08- 2021	Belgium, France, Poland
Madagascar	detergents	SG	Definitive	31-08- 2021	France
Madagascar	Flour	SG	Definitive	24-10- 2023	
Madagascar	Pasta	SG	Definitive	01-08- 2019	Spain, France, Italy
Madagascar	Edible vegetable oils and	SG	Definitive	31-08- 2020	



	margarines				
Madagascar	Concentrated milk	SG	Definitive	16-09-2023	
Mexico	Steel pipes	AD	Definitive	04-04-2018	Spain
Mexico	Steel plate	AD	Definitive	01-05-2019	Italy
Mexico	Hot rolled steel coils	AD	Definitive	23-12-2015	Germany, France
Mexico	Steel plate produced in Romania	AD	Definitive	22-09-2005	
Mexico	Stranded wire ropes & cables	AD	Definitive	27-02-2016	Spain, Portugal
Mexico	Steel beams (H and I)	AD	Definitive	25-02-2023	Germany, Spain
Morocco	Hot rolled steel sheets (tôles d'acier laminées à chaud enroulées ou non enroulées)	SG	Definitive	19-06-2020	
Morocco	Cold rolled steel sheets and plated or coated sheets	SG	Definitive	07-09-2015	Spain
Morocco	Insulin	AD	Definitive	28-10-2014	Denmark
Morocco	PVC	AD	Definitive	14-07-2017	Belgium, Germany, Spain, France, Portugal
Morocco	Tubes and pipes iron or steel (Tubes et tuyaux en fer ou en acier)	SG	Definitive	06-11-2020	
Morocco	Wooden panels (Panneaux de bois revetus)	SG	Definitive	20-09-2019	

	(PBR))				
New Zealand	Preserved peaches	AD	Definitive	04-08-2011	Spain
New Zealand	Canned peaches	AD	Definitive	09-03-1998	Greece
Pakistan	Hydrogen Peroxide	AD	Definitive	15-07-2011	Belgium
Pakistan	CR Coils/Sheets	AD	Definitive	03-02-2022	Belgium, Germany, Spain, France, Italy, Cyprus, Netherlands, Finland, Sweden
Philippines	High-Density Polyethylene and Linear Low-Density Polyethylene pellets and granules	SG	Definitive	27-10-2022	Belgium, Czech Republic, Denmark, Germany, Spain, France, Italy, Latvia, Lithuania, Netherlands, Austria, Finland, Sweden
Philippines	Liquefied Petroleum Gas (LPG) cylinders	SG	Provisional	29-11-2023	Denmark, Germany, France, Latvia
SACU	Pasta	AD	Definitive	17-03-2022	Latvia, Lithuania
South Africa	screws made of steel with hexagon heads	SG	Definitive	03-02-2019	Belgium, Germany, France, Italy, Netherlands
South Africa	Frozen chicken	AD	Definitive	27-02-2015	Germany, Netherlands, United Kingdom
South Africa	Frozen potato	AD	Definitive	17-05-	Belgium, Germany,

	chips			2023	Netherlands
South Africa	Bolt ends & screw studs, screw studding and other hexagonal nuts	SG	Definitive	24-07-2020	Denmark, Germany, France, Hungary, Netherlands, Croatia
South Africa	bolts with hexagon heads of iron or steel 7318.15.43 (different product from SFG Threaded fasteners 2019)	SG	Definitive	10-12-2021	Belgium, Denmark, Germany, France, Hungary, Netherlands, Croatia
South Africa	Ropes & cables of iron or steel	AD	Definitive	28-08-2002	Germany, United Kingdom
South Africa	Frozen bone-in portion of fowls of gallus domesticus	AD	Definitive	01-08-2022	Denmark, Spain, Ireland, Poland
Thailand	Hot-rolled flat in coils and not in coils	AD	Definitive	27-05-2003	Slovakia, Romania
Thailand	tin free steel	AD	Definitive	13-11-2021	Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands
Thailand	Tinplate	AD	Definitive	13-11-2021	Belgium, Germany, Spain, France, Netherlands
Tunisia	wire of iron or non-alloy steel for springs.	SG	Definitive	30-11-2023	Belgium, Italy, Portugal
Türkiye	Polyvinyl chloride (PVC)	AD	Definitive	06-02-2003	Belgium, Germany, Greece, Italy,

					Hungary, Netherlands, Finland, Romania
Türkiye	Fittings	AD	Definitive	07-09-2006	Spain
Türkiye	Woven fabrics of yarn and fibres. Anti circumvention investigation.	AD	Definitive	07-05-2019	Greece
Türkiye	Laminated flooring	AD	Definitive	13-06-2015	Germany
Türkiye	Wall paper	SG	Definitive	06-08-2015	Belgium, Germany, Italy, United Kingdom
Türkiye	AC woven fabriccs of synthetic filament yarn	AD	Definitive	22-08-2015	Bulgaria
Türkiye	Sodium Percarbonate	AD	Definitive	02-03-2018	Germany, Sweden
Türkiye	Toothbrushes	SG	Definitive	03-02-2018	Germany, Netherlands, Sweden
Türkiye	Electrical water heaters	AD	Definitive	19-09-2013	Italy
Türkiye	Tubes and pipes of refined copper	AD	Definitive	17-10-2017	Greece
Türkiye	woven fabrics of synthetic and artificial staple fibres	AD	Definitive	22-08-2015	Poland, Bulgaria
Türkiye	Polyurethane artificial leather	AD	Definitive	15-06-2022	Greece
Türkiye	Hot rolled steel alloy and non-alloy	AD	Definitive	07-07-2022	Belgium, Germany, Spain, France, Italy, Netherlands,

						Romania
Türkiye	Grinding balls	SG	Definitive	27-07-2022		Germany, Spain, France, Netherlands, Bulgaria
Türkiye	Poly(ethylene terephthalate) - PET	SG	Definitive	13-12-2020		Germany, Greece, Spain, Italy
Türkiye	yarn of polyamides and other nylon	SG	Definitive	21-11-2019		Germany, Italy, Poland, Slovakia
Türkiye	Synthetic staple fibres of polyesters	SG	Definitive	24-09-2021		Czech Republic, Ireland, Poland, Bulgaria, Romania
Türkiye	hot rolled bars and rods	SG	Provisional	31-12-2023		Belgium, Germany, Spain, France, Italy, Netherlands, Austria, Romania
Ukraine	Rubber plugs	AD	Definitive	20-05-2019		Poland
Ukraine	Sulphuric acid and oleum	SG	Definitive	01-09-2018		Germany
Ukraine	Fresh Cut Roses	SG	Definitive	21-04-2021		Netherlands
United Kingdom	Certain steel products	SG	Definitive	01-07-2021		
United States	Steel concrete reinforcing bars x752	AD	Definitive	07-09-2001		Poland
United States	Pasta	CVD	Definitive	24-07-1996		Italy
United States	Pasta	AD	Definitive	24-07-1996		Italy

United States	Seamless line and pressure pipe	AD	Definitive	03-08-1995	Germany
United States	Uncoated paper	AD	Definitive	20-01-2016	Portugal
United States	Corrosion-resistant steel	AD	Definitive	15-07-2016	Italy
United States	Corrosion-resistant steel	CVD	Definitive	15-09-2016	Italy
United States	Seamless pipe small diameter	AD	Definitive	11-10-2011	Romania
United States	Certain hot-rolled steel flat products	AD	Definitive	12-09-2016	Netherlands, United Kingdom
United States	Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel	AD	Definitive	16-04-2018	Germany, Italy
United States	Carbon & alloy steel cut to length plate	AD	Definitive	05-05-2017	Belgium, Germany, France, Italy, Austria
United States	Finished Carbon Steel Flanges	AD	Definitive	29-07-2017	Spain, Italy
United States	crystalline silicon photovoltaic (CSPV) cells (whether or not partially or fully assembled into other products)	SG	Definitive	07-02-2018	Germany, Italy
United States	citric acid, sodium citrate, and potassium citrate (also in blends under HS 382499)	AD	Definitive	25-07-2018	Belgium
United States	Emulsion styrene-butadiene	AD	Definitive	12-09-2017	Poland

	rubber (ESB rubber)				
United States	Certain carbon and alloy steel wire rod	CVD	Definitive	19-03-2018	Italy
United States	Ripe Olives	AD	Definitive	01-08-2018	Spain
United States	Stainless steel butt-weld pipe fittings	AD	Definitive	23-02-2001	Italy
United States	Strontium Chromate	AD	Definitive	08-10-2019	France, Austria
United States	Certain carbon and alloy steel wire rod	AD	Definitive	20-03-2018	Spain, Italy, United Kingdom
United States	Non-oriented electrical steel	AD	Definitive	18-11-2014	Germany, Sweden
United States	Forged steel fittings	AD	Definitive	05-10-2018	Italy
United States	Large Diameter Welded Pipes	AD	Definitive	27-02-2019	Greece
United States	common alloy aluminum sheet	AD	Definitive	27-04-2021	Germany, Greece, Spain, Italy, Slovenia, Romania, Croatia
United States	Prestressed Concrete Steel Wire Strand	AD	Definitive	09-04-2021	Spain, Italy, Netherlands
United States	Forged Steel Fluid End Blocks	AD	Definitive	28-01-2021	Germany, Italy
United States	Utility Scale Wind towers	AD	Definitive	16-08-2021	Spain
United States	Forged Steel Fluid End Blocks	CVD	Definitive	28-01-2021	Germany, Italy
United States	Methionine	AD	Definitive	23-07-2021	Spain, France

United States	Thermal paper	AD	Definitive	30-09-2021	Germany, Spain
United States	certain preserved mushrooms	AD	Definitive	23-05-2023	Spain, France, Netherlands, Poland
United States	Stainless steel plates in coils	AD	Definitive	21-05-1999	Belgium
United States	Sodium Nitrite	AD	Definitive	27-08-2008	Germany
United States	Seamless pipe	AD	Definitive	04-03-1997	Germany
United States	Brass sheet & strip	AD	Definitive	06-03-1987	Germany, France, Italy
United States	Chlorinated isocyanurates	AD	Definitive	24-06-2005	Spain
United States	acetone	AD	Definitive	20-12-2019	Belgium, Spain
United States	Ripe olives	CVD	Definitive	01-08-2018	Spain
Viet Nam	semi-finished and finished products of alloy&non-alloy steel	SG	Definitive	02-08-2016	