

## 駐歐盟兼駐比利時代表處經濟組 函

受文者：經濟部國際貿易署

發文日期：中華民國113年12月19日

發文字號：比貿字第1130000698號

速別：普通件

密等及解密條件或保密期限：

附件：如文（比貿1130000698\_Attach1.pdf、比貿1130000698\_Attach2.pdf、比貿1130000698\_Attach3.pdf、比貿1130000698\_Attach4.pdf）

主旨：有關歐盟執委會通知對自我國及韓國進口之ABS樹脂  
(Acrylonitrile-Butadiene-Styrene Resin) 啟動反傾銷  
調查事，敬請查照。

說明：

- 一、依據本(113)年12月19日歐盟執委會貿易總署致本處函、電郵及歐盟執委會第C/2024/7490號官方公報(Official Journal of the European Union，如附件1至附件3)辦理。
- 二、歐盟前揭來函及公報綜整如次：
  - (一) 本案歐盟係於本年11月4日接獲國內產業提出書面申請，並於12月19日於第C/2024/7490號官方公報公告對自我國及韓國進口之ABS樹脂啟動反傾銷調查，產品稅則號列為CN code 3903 30 00。
  - (二) 本案傾銷及損害調查資料期間係自2023年10月1日至2024年9月30日止，至損害趨勢評估調查資料期間為2020年1月1日至本案審理完畢為止。



(三)有關我國出口業者(exporting producers)提交問卷及書面意見時限如次：

- 1、鑒於涉及本案之我國業者恐為數眾多，執委會可能採抽樣方式限縮受調業者，爰請所有出口製造商及/或公協會於本案公報發布7日內至[https://tron.trade.ec.europa.eu/tron/tdi/form/AD725\\_SAMPLING\\_FORM\\_FOR\\_EXPORTING\\_PRODUCER](https://tron.trade.ec.europa.eu/tron/tdi/form/AD725_SAMPLING_FORM_FOR_EXPORTING_PRODUCER)登錄廠商資料(依據歐方電郵說明，前述線上登錄系統將於布魯塞爾時間114年1月3日晚間11點59分關閉)。
- 2、另當執委會決定抽樣時，將通知經擇定抽樣之業者於接獲通知後30日內提交問卷，相關問卷資料可於本案官網(<https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>)下載，歐方並盼我方協助指定代表人(如公協會或律師事務所)，與執委會就抽樣之選擇進行合作。

(四)本案利害關係人表示意見及要求聽證(hearing)時限：

- 1、所有利害關係人得於公告後37日內就本案申請(包含損害及因果關係)及任何與啟動本案調查相關之事項提出評論意見。
- 2、與啟動本案調查相關之聽證要求須於本案公告後15日內提出。

(五)有關撰擬書面意見、傳遞問卷及通訊資料等注意事項：

- 1、所有提送資料應免於著作權保護；
- 2、機敏資料應標註「Sensitive」及保密理由，並提供非機密之摘要資訊；

3、請所有利害關係人透過TRON.tdi(<https://tron.trade.ec.europa.eu/tron/TDI>) 提交書面意見或相關請求，包括律師委任狀等。

(六)本案調查時程預計自公告日起1年內完成，最長不超過14個月。至臨時反傾銷措施一般而言將於本項公告發布後7個月內實施，最遲不超過8個月，執委會將另公布規章，指示會員國海關於調查早期階段針對自我國及韓國進口之ABS樹脂實施進口註冊。

(七)本案倘有出口製造商不充分配合之情事，執委會即可能僅依所知事實(facts available)對作出業者較不利之裁定。

(八)另倘歐方決定實施本案反傾銷措施，任何仍不為執委會所知悉之業者，將適用終判之其他稅率(residual duty)。

三、本案倘我方擬指定與執委會就抽樣進行合作之代表人，敬請惠告，以利轉知歐方。另檢送歐方提供致函我4家業者之信件(如附件4)，併請參考。

正本：經濟部國際貿易署

副本：電文  
交換  
2024/12/20  
16:42



**Notice of initiation of an anti-dumping proceeding concerning imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan**

(C/2024/7490)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(1)</sup> ('the basic Regulation'), alleging that imports of Acrylonitrile-Butadiene-Styrene Resins ('ABS'), originating in the Republic of Korea and Taiwan, are being dumped and are thereby causing injury to the Union industry <sup>(2)</sup>.

**1. Complaint**

The complaint was lodged on 4 November 2024 by INEOS Styrolution Switzerland SA, Versalis SpA, and Trinseo Europe GmbH ('the complainants'). The complaint was made by the Union industry of Acrylonitrile-Butadiene-Styrene Resins in the sense of Article 5(4) of the basic Regulation.

An open version of the complaint and the analysis of the degree of support by Union producers for the complaint are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

**2. Product under investigation**

The product subject to this investigation is Acrylonitrile-Butadiene-Styrene Resins, a thermoplastic copolymer consisting of acrylonitrile, butadiene, and styrene in different proportions, regardless of colour or any other physical or mechanical properties, whether or not further processed or treated to confer specific additional physical properties, with the Chemical Abstracts Service (CAS) number 9003-56-9 ('ABS' or 'the product under investigation').

All interested parties wishing to submit information on the product scope must do so within 10 days of the date of publication of this Notice <sup>(3)</sup>.

**3. Allegation of dumping**

The product allegedly being dumped is the product under investigation, originating in the Republic of Korea ('Korea') and Taiwan ('the countries concerned'), currently classified under CN code 3903 30 00. The CN code is given for information only and without prejudice to a subsequent change in the tariff classification. The scope of this investigation is subject to the definition of the product under investigation as contained in Section 2.

In the absence of domestic sales in the ordinary course of trade for the countries concerned, the allegation of dumping is based on a comparison of a constructed normal value (manufacturing costs, selling, general and administrative costs ('SG&A') and profit) with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

The dumping margins calculated on the basis of this comparison are significant for the countries concerned.

**4. Allegation of injury and causation**

The complainants provided evidence that imports of the product under investigation from the two countries concerned have increased overall in absolute terms and in terms of market share.

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

<sup>(2)</sup> The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 3(1) of the basic Regulation.

<sup>(3)</sup> References to the publication of this Notice mean publication of this Notice in the *Official Journal of the European Union*.

The evidence provided by the complainants shows that the volume and the prices of the imported product under investigation have had cumulatively, among other consequences, a negative impact on the quantities sold, the level of prices charged, and market share held by the Union industry, which decreased over the period considered, resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry.

## 5. Procedure

Having determined, after informing the Member States, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the countries concerned is being dumped and whether the dumped imports, have caused injury to the Union industry.

If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be in the Union interest under Article 21 of the basic Regulation.

### 5.1. Investigation period and period considered

The investigation of dumping and injury will cover the period from 1 October 2023 to 30 September 2024 ('the investigation period'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2020 to the end of the investigation period ('the period considered').

### 5.2. Comments on the complaint and the initiation of the investigation

All interested parties wishing to comment on the complaint (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the complaint) must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

### 5.3. Procedure for the determination of dumping

Exporting producers<sup>(4)</sup> of the product under investigation from the countries concerned are invited to participate in the Commission investigation.

#### 5.3.1. Investigating exporting producers

##### (a) Sampling

In view of the potentially large number of exporting producers in the countries concerned' involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are requested to provide the Commission with information on their company within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi ('TRON') at the following address: [https://tron.trade.ec.europa.eu/tron/tdi/form/AD725\\_SAMPLING\\_FORM\\_FOR\\_EXPORTING\\_PRODUCER](https://tron.trade.ec.europa.eu/tron/tdi/form/AD725_SAMPLING_FORM_FOR_EXPORTING_PRODUCER). TRON access information can be found in sections 5.6 and 5.8 below.

<sup>(4)</sup> An exporting producer is any company in the countries concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission has also contacted the authorities of the countries concerned and may contact any known associations of exporting producers.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the countries concerned and associations of exporting producers will be notified by the Commission, via the authorities of the countries concerned if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of exporting producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled exporting producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>.

The questionnaire will also be made available to any known association of exporting producers, and to the authorities of those countries.

Without prejudice to the possible application of Article 18 of the basic Regulation, exporting producers that have agreed to be included in the sample but are not selected as part of the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section 5.3.1(b) below, the anti-dumping duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample <sup>(3)</sup>.

(b) Individual dumping margin for exporting producers not included in the sample

Pursuant to Article 17(3) of the basic Regulation, non-sampled cooperating exporting producers may request the Commission to establish their individual dumping margins. Exporting producers wishing to claim an individual dumping margin must fill in the questionnaire and return it duly completed within 30 days of the date of notification of the sample selection, unless otherwise specified. A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>. The Commission will examine whether non-sampled cooperating exporting producers can be granted an individual duty in accordance with Article 9(5) of the basic Regulation.

However, non-sampled cooperating exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of cooperating exporting producers, including the sampled ones, to be investigated is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

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<sup>(3)</sup> Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation will be disregarded.

### 5.3.2. Investigating unrelated importers <sup>(6)</sup> <sup>(7)</sup>

Unrelated importers of the product under investigation from the countries concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are requested to provide the Commission with the information on their company(ies) requested in the Annex to this Notice within 7 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available.

Once the Commission has received the necessary information to select a sample, it will inform the parties concerned of its decision on the sample of importers. The Commission will also add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days from the notification of the sample decision.

In order to obtain information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the decision about the sample, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>.

### 5.4. Procedure for the determination of injury and investigating Union producers

A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers concerned and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

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<sup>(6)</sup> This section covers only importers not related to exporting producers. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

<sup>(7)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, who consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, unless otherwise specified.

All known Union producers and associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>.

#### 5.5. *Procedure for the assessment of Union interest*

Should the existence of dumping and injury caused be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would not be in the Union interest. Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information as to whether the imposition of measures is not in the Union interest. In order to participate in the investigation, the representative consumer organisations have to demonstrate that there is an objective link between their activities and the product under investigation.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. A copy of the questionnaires, including the questionnaire for users of the product under investigation, is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>. The information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

#### 5.6. *Interested parties*

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations must demonstrate that there is an objective link between their activities and the product under investigation.

Exporting producers, Union producers, importers and representative associations who made information available in accordance with the procedures described in sections 5.3.1, 5.3.2 and 5.4 above will be considered as interested parties if there is an objective link between their activities and the product under investigation.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under investigation. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via TRON.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access <sup>(8)</sup>.

<sup>(8)</sup> In case of technical problems please contact the Trade Service Desk by email [trade-service-desk@ec.europa.eu](mailto:trade-service-desk@ec.europa.eu) or by telephone +32 22979797.



### 5.7. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission's investigation services.

Any request for a hearing must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

The timeframe for hearings is as follows:

- For any hearings to take place before the deadline for the imposition of provisional measures, a request should be made within 15 days from the date of publication of this Notice. The hearing will normally take place within 60 days of the date of publication of this Notice.
- After the stage of provisional findings, a request should be made within 5 days from the date of the disclosure of the provisional findings or of the information document. The hearing will normally take place within 15 days from the date of notification of the disclosure or the date of the information document.
- At the stage of definitive findings, a request should be made within 3 days from the date of the final disclosure. The hearing will normally take place within the period granted to comment on the final disclosure. If there is an additional final disclosure, a request should be made immediately upon receipt of this additional final disclosure. The hearing will then normally take place within the deadline to provide comments on this disclosure.

The outlined timeframe is without prejudice to the right of the Commission services to accept hearings outside the timeframe in duly justified cases and to the right of the Commission to deny hearings in duly justified cases. Where the Commission services refuse a hearing request, the party concerned will be informed of the reasons for such refusal.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

### 5.8. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyright. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyright, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' <sup>(9)</sup>. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

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<sup>(9)</sup> A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of DG Trade: <https://europa.eu/!7tHpY3>. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate G  
Office: CHAR 04/039  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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

Email addresses for dumping-related matters:

For Taiwan - [TRADE-AD725-ABS-TAIWAN-DUMPING@ec.europa.eu](mailto:TRADE-AD725-ABS-TAIWAN-DUMPING@ec.europa.eu)

For Korea - [TRADE-AD725-ABS-ROK-DUMPING@ec.europa.eu](mailto:TRADE-AD725-ABS-ROK-DUMPING@ec.europa.eu)

Email address for injury and Union interest-related matters:

[TRADE-AD725-ABS-INJURY@ec.europa.eu](mailto:TRADE-AD725-ABS-INJURY@ec.europa.eu)

## 5.9. **Registration**

The Commission intends to instruct customs authorities to register imports of ABS, originating in Korea and Taiwan at an early stage of this investigation in order to facilitate the eventual decision to collect duties on registered imports. A regulation making imports of ABS, originating in Korea and Taiwan subject to registration will be published in due time.

## 6. **Schedule of the investigation**

The investigation will be concluded, pursuant to Article 6(9) of the basic Regulation within one year, but not more than 14 months of the date of the publication of this Notice. In accordance with Article 7(1) of the basic Regulation, provisional measures may be imposed not later than seven months, but in any event not later than eight months from the publication of this Notice.

In accordance with Article 19a of the basic Regulation, the Commission will provide information on the planned imposition of provisional duties four weeks before the imposition of provisional measures. Interested parties will be given three working days to comment in writing on the accuracy of the calculations.

In cases where the Commission intends not to impose provisional duties but to continue the investigation, interested parties will be informed, by means of an information document, of the non-imposition of duties four weeks before the expiry of the deadline under Article 7(1) of the basic Regulation.

Interested parties will be given 15 days to comment in writing on the provisional findings or on the information document, and 10 days to comment in writing on the definitive findings, unless otherwise specified. Where applicable, additional final disclosures will specify the deadline for interested parties to comment in writing.

## 7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in sections 5 and 6 of this Notice. The submission of any other information not covered by those sections, should respect the following timetable:

- Any information for the stage of provisional findings should be submitted within 70 days from the date of publication of this Notice, unless otherwise specified.
- Unless otherwise specified, interested parties should not submit new factual information after the deadline to comment on the disclosure of the provisional findings or the information document at the stage of provisional findings. After this deadline, interested parties may only submit new factual information if they can demonstrate that such new factual information is necessary to rebut factual allegations made by other interested parties and provided that such new factual information can be verified within the time available to complete the investigation in a timely manner.
- In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

## 8. Possibility to comment on other parties' submissions

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Such comments should be made according to the following timeframe:

- Any comment on information submitted by other interested parties before the deadline of imposition of provisional measures should be made at the latest on day 75 from the date of publication of this Notice, unless otherwise specified.
- Comments on the information provided by other interested parties in reaction to the disclosure of the provisional findings or of the information document should be submitted within 7 days from the deadline to comment on the provisional findings or on the information document, unless otherwise specified.
- Comments on the information provided by other interested parties in reaction to the final disclosure should be submitted within 3 days from the deadline to comment on the final disclosure, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this disclosure should be made within 1 day from the deadline to comment on this disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

## 9. Extension to time limits specified in this Notice

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being shown.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice of Initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

## 10. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. In this case the interested party should immediately contact the Commission.

## 11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party or parties and the Commission services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes provided for in Section 5.7 of this Notice, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: [https://policy.trade.ec.europa.eu/contacts/hearing-officer\\_en](https://policy.trade.ec.europa.eu/contacts/hearing-officer_en).

## 12. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(10)</sup>.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's website: <https://europa.eu/!vr4g9W>.

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<sup>(10)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

## ANNEX

<input type="checkbox"/>	'Sensitive' version
<input type="checkbox"/>	Version 'For inspection by interested parties'
(tick the appropriate box)	

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF ACRYLONITRILE-BUTADIENE-STYRENE  
RESINS ORIGINATING IN THE REPUBLIC OF KOREA AND TAIWAN**

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.2 of the notice of initiation.

Both the 'Sensitive' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

**1. IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	

**2. TURNOVER AND SALES VOLUME**

Indicate the total turnover in euros (EUR) of the company, the value in euros (EUR) and volume in tonnes for imports and resales on the Union market after importation from the Republic of Korea and Taiwan during the investigation period, of the product under investigation as defined in the notice of initiation.

	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation originating in the Republic of Korea		
Imports of the product under investigation originating in Taiwan		
Imports of the product under investigation (all origins)		
Resales on the Union market after importation from the Republic of Korea of the product under investigation		
Resales on the Union market after importation from Taiwan of the product under investigation		

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation, producing it under sub-contracting arrangements, or processing or trading it.

Company name and location	Activities	Relationship

### 4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

### 5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

\_\_\_\_\_

<sup>(1)</sup> In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).



## EUROPEAN COMMISSION

Directorate-General for Trade

Directorate G - Trade Defence

Investigations IV. Relations with third Countries for Trade Defence Matters

Brussels, 19 December 2024

Trade G.5.001/SHR/t24.00XXX

### **Exporting producers in the Republic of Korea and Taiwan**

By e-mail or registered mail

**Subject: AD725 – Anti-dumping proceeding concerning imports of  
Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of  
Korea and Taiwan**

#### **Initiation of an anti-dumping investigation and selection of a sample**

Dear Madam/Sir,

In accordance with the legislation in force<sup>1</sup>, on 19 December 2024 the European Commission ('the Commission') initiated an anti-dumping proceeding concerning imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan.

The Notice of Initiation was published in the Official Journal of the European Union on 19 December 2024<sup>2</sup> and can also be found at: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>. The non-confidential version of the complaint is available in the file '*For inspection by interested parties*' (more information can be found in the link on correspondence below).

Given the apparent large number of exporting producers involved in this proceeding, the Commission may apply **sampling**, in accordance with Article 17 of the basic Regulation.

It is understood that your company produces Acrylonitrile-Butadiene-Styrene Resins and exports it to the European Union. Your company is therefore invited to provide the Commission with sampling information within 7 days of the date of publication of the Notice of Initiation, i.e., considering public holidays, by **3 January 2025**<sup>3</sup>.

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<sup>1</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ('the **basic Regulation**') (OJ L 176, 30.6.2016, p. 21).

<sup>2</sup> OJ C series of 19.12.2024.

<sup>3</sup> In line with Article 3(4) of Regulation (EEC, EURATOM) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1), the

This information must be provided via TRON.tdi at the following address <sup>4</sup> : [https://tron.trade.ec.europa.eu/tron/tdi/form/AD725\\_SAMPLING\\_FORM\\_FOR\\_EXPORTING\\_PRODUCER](https://tron.trade.ec.europa.eu/tron/tdi/form/AD725_SAMPLING_FORM_FOR_EXPORTING_PRODUCER).

This information will enable the selection of a sample, if necessary.

If your company does not provide the sampling information within the time limit and/or does not want to be included in the sample, it will be deemed not to have cooperated in the investigation and the provisions of Article 18 of the basic Regulation (facts available) may apply. A finding based on facts available may be less advantageous for the company.

After receiving the information, the Commission may select a sample and will notify cooperating exporting producers of any sample selected. Companies selected for the sample must be ready to fully cooperate in the anti-dumping investigation. This requires completing a detailed questionnaire that will be made available by the Commission as well as agreeing to a verification of the questionnaire replies at the company premises ('verification visit'). The questionnaire, for any exporting producers selected for the sample, is published on the website of DG TRADE and can be found at: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2768>. Failure to complete the questionnaire or to accept a verification visit may be considered as non-cooperation under the provisions of Articles 17(4) of the basic Regulation and may trigger the application of 18 of the basic Regulation.

Your attention is drawn to the **instructions for correspondence** with the European Commission in trade defence cases<sup>5</sup>. In particular, you are requested to provide the Commission services with a valid e-mail address, as the Commission's intention is to communicate only by e-mail and TRON.tdi as much as possible.

If you want your reply, or any part thereof, **treated as confidential**, please note that, in accordance with Article 19 of the basic Regulation, you must make a request justifying such treatment. Please label all submissions for which you request confidential treatment as '*Sensitive*'<sup>6</sup>.

When submitting '*Sensitive*' information, you must also provide a non-confidential version. Please label this non-confidential version '*For inspection by interested parties*'. The non-confidential version, which will be made available to interested parties should be sufficiently detailed to permit a reasonable understanding of the substance of the confidential information submitted.

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deadline expires on the first working day following public holidays in 2024 and 2025 for officials and other servants of the European Union serving in Brussels.

<sup>4</sup> In case of technical problems please contact the Trade Service Desk by e-mail [trade-service-desk@ec.europa.eu](mailto:trade-service-desk@ec.europa.eu) or by telephone +32 2 297 97 97.

<sup>5</sup> <https://europa.eu/!7tHpY3>

<sup>6</sup> Please note that confidential information falls under the term 'Sensitive' according to the internal rules of the European Commission. The Commission only considers documents labelled 'Sensitive' as confidential documents under Article 19 of Regulation (EU) 2016/1036 of the European Parliament and the Council of 8 June 2016 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement). The Commission considers all documents that are not labelled 'Sensitive', as non-confidential documents under these provisions. Therefore, any replies which contain confidential information must be labelled 'Sensitive'.



If you fail to justify confidential treatment and/or do not provide a meaningful non-confidential version, the Commission may disregard your confidential submission, in accordance with Article 19(3) of the basic Regulation.

If you need any further clarification or information, please contact the officials in charge by e-mail to:

For the Republic of Korea - [TRADE-AD725-ABS-ROK-DUMPING@ec.europa.eu](mailto:TRADE-AD725-ABS-ROK-DUMPING@ec.europa.eu)

For Taiwan - [TRADE-AD725-ABS-TAIWAN-DUMPING@ec.europa.eu](mailto:TRADE-AD725-ABS-TAIWAN-DUMPING@ec.europa.eu)

Yours faithfully,

*(e-signed)*

Jon NYMAN  
Head of Unit

**EXECUTIVE SUMMARY**

**of the**

**Complaint Requesting the Initiation of an Anti-Dumping Investigation  
Concerning Imports of Acrylonitrile-Butadiene-Styrene (ABS) Resins  
From  
The Republic of Korea and the Republic of Taiwan**

Submitted by

The Union ABS Industry

## **A. The Product Concerned**

### **A.1 General Description**

1. The product concerned is Acrylonitrile-Butadiene-Styrene (“ABS”) resins, a thermoplastic copolymer consisting of acrylonitrile, butadiene, and styrene in different proportions, regardless of colour or any other physical or mechanical properties, whether or not further processed or treated to confer specific additional physical properties, with CAS number 9003-56-9, falling within CN Code 3903 3000 and originating in the Republic of Korea or the Republic of Taiwan.
2. All ABS resins falling inside the scope of the product concerned have the same basic chemical formula  $((C_8H_8 \cdot C_4H_6 \cdot C_3H_3N)_n)$ , molecular structure and share the same CAS number.
3. More specifically, the product concerned is a copolymer composed of three monomers: acrylonitrile, butadiene, and styrene.

Acrylonitrile: This is a synthetic monomer made from propylene and ammonia and contributes, among other properties, to chemical resistance and heat stability.

Butadiene: This is produced as a by-product of ethylene production, mainly from steam crackers, and contributes to toughness and impact strength characteristics.

Styrene: This is manufactured by dehydrogenation of ethyl benzene and contributes to rigidity and processability qualities.

4. All ABS resins contain various proportions of these three monomers in some form but in different variations depending on the raw materials used, the production process applied, and the intended physical characteristics and properties sought in the finished product. For example, adding more butadiene results in a final product that has a higher impact resistance; or adding more acrylonitrile generates a finished product with higher chemical resistance.
5. All ABS falling within the technical definition of the product concerned constitute like products. This applies equally to Union-made ABS as well as imports from Korea and Taiwan.
6. It is true that the product concerned is produced through two different processing techniques, namely an emulsion process or a continuous mass one. However, the finished ABS resin resulting from both production processes, whether in the Union, Korea and/or Taiwan, are highly interchangeable. Regardless of the manufacturing process used, the finished material is equivalent in terms of chemical formula, molecular structure and essential characteristics and properties. More specifically, ABS originating in all three share the same basic physical, chemical and technical characteristics, share the same CAS

number (RN 9003-56-9) and have the same general physical appearance and basic technical characteristics.

## **A.2 Production Processes**

7. ABS is manufactured through two different polymerization processes, namely an emulsion process or the mass one. The distinction is based on the different production technologies applied and the respective raw materials used. The mass process uses styrene monomer, acrylonitrile and polybutadiene rubber in a batch or semi-batch process. On the other hand, emulsion ABS is generated using styrene, acrylonitrile and butadiene as feedstock in a continuous process.
8. In both instances, the main cost drivers are raw material costs (in particular styrene monomer, acrylonitrile, butadiene or polybutadiene rubber) and energy. Other important variable production costs include other chemicals needed to drive the production processes, e.g. catalysers, compatibilizers, etc. As the production process is highly capital-intensive, a significant part of the cost structure includes maintenance, depreciation and indirect overheads.
9. Production is a heat intensive process, so energy in the form of electricity and gas (for the production of steam) are also both considerable cost of production. Ecological compliance costs to conform with environmental regulations, both Union and national, are also considerable for the Union industry.

## **A.3 Types and Properties**

10. At a basic level, ABS resin, regardless of the production process used, share certain basic technical and/or physical properties. Their density falls within the range of 1030 to 1060 kg/m<sup>3</sup>, with a melt temperature in the range of 220-260 °C, and a tensile modulus ranging between 1,600 and 2.600 MPas.
11. These properties can be further modified to confer, alter or enhance specific physical and/or technical properties outside the scope of the above-mentioned technical parameters, through the use of additives and further compounding.

## **A.4 Industrial Applications and Sales Channels**

12. ABS is an industrial plastic that has to be further processed into finished merchandise. It is not sold directly to Union consumers for direct consumption. It is mainly used to produce goods that are essentially parts or components subsequently assembled into the finished consumer products. These parts or components are manufactured through two different kinds of additional processing.
13. The first is injection moulding which, as the name suggests, is used for producing items by injecting molten ABS into a mould or similar shape-forming device.
14. The second is extrusion or thermoforming where ABS is gravity-fed usually from a top mounted hopper into an extruder, melted and then formed into a continuous profile. The solid pre-finished material is gradually melted by mechanical energy generated by

turning screws and by heaters arranged along the line. The molten material is then forced into a die which shapes material which hardens into the required form during cooling.

15. While there are no physical or chemical differences in the ABS made through these two processes, and indeed they are virtually interchangeable, certain downstream user industries do express a preference for one kind of material produced through one process as opposed to the other. This choice relates to the ease of working to produce the parts and the configuration of their equipment.
16. The main final Union consumer market segments are transportation, building and construction, household and industrial appliances, electrical & electronics (including smart cards) and a wide variety of miscellaneous products such as toys, recreational goods and medical devices.
17. The Union industry and Korean and Taiwanese exporting producers, for the most part, share the same sales channels. Korean and Taiwanese exporters are generally pricing on a DDP basis and therefore bearing all internal-Union delivery costs, customs duties (0% for Korea and 6.5% for Taiwan), ocean freight charges and other Union import costs in their final price.

## **B. Summary of the Complaint**

### **B.1 Standing**

18. The Complainants are the following Union ABS producers:
  - (a) INEOS Styrolution Switzerland SA, on behalf of its ABS production operations in Belgium, France and Germany.
  - (b) Versalis SpA, on behalf of its ABS production operations in Italy.
  - (c) Trinseo Europe GmbH, on behalf of its ABS production operations in the Netherlands.
19. The only other Union ABS producer, Elix Polymers SL, while not a formal complainant, fully supports the Complaint and the adoption of anti-dumping measures. It has furnished economic data and information used to assess the overall macro-economic performance of the Union industry during the relevant period.
20. By themselves, the Complainants account for more than 80% of the Union ABS production in the relevant periods immediately preceding the lodging of this Complaint, namely 2023 and the period H2/2023 to H1/2024. Since the Supporter also supports the Complaint, the whole of the Union ABS industry is in favour and/or supports the initiation of an anti-dumping investigation against Korean and Taiwanese imports.

### **B.2 Dumping**

21. The Complaint demonstrates that imports of the product concerned from Korea and Taiwan are being dumped in the Union market.

(i) Korean Dumping Margins

22. Korean dumping margins have been assessed as being between 20% and 30%.

(ii) Taiwanese Dumping Margins

23. Taiwanese dumping margins have been assessed as being between 20% and 30%.

24. Undercutting and/or underselling margins for both countries range from 7% to 20%.

**B.3 Injury to the Union Industry**

25. Dumped ABS imports from both countries have profoundly and negatively impacted the Union industry's economic performance. This impact of dumped imports is seen throughout all the relevant economic indicators used to identify injury on a Union industry. Import prices have also significantly declined over the relevant period causing price depression and inflicting injury across all relevant financial indicators.

26. Union production volumes have declined considerably to unsustainable levels in a capital-intensive industry. As production volumes decline, while the Union industry tries to maintain its workforce of highly-skilled employees, productivity has been greatly diminished.

27. Union industry sales volumes in the Union market have followed suit, translating into a considerable loss of market share. Unfairly priced Korean and Taiwanese imports have captured a considerable share of the Union ABS market over a very short period of time. This lost market share has been yielded to dumped imports from Korean and Taiwanese which have correspondingly increased their Union market share by almost the same amount.

28. The Union industry did manage to increase its prices but not sufficiently enough to offset the increase in raw material and energy costs and, with significantly reduced production and sales volumes, profitability has been greatly impacted.

29. Furthermore, the excessive spare capacity in Korean and Taiwanese strongly suggests the Union industry is highly exposed to even further dumping and even more severe injury, threatening its existential existence.

30. Last, the Complaint requests that the Commission makes use of its power under Articles 10(4) and 14(5) of the Basic Regulation and direct the Member State customs authorities to take the appropriate steps to register imports from Korean and Taiwanese at the appropriate point in time after initiation of the requested investigation.

31. There is a real and severe risk that Korean and Taiwanese exporters and their related Union importers will entirely undermine the remedial effect of potential measures by stockpiling massive volumes in the Union. The risk of stockpiling, and of undermining, the remedial effect of provisional measures is supported by the increase in import volumes at least until 2022 before Union consumption started to decline.

## **C. Interested Parties**

### **C.1 Known Producers in the Union**

- INEOS.
- Versalis SpA,
- Trinseo Europe GmbH,
- Elix

### **C.2 Known Compounders in the Union**

- Aurorium
- Lyondellbasell
- Maip
- Cossa Polimeri
- Sirmax
- MOCOM Compounds
- Koryfes - Ravago
- Almaak International
- Romira GmbH
- Covestro Deutschland AG
- MOCOM COMPOUNDS GMBH
- LyondelBasel
- Ravago
- Sabic
- LG Chem Poland Ltd.
- LOTTE Chemical Hungary Ltd.

### **C.3 Known Exporting Producers in Korea and Taiwan**

- Kumho Petrochemical Co
- LG Chemical Ltd
- Lotte Advanced Materials
- Chi Mei Corporation
- Formosa Chemical & Fiber Corp
- Taita Chemical Co., Ltd.
- Grand Pacific Petrochemical Corporation

### **C.4 Known Importers in the Union**

- Interpolimeri SpA
- Imagro
- Biesterfeld Group
- Chemieeuro
- RESINEX Germany GmbH
- TEKUMA Kunststoff GmbH
- Snetor Group
- De Monchy International B.V.
- COM-ITAL-PLAST SpA

- Tricon
- Brenntag
- Ultrapolymers
- Albis
- CHG
- Ponachem
- Sirmax
- Cossa
- Ravago SA
- NEXEO PLASTICS SPAIN S.L