EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR TRADE AND ECONOMIC SECURITY

Brussels, 28 July 2025
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Taipei Representative Office
in the European Union
Square de Meeûs 26-27
B-1000 Brussels
By email

Subject: AD711 – Anti-dumping proceeding the imports of Epoxy resins originating in the People's Republic of China, Taiwan and Thailand

Dear Sir, / Dear Madam,

The Directorate-General for Trade and Economic Security of the European Commission presents its compliments to the Taipei Representative Office to the EU and has the honour to inform that the Commission has decided to impose definitive measures in the framework of the anti-dumping proceeding concerning imports of **epoxy resins** originating in the People's Republic of China, Taiwan and Thailand and to terminate the investigation on imports of epoxy resins originating in the Republic of Korea.

The Commission Implementing Regulation published in the *Official Journal of the European Union* is enclosed for your information.

The Directorate-General for Trade and Economic Security of the European Commission takes this opportunity to renew to the Taipei Representative Office to the EU the assurance of its highest consideration.

The present notification is provided in accordance with Article 5(11) of Regulation (EU) 2016/1036 of the European Parliament and the Council on protection against dumped imports from countries not members of the European Union and with Article 6.1.3 of the Agreement in Implementation of Article VI of the General Agreement on Tariffs and Trade 1994

Lukas PEJCOCH
Head of Sector

Enclosure: *Official Journal of the European Union*

COMMISSION IMPLEMENTING REGULATION (EU) 2025/1505

of 25 July 2025

imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of epoxy resins originating in the People's Republic of China, Taiwan, and Thailand and terminating the investigation on imports of epoxy resins originating in the Republic of Korea

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ([1]) ('the basic Regulation), and in particular Article 9(4) thereof,

Whereas:

1. PROCEDURE

1.1. Initiation

(1) On 1 July 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of epoxy resins ('epoxy resins') originating in the People's Republic of China, the Republic of Korea, Taiwan, and Thailand (the People's Republic of China, Taiwan and Thailand are further considered as 'the countries concerned') on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ([2]) ('the Notice of Initiation').

(2) The Commission initiated the investigation following a complaint lodged on 6 June 2024 ('the complaint') by the Ad Hoc Coalition of Epoxy Resin producers ('the complainant'). The complaint was made on behalf of the Union industry of epoxy resins in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

(3) The Commission made imports of the product concerned subject to registration by Commission Implementing Regulation (EU) 2024/2714 ([3]) ('the registration Regulation').

1.3. Provisional measures

(4) In accordance with Article 19a of the basic Regulation, on 30 January 2025, the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry. Interested parties were invited to comment on the accuracy of the calculations within three working days. Aditya Birla Chemicals (Thailand) Limited ('Aditya Birla') submitted comments on the pre-disclosure document. Although the invitation for comments was limited to the accuracy of the calculations ([4]), Aditya Birla submitted a number of comments on substance. These comments were subsequently repeated after the provisional disclosure and are addressed below.

([1]) OJ L 176, 30.6.2016, p. 21, ELI: http://data.europa.eu/eli/reg/2016/1036/oj.
([2]) OJ C, C/2024/4137, 1.7.2024, ELI: http://data.europa.eu/eli/C/2024/4137/oj.
([3]) Commission Implementing Regulation (EU) 2024/2714 of 24 October 2024 making imports of epoxy resins originating in the People's Republic of China, the Republic of Korea, Taiwan and Thailand subject to registration (OJ L, 2024/2714, 25.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2714/oj).
([4]) The pre-disclosure document explicitly states that: 'Comments should be limited to the accuracy of calculations. At this stage, the Commission only takes comments regarding clerical errors into consideration. These include errors in addition, subtraction, or other arithmetic function, error resulting from inaccurate copying, duplication, application of inconsistent units of measurement or conversion rates and any other similar type of error which the Commission considers to be clerical. Any other comments will be considered only after the disclosure of provisional measures'.

(5) On 27 February 2025, the Commission published the imposition of provisional anti-dumping duties on imports of epoxy resins originating in the People's Republic of China, Taiwan and Thailand by Commission Implementing Regulation (EU) 2025/393 ([5]) ('the provisional Regulation').

1.4. **Subsequent procedure**

(6) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), a Thai exporting producer: Aditya Birla; a Taiwanese exporting producer: Nan Ya Plastics Corporation ('Nan Ya'); Committee of epoxy resin and applications of China petroleum and chemical industry federation ('ERC'), acting on behalf of the Chinese epoxy resins producers ([6]); the complainant; and two unrelated importers: QR Polymers and De Monchy, filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation.

(7) The parties who so requested were granted an opportunity to be heard. Hearings took place with Aditya Birla, Nan Ya, the complainant, ERC as well as QR Polymers and De Monchy.

(8) The Commission continued to seek and verify all the information it deemed necessary for its final findings. When reaching its definitive findings, the Commission considered the comments submitted by interested parties and revised its provisional conclusions when appropriate.

(9) The Commission informed all interested parties of the essential facts and considerations, on the basis of which it intended to impose a definitive anti-dumping duty on imports of epoxy resins originating in the People's Republic of China, Taiwan, and Thailand and terminate the investigation on imports of epoxy resins originating in the Republic of Korea ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.

(10) Parties who so requested were also granted an opportunity to be heard. Hearings took place with Aditya Birla on 23 May 2025.

(11) On 2 June 2025, the Commission issued an additional final disclosure document explaining the adjustments made based on the comments received in response to the final disclosure of 8 May 2025, and their justification.

(12) Aditya Birla submitted comments on the additional final disclosure, requesting that the Commission ensure equal treatment of all interested parties and take into account the comments submitted in response to the final disclosure. In the additional final disclosure, the Commission only addressed the adjustments made following the comments on the final disclosure. Contrary to the allegation, all interested parties were treated equally as all comments on the final disclosure had been duly addressed.

(13) A hearing took place with Aditya Birla on 11 June 2025 and with QR Polymers on 20 June 2025.

1.5. **Claims on initiation**

(14) Following the provisional disclosure ERC, reiterated its claim set out in recitals 6 to 8 of the provisional Regulation, invoking a severe breach of its procedural rights of defence on the account of deficient non-confidential summaries and absence of analysis of certain injury factors listed in Article 3(3) and (5) of the basic Regulation. Furthermore, Aditya Birla reiterated its claim on excessive confidentiality granted by the Commission to the complainant and invoked a violation of the right of defence and effective judicial protection. Aditya Birla argued that due to the lack of access to reliable, non-redacted information and evidence, the companies had to act without full certainty and could not ascertain the reliability of the data on which the Commission relied to establish the findings in the provisional Regulation.

([5]) Commission Implementing Regulation (EU) 2025/393 of 26 February 2025 imposing a provisional anti-dumping duty on imports of epoxy resins originating in the People's Republic of China, Taiwan, and Thailand (OJ L, 2025/393, 27.2.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/393/oj).

([6]) Representing Jiangsu Sanmu Group Co., Ltd, Jiangsu Kumho Yangnong Chemical Co. Ltd, Jiangsu Ruiheng New Material Technology Co., Ltd, and Nantong Xingchen Synthetic Material Co. Ltd.

(15) As set out in the provisional Regulation (see recitals 10 to 12 and 14), the non-confidential version of the complaint and its exhibits, including further data placed on the open file following the initiation and ultimately the Commission's extensive provisional findings in the provisional Regulation permitted the parties a reasonable understanding of the substance included in these documents. Moreover, the parties did not show how more detailed non-confidential summaries or an additional injury analysis in the complaint would impact the current proceeding and protect the procedural rights of the parties.

(16) The Commission conducted an objective and extensive scrutiny of the allegations made by the complainant before initiating the investigation and later carried out an independent fact-finding investigation, resulting in the provisional findings. Hence, the Commission did not rely on the complaint and allegations made therein and made its own findings instead at both provisional and definitive stage, based on an objective examination of relevant data independently obtained in the course of this proceeding. The arguments of ERC and Aditya Birla were therefore dismissed.

(17) In response to the provisional disclosure, Aditya Birla further contended that the Commission failed to explain why the conflation of microeconomic and macroeconomic indicators was deemed reasonable. As already explained in recital 10 of the provisional Regulation, the Commission accepted ranges for the microeconomic and macroeconomic indicators due to the structure of the Union industry. In any event, the ranges given for the injury indicators provided sufficient detail to permit a reasonable understanding of the substance of the information submitted and to assess the trends of all the injury indicators, especially since additionally an index for the period considered was given for each indicator.

(18) Following the provisional disclosure, Aditya Birla argued that its rights of defence were breached due to the change in the investigation period, which is different in the complaint and in the proceeding itself. More specifically, the exporting producer called into question the legal basis for the Commission's unilateral modification of the investigation period. As set out in recital 42 of the provisional Regulation, in accordance with Article 6(1) of the basic Regulation, an investigation period must, normally, cover a period of no less than six months immediately prior to the initiation of proceedings. Within this requirement the Commission has a discretion in selecting the investigation period, as far as such selection allows for a representative finding, with the use of information that is as recent as possible, and there is no legal requirement in the basic Regulation that the period chosen for the investigation be the same as the one chosen by the complainants. In this case, the Commission selected the investigation period ending three months before the initiation of the investigation, which is in line with Article 6(1) of the basic Regulation as well as the established practice, while also allowing for collection of the data from the Union, exporting producers and other statistical sources. Aditya Birla's allegation is therefore rejected.

1.6. **Sampling**

(19) No comments were received concerning sampling. Therefore, the conclusions in recitals 21 to 34 of the provisional Regulation were confirmed.

2. **PRODUCT CONCERNED AND LIKE PRODUCT**

(20) Following the provisional disclosure, Nan Ya requested the exclusion of specialty epoxy resins, including novolac epoxy resins, brominated epoxy resins, and BPF epoxy resins, from the product scope. Nan Ya reiterated its request also in response to the final disclosure without providing new evidence in this respect. That Taiwanese exporting producer argued that these products are produced from different raw materials, have different physical, technical, and chemical characteristics (for being more chemically and thermally stable and resistant or having low levels of carbon embedded in them), specialized applications, and limited interchangeability with conventional epoxy resins, and are perceived differently by consumers. Additionally, Nan Ya requested the exclusion of solid epoxy resins,

which according to Nan Ya are produced through a different process (where additional production steps are involved) and have limited interchangeability with conventional liquid epoxy resins. According to Nan Ya, excluding these products from the product scope will not impede the effectiveness of the anti-dumping measures, as they account for a small proportion of the Union market, domestic Union production, and imports. In addition, De Monchy submitted in response to the provisional disclosure that the Commission should consider differentiating bio-based and specialty grades of epoxy resins from other resin types for more accurate classification and tariff implications.

(21) First, pursuant to point 2 of the Notice of Initiation, all interested parties wishing to submit information on the product scope were invited to do so within 10 days of the date of publication of the Notice (therefore by 11 July 2024). Neither Nan Ya nor De Monchy came forward with any comments or submissions on this matter within that deadline.

(22) Second, the disputed epoxy resin types all fall under the product definition as set out in Article 1 of the provisional Regulation, which was not challenged by the parties. It is emphasised and it clearly transpired from the complaint, the Notice of Initiation, as well as the provisional Regulation that both conventional base epoxy resins as well as specialty resins are considered the product concerned. It is the basic chemical composition and raw materials used that define the epoxy resins in this case – all of the epoxy resins as defined in Article 1 of the provisional Regulation, including the specialty resins or solid epoxy resins are polymers or prepolymers containing reactive epoxy groups and use epichlorohydrin and an aliphatic or aromatic alcoholic component as foundational elements and this makes them the product concerned.

(23) It is not disputed that the types of epoxy resins described in recital 20 might have various applications and slightly different characteristics, that they might have additional production steps, an enhanced performance, better stability or chemical resistance, that they are more environmentally friendly or that demand for these resins and correspondingly their domestic production and imports are limited. However, the basic physical, chemical and technical characteristics of the various epoxy resin types are similar, all having thermosetting properties and produced using a similar production process. Furthermore, both specialty and basic resin types are purchased from the producers by the same customers. Hence, the customer perception is that these product types are similar, and the epoxy resins would be sold to the customers using the same or similar sales channels. Also, the fact that specialty resins have been produced in the Union or imported in smaller quantities is insufficient to exclude them from the scope of the proceeding. In any event, Nan Ya and De Monchy did not provide relevant and verifiable data, which would allow the Commission to properly assess the claim for product exclusion. Nan Ya's and De Monchy's claims were therefore rejected as unjustified.

(24) In response to the provisional disclosure, QR Polymers also claimed that the Commission erred by not considered curing agents in its analysis, while curing agents use epoxy resin as a raw material and are offered in a package with epoxy resins. The Commission recalled that the Notice of Initiation as well as Article 1 of the provisional Regulation clearly defined the product scope of the investigation. Products downstream from the product concerned, albeit using the product concerned as a raw material, or products sold together with a product concerned are however not covered by the present investigation. QR Polymers reiterated its claim following the final disclosure, arguing that curing agents are not a downstream use of epoxy resins, but a parallel one, and are not just any component part of an arbitrary package, but are vital for making the resin work, and vice versa. The Commission restated that curing agents themselves are not part of the product scope of this investigation, irrespective of whether they are downstream products or products used in parallel with the epoxy resins. In view of the above, QR Polymer's claims had to be dismissed.

(25) In the absence of any further comments regarding the product scope and the like product, the conclusions reached in recitals 44 to 55 of the provisional Regulation were confirmed.

3. DUMPING

3.1. People's Republic of China

3.1.1. *Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation*

(26) In the absence of any comments, the findings in Section 3.1.1 of the provisional regulation are confirmed.

3.1.2. *Normal value*

3.1.2.1. Existence of significant distortions

(27) Following disclosure, the Commission received comments from the ERC. First, the ERC argued that the Report fails to meet the standards of impartial and objective evidence and evidence of sufficient probative value. It argued that the fact that the Report has been drafted with a deliberate objective in mind, namely facilitating Union industries to lodge a complaint in the area of trade measures, automatically removes any likelihood for an impartial and objective analysis of the Chinese economy. The ERC also submitted that the probative value of the Report is doubtful as the Report deliberately omits factual circumstances, elements, and conclusions, which would contradict or weaken the partial purpose for which it has been prepared.

(28) Second, the ERC argued that Article 2(6a) of the basic Regulation appears to be incompatible with the WTO Antidumping Agreement ('WTO ADA'). It claimed that Article 2.2 of the WTO ADA does not recognize the concept of significant distortions and that it does not allow the use of data from an appropriate representative country or international prices to construct the normal value. Specifically, Article 2.2 of the WTO only permits using the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and profits when constructing the normal value.

(29) Third, according to the ERC, Article 2(6a) of the basic Regulation seems incompatible with Article 2.2.1.1 of the WTO ADA and with the Appellate Body's interpretation thereof, provided in the EU – Biodiesel (Argentina) (DS473) case (hereafter 'EU-Biodiesel') which established that investigating authorities must use the product costs actually incurred by producers or exporters for the calculation of constructed normal values. As such, the ERC requested the Commission to accept the domestic prices and costs reported by the cooperating Chinese exporters.

(30) Regarding the ERC's claim that the Report is not objective or impartial, the Commission notes that the Report is a comprehensive document based on extensive objective evidence, including legislation, regulations and other official policy documents published by the GOC, third party reports from international organisations, academic studies and articles by scholars, and other reliable independent sources. It was made publicly available since December 2017 so that any interested party would have ample opportunity to rebut, supplement or comment on it and the evidence on which it is based. The Commission has since reviewed the Report and published an updated version in April 2024. The Commission notes that the ERC did not provide any rebuttal on the substance and evidence contained in the Report. Therefore, the claim was rejected.

(31) Further, the Commission considers that the provisions of Article 2(6a) are fully consistent with the European Union's WTO obligations and the jurisprudence cited by the ERC. At the outset, the Commission notes that the WTO Report on EU – Biodiesel did not concern the application of Article 2(6a) of the basic Regulation, but of a specific provision of Article 2(5) of the basic Regulation. In any event, WTO law as interpreted by the WTO Panel and the Appellate Body in EU – Biodiesel allows the use of data from a third country, duly adjusted when such adjustment is necessary and substantiated. The existence of significant distortions renders costs and prices in the exporting country inappropriate for the construction of normal value. In these circumstances, Article 2(6a) of the basic Regulation envisages the construction of costs of production and sale on the basis of undistorted prices or benchmarks, including those in an appropriate representative country with a similar level of development as the exporting country. The Commission therefore rejected this claim by the ERC.

3.1.2.2. Representative country

(32) Following provisional disclosure, Aditya Birla contested the decision by the Commission to use Malaysia as source of undistorted benchmark for epichlorohydrin (ECH) and caustic soda, whereas Thailand was chosen as source for all other factors of production, SG & A and profit.

(33) The Commission clarified that, for only for two factors of production ('FOP'), i.e. ECH and caustic soda, for which the imports from China accounted for 75 % and 62 % of all imports respectively, the Commission reverted to Malaysia, as the prices of those two FOPs into Thailand were considered distorted. Aditya Birla did not explain in its comments why this would be an error in assessment and this comment was therefore dismissed.

(34) Following the final disclosure, Aditya Birla reiterated their concerns on the use of Malaysia as an appropriate benchmark for ECH and caustic soda, while Thailand was used for other inputs, SG & A costs, and profits. Aditya Birla stated that by using two countries to establish undistorted benchmarks the Commission committed a legal error invalidating the results of the entire investigation. In other words, they argued that if Malaysia had to be used for certain factors of production, it meant that the 'main representative country' (i.e. Thailand) was not a fit choice.

(35) Aditya Birla referred to case law concerning Article 2(5)(a) Council Regulation (EEC) No 2423/88 ([7]), which is no longer in force, on protection against dumped or subsidized imports, which provided for the methodology applicable to non-market economy countries ([8]) ([9]). In addition, it referred to Case T-326/21, where the Court reiterated the Commission's obligation to take into account all essential and relevant factors in determining the appropriateness of the country chosen and emphasized that these factors must be examined with the necessary diligence to ensure that the normal value of the product under investigation is determined in an appropriate and reasonable manner ([10]). On this basis, Aditya Birla submitted that the Commission should proceed either with a different representative country or terminate the current investigation and start a new one.

(36) The Commission rejected Aditya Birla's claim. Aditya Birla failed to explain why Article 2(6a) of the basic Regulation would not allow for the use of a second country to establish the benchmark of certain factors of production when the Commission concludes that those were the most appropriate in a particular case. The case law relied on by Aditya Birla is either irrelevant or does not support its claim. Indeed, the two cases from the 1990s relied on by the company concern Article 2(5)(a) of Regulation (EEC) No 2423/88 on protection against dumped or subsidized imports and the methodology then applicable to non-market economy countries. In addition, the Commission has fully complied with the standard set by the Court in Case T-326/21: it thoroughly examined all essential and relevant factors to select a representative country and acted with the necessary diligence to ensure that the normal value of the product under investigation was determined in an appropriate and reasonable manner. Finally, it is not uncommon that the appropriate representative country selected may not be suitable for every single factor of production. Therefore, if accepted, the argument advanced by Aditya Birla would render Article 2(6a) and the entire significant distortions methodology inapplicable in a substantial number of cases. Moreover, the Applicant's argument overlooks the fact that the list of sources provided in the second subparagraph of Article 2(6a)(a) is not exhaustive, and that the first indent of that paragraph does not require the selection of only one appropriate representative country. Rather, it provides guidance on how to choose where several appropriate representative countries are available. This is not the case here, as Thailand was clearly inappropriate for ECH – a point not even contested by Aditya Birla.

([7]) Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community (OJ L 209, 2.8.1988, p. 1, ELI: http://data.europa.eu/eli/reg/1988/2423/oj).

([8]) Case C-16/90 *Detlef Nolle, trading as 'Eugen Nolle'* v *Hauptzollamt Bremen-Freihafen*, 22 October 1991, ECLI:EU:C:1991:402, paragraph 13.

([9]) Case C-26/96 *Rotexchemie International Handels GmbH & Co. v Hauptzollamt Hamburg-Waltershof*, 29 May 1997, ECLI:EU:C:1997:261, paragraph 23.

([10]) Case T-326/21, *Guangdong Haomei New Materials and Guangdong King Metal Light Alloy Technology* v *Commission*, , 21 June 2023, ECLI:EU:T:2023:347, paragraph 128.

3.1.2.3. Undistorted costs and benchmarks

(37) Following provisional disclosure, Jiangsu Sanmu noted that the Commission used imports of 'Sodium Hydroxide (Caustic Soda): In Aqueous Solution (Soda Lye or Liquid Soda)' in Malaysia as reported by GTA as benchmark price of caustic soda. Jiangsu Sanmu argued that this price did not accurately reflect the two grades of caustic soda (32 % and 50 % of concentration) used in their epoxy resins production process. Instead, they proposed using an average of the international benchmark prices sourced from industry providers Opis' Chemical Market Analytics ([11]) ('CMA'), a Dow Jones affiliate, and Argus Chemical Market Reports ([12]) ('Argus'), both of which report cost and freight ('CFR') price for grade 100 %, i.e. solid caustic soda, in Southeast Asia. The price for different grades of caustic soda is then obtained by multiplying the 100 % grade price by the concentration percentage. Using this method the prices for 32 % and 50 % grades are respectively 0,98 CNY/kg and 1,53 CNY/kg.

(38) In recital 139 of the provisional Regulation, the Commission acknowledged that GTA provided a price for a mix of different caustic soda grades rather than precise benchmarks for the specific grades used by the exporting producers. However, in the absence of more accurate alternatives at that stage, the Commission opted to rely on GTA. Jiangsu Sanmu's proposed method offered the advantage of determining prices based on concentration levels, using recognized chemical sector benchmarks that independently provide nearly identical figures for caustic soda. As a result, the Commission revised the dumping margins of all sampled Chinese producers based on the benchmarks outlined in recital 37.

(39) Since the provided prices were at CFR (cost and freight) level rather than the CIF (cost, insurance, freight) level used in the normal value calculation, the Commission applied an adjustment for insurance. According to publicly available sources, marine cargo insurance premiums typically range from 0,2 % to 2 % of the shipment's value ([13]), depending on the nature of the goods. Verified data from the sampled exporting producers indicates that the insurance costs for shipping epoxy resins ranged between 0,1 % and 0,5 % of the shipment's value. Given that caustic soda is more hazardous to transport than epoxy resins, the Commission added an insurance premium of 1 % to the CFR figures to obtain the final benchmarks for caustic soda at CIF level. This rate falls within the observed industry range and reflects the increased risk associated with shipping a corrosive chemical like caustic soda, which requires enhanced safety measures and stricter handling procedures. The 1 % premium therefore represents a conservative but reasonable midpoint that ensures a fair and risk-adjusted comparison while avoiding overestimation.

(40) After the final disclosure, Sinochem argued that the Commission had overestimated the insurance premium for the transport of caustic soda. It claimed that, even if caustic soda was more hazardous than epoxy resins, this alone did not justify a higher insurance premium. Sinochem contended that the premium applied to caustic soda should be the same as that applicable to epoxy resins, as caustic soda is a raw material consumed in the production of epoxy resins.

(41) However, Sinochem failed to provide any evidence to support the claim that even though caustic soda was more hazardous than epoxy both products would have the same cost of transport insurance. It is also a well-established fact that raw materials may have different physicochemical properties, such as corrosiveness, compared to the final products and that an increased corrosiveness can command a higher insurance premium ([14]). Therefore, the claim is rejected.

(42) Following provisional disclosure, Sanmu contested the labour cost benchmark for Thailand proposed by the Commission (equivalent to 10,2 % of the hourly wage) consisting of 5,2 % charges for the employer and 5 % charges for the employee. While Sanmu agreed that the charges for the employer are indeed 5,2 %, it argued that the additional charges for the employee are not borne by the employer and should therefore be excluded from the calculation of the undistorted labour benchmark.

([11]) https://cma.opisnet.com/?utm_term=&utm_campaign=&utm_source=adwords&utm_medium=ppc&gad_source=1.
([12]) https://view.argusmedia.com/chemicals-market-reports.html.
([13]) https://freightinsurancecoverage.com/process/marine-cargo-insurance-cost.
([14]) https://traderiskguaranty.com/trgpeak/top-5-impact-insurance-costs.

(43) The Commission agreed to consider only the social charges directly borne by the employer (i.e. 5,2 %) and revised the calculation of the undistorted labour benchmark accordingly.

(44) Following provisional disclosure, Sanmu reiterated their comment set out in recital 146 of the provisional Regulation that the assumption of a weekly working time of 40 hours underestimates the actual working time, which should also take into account overtime. To complement this claim, Sanmu referred to the statistics database of the International Labor Organization, more specifically the 'Labor Force Survey' dataset, focused on the manufacturing sector in Thailand ([15]). Based on this source, the average weekly working hours in the manufacturing sector in Thailand should be 47,2 hours.

(45) The Commission took note of Sanmu documented evidence and amended the calculation of undistorted benchmark for the labour costs by considering 47,2 hours per week for Thailand.

(46) As a result of the changes discussed in recitals 43 and 45 the revised benchmark for labour costs is equal to 15,01 CNY/hour.

(47) Sanmu also claimed that the undistorted benchmark for electricity established by the Commission included 7 % VAT ([16]). Sanmu noted that in Thailand industrial users are granted a full VAT refund and businesses can claim back VAT paid on inputs ([17]). For this reason, Sanmu asked the Commission to deduct 7 % VAT from the undistorted benchmark of electricity.

(48) The Commission rejected this claim. It is well established that electricity prices in Thailand are quoted exclusive of VAT. The Sanmu's assertion is based on incorrect information, likely resulting from a mistranslation into English. Official websites of both state-owned electricity providers – Metropolitan Electricity Authority (MEA) and Provincial Electricity Authority (PEA) – as well as the Energy Regulatory Commission (ERC), clearly state that the listed tariffs exclude VAT. These websites serve as the authoritative sources for electricity pricing in Thailand. The explicit indication of a VAT exclusion on these platforms is publicly accessible.

(49) Following provisional disclosure, Sanmu claimed that while establishing an undistorted benchmark for electricity in Thailand, the Commission did not justify its choice to consider tariff schedule No 4 (i.e. 'Large General Service') under the relevant Thai regulation, corresponding to the most significant energy consumption (average energy consumption exceeding 250 000 kWh per month) and higher base electricity price. Sanmu asked the Commission to use the most appropriate electricity consumption bracket as reference based on the verified consumption volumes of the sampled Thai company Aditya Birla Chemicals (Thailand) Co., Ltd.

(50) Based on the information available on the file, the Commission concluded that it was appropriate to classify epoxy producers within the 'Large General Service' consumer band. The consumption volumes of electricity for all the sampled exporting producers in China during the investigation period ('IP') in fact confirmed that the choice of tariff schedule No 4 – i.e. 'Large General Service' was appropriate.

(51) Following the final disclosure, Sinochem Group contested the use of the '4.2.3: 22 kV' voltage level in calculating electricity costs, citing evidence already provided during verification that its exporting producers are connected to the 110 kV grid. Sinochem requested a revision to use the '4.2.1: 69 kV and over' voltage level instead.

(52) The Commission accepted this claim and revised the electricity benchmark for the concerned exporting producers accordingly.

(53) Following the provisional disclosure, Sanmu identified a clerical mistake in the calculation of the weighted average electricity rate (THB/CNY per KWh).

([15]) ILO, Labor Force Statistics database, 'Mean weekly hours actually worked per employed person by sex and economic activity – Annual', Thailand (https://rshiny.ilo.org/dataexplorer35/?lang=en&segment=indicator&id=HOW_TEMP_SEX_ECO_NB_A&ref_area=THA).

([16]) Thailand Board of Investment (https://www.boi.go.th/index.php?page=utility_costs&utm).

([17]) PWC, 'Thailand; Corporate – Other Taxes' (https://taxsummaries.pwc.com/thailand/corporate/other-taxes?utm).

(54) Following the comment submitted by Sanmu, and after correcting the calculation, the Commission decided to make use of the detailed electricity consumption data provided by all the sampled exporting producers. Instead of applying a general weighted average, the Commission established a company-specific benchmark electricity rate. For each sampled exporting producer, this benchmark was calculated based on their respective peak and off-peak electricity consumption, where such data was available. The reported usage was then allocated accordingly to the applicable peak and off-peak rates. In cases where a producer did not distinguish between peak and off-peak consumption, the Commission applied the peak rate, assuming the off-peak rate was not available to the given exporting producer.

(55) In addition, the Commission decided to include both the demand charge and the service charge in the electricity rate benchmark, to fully reflect the cost of electricity in the representative country. The service charge was expressed as a fixed amount per month, while the demand charge was established, in kW, based on the conservative calculation of the electricity demand. This was established by dividing the total peak consumed energy by the number of production hours.

(56) Following the final disclosure, Sinochem Group contested the Commission's method of assigning the company specific electricity categories to peak and off-peak consumption and requested to reclassify certain categories.

(57) The Commission accepted this claim and amended the electricity categories where justified.

(58) Following final disclosure, Sanmu and Sinochem contested that the Commission considered as peak the entire electricity consumption of the companies which did not make a distinction between peak and off-peak consumption. Sanmu argued that there was available public information provided by the Thailand Board of Investment ([18]) on peak hours. On the other hand, Sinochem proposed to apply the average of peak and off-peak consumption based on the companies of its group which reported this information, to the company which did not report it.

(59) The Commission examined this claim and concurred that, given the continuous 24-hour nature of the production process, it was reasonable to allocate electricity consumption in accordance with the Time-of-Use (TOU) tariff. The schedule for peak hours under the TOU system is published by the Metropolitan Electricity Authority (MEA) ([19]), which defines peak hours as running from 9 a.m. to 10 p.m.9%, Monday through Friday. This corresponds to 13 hours per day over five days per week, or approximately 38,7 % of the total hours in a week.

(60) Accordingly, for companies that did not provide a breakdown of electricity consumption by time period, the Commission allocated 38,7 % of total electricity consumption as peak consumption. This proportion closely aligns with the share of peak consumption reported by companies that submitted detailed consumption data.

(61) Following the final disclosure, Sinochem contested the methodology used by the Commission to calculate the peak demand. According to Sinochem, the peak demand should be calculated using the respondents' actual data, rather than estimated according to the method explained in the recital 62.

(62) The Commission established the peak demand in kW (i.e. the highest electricity demand in a given moment) as total peak consumption divided by the by the average number of working hours worked during peak time. To calculate peak consumption, it relied either on the data provided by the respondents or, for companies that did not differentiate between peak and off-peak usage, on the allocation method described in recital 59. The Commission found this methodology to be sound and consistent across companies. This claim was therefore rejected.

(63) Based on the comments discussed in recitals 49 to 59, the Commission recalculated the benchmark of electricity individually for each exporting producer.

([18]) https://www.boi.go.th/index.php?page=utility_costs.
([19]) https://www.mea.or.th/en/our-services/tariff-calculation/other/-LDELdOY73W3K.

(64) Following the additional final disclosure, Sinochem clarified its claim already described in recital 61 regarding the use of consumed electricity (in kWh) to determine the demand charge. The Commission examined this claim and concluded that accepting it would have no impact on the dumping margin of the Sinochem group. Therefore, the comment was moot.

(65) Similarly to recital 47, Sanmu enquired whether the undistorted benchmark for natural gas established by the Commission included 7 % VAT.

(66) The Commission calculated the undistorted benchmark for natural gas based on consumption data provided by the Thai Ministry of Energy ([20]). It divided the total value of natural gas consumed in Thailand in 2023 by the corresponding total volume. The resulting unit value did not include VAT. The Commission therefore rejected this claim.

(67) Following provisional disclosure, Sanmu reiterated their request to access the full set of accounts of the company selected to establish undistorted value for SG & A and profit in Thailand (Aditya Birla). Sanmu claimed that the 2023 and 2024 Profit and Loss accounts did not contain any accompanying notes or explanation, which did not allow parties to understand how SG & A costs were calculated. In particular, Sanmu commented that the Commission should deduct all direct selling expenses such as transport-related expenses, commissions, etc. from the SG & A costs.

(68) The Commission requested and obtained from Aditya Birla the authorisation to use the transport costs reported in the exporters' questionnaire and to subtract these costs from the computed SG & A costs. The Commission therefore amended the undistorted and reasonable rate for SG & A costs used in the establishment of the normal value from 18,0 % to 12,6 %.

3.1.2.4. Cost of production – other comments

(69) Following pre-disclosure, Jiangsu Ruiheng claimed that the Commission had overestimated the overhead costs used in calculating the dumping margin. Specifically, the company argued that the Commission allocated the full overhead costs of upstream production steps to epoxy resins, rather than apportioning them based on the actual consumption needed for epoxy resin production.

(70) However, contrary to Jiangsu Ruiheng's claim, the Commission allocated the overhead costs incurred at each stage of the vertically integrated process in proportion to the outputs used for its epoxy resins production, ensuring an accurate cost distribution without overestimation. This assessment was conducted during the on-spot verification visit in cooperation with the company, and the resulting cost was used to calculate the dumping margin without further modification. Therefore, the claim was rejected.

(71) Following pre-disclosure, JKYC claimed that one of the product types for which they mistakenly reported the cost of manufacturing was not product concerned and had not been exported to the Union. Therefore, JKYC requested the Commission to recalculate the dumping margin excluding that product type.

(72) Upon reviewing the verified cost of manufacturing file used for the provisional dumping margin, the Commission confirmed that one product type did not fall within the definition of the product concerned. Therefore, the Commission recalculated the dumping margin excluding this product type.

3.1.2.5. Conclusion regarding the normal value

(73) The Commission has addressed above all comments concerning the normal value and revised its findings when appropriate, as described above. The remaining findings in Section 3.1.2 of the provisional regulation are confirmed.

3.1.3. *Export price and comparison*

(74) In the absence of any comments, the findings regarding the export price and comparison of the provisional Regulation are confirmed.

([20]) https://www.eppo.go.th/index.php/en/en-energystatistics/energy-economy-static.

3.1.4. *Dumping margins*

(75) As described in Section 3.1.2, following claims from interested parties, the Commission revised the dumping margins.

(76) The definitive dumping margins expressed as a percentage of the cost, insurance and freight (CIF) Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin (%)
Jiangsu Sanmu Group Co., Ltd.	17,3
Sinochem group, consisting of — Jiangsu Ruiheng New Material Technology Co., Ltd. — Nantong Xingchen Synthetic Material Co., Ltd. — Jiangsu Kumho Yangnong Chemical Co., Ltd.	33,0
Other cooperating companies	23,0
All other imports originating in China	33,0

3.2. **Republic of Korea**

3.2.1. *Normal value*

(77) Following provisional disclosure, the complainant submitted that the two sampled Korean exporting producers which represent 85-95 % of Korea's production of epoxy resins, as estimated by the complainant, appeared to have supplied inaccurate information regarding the source of their supplies of epichlorohydrin ('ECH'). Considering that 28-32 % of ECH used in Korea for epoxy resin production is imported from China, and these exporters were responsible for producing nearly all epoxy resins in Korea, it was mathematically improbable for the sampled exporting producers to have avoided using Chinese ECH.

(78) The complainant further claimed that the normal value in Korea should not be based on domestic prices, which were significantly depressed due to distortions originating in China, creating a particular market situation ('PMS') in Korea within the meaning of Article 2(3) of the basic Regulation. As a result, normal value should be constructed based on costs, and the ECH price in Korea should be replaced by an appropriate benchmark. The complainant suggested the use of the North American or Western European price of ECH.

(79) The Commission confirmed that upon verification of the purchase transactions of the raw materials, including the determination of the countries of origin of the goods, it found that China was not the main source of supply of ECH of the two sampled exporters. Additionally, it found that the purchase price of ECH from China was consistent with the exporters' average purchase price in the IP, including exporters' purchase price from various source countries other than China, such as the European Union.

(80) As for the claim concerning the existence of a PMS, the Commission noted that China was not the primary global exporter of ECH, but it was Thailand with over 108 000 MT exported globally during the investigation period, compared to 58 000 MT by China. Thailand was also the major exporter in the Asia region. Furthermore, Thailand's average export price of ECH was within the same range as that of China. Therefore, both China and Thailand, considering their production capacities and export strategies, likely played crucial roles in determining ECH prices throughout the Asian region. Additionally, ECH prices in Asia may have been influenced by multiple other factors, including demand from industrial sectors such as construction and coatings ([21]). Furthermore, intense competition among producers in the region may have contributed to maintaining competitive prices. Consequently, attributing the level of ECH prices in Korea solely to Chinese imports may not fully capture the complexities of the market dynamics at play in the Asian region.

([21]) https://www.chemanalyst.com/Pricing-data/epichlorohydrin-55.

(81) Based on this and the information provided by the complainant, the Commission could not conclude that China's overcapacity in ECH has resulted in artificially low ECH prices in neighbouring markets, including Korea, capable of creating a particular market situation. As such, it found that the conditions for adjusting costs under Article 2(3) of the basic Regulation were not met.

(82) Having rejected the claim described above, the Commission confirmed the findings of the provisional Regulation regarding the normal value for Korea.

3.2.2. *Export price*

(83) In the absence of any comments, recitals 207 to 208 of the provisional Regulation are confirmed.

3.2.3. *Comparison*

(84) In the absence of any comments, recitals 209 to 214 of the provisional Regulation are confirmed.

3.2.4. Dumping margins

(85) In the absence of any comments, recitals 215 to 220 of the provisional Regulation are confirmed.

3.3. **Taiwan**

3.3.1. *Normal value*

(86) In the absence of any comments, recital 221 of the provisional Regulation is confirmed.

3.3.2. *Export price*

(87) In the absence of any comments, recitals 223 to 224 of the provisional Regulation are confirmed.

3.3.3. *Comparison*

(88) Following provisional disclosure Nan Ya submitted that the normal value and export price were not comparable due to differences in quantities per particular orders in the domestic Taiwan and the Union export market.

(89) During the investigation, Nan Ya failed to provide or submit any evidence suggesting that there were different levels of trade between the domestic and export markets, or that the quantity ordered per particular order was a relevant factor in setting prices. Furthermore, Nan Ya did not present any evidence on quantity-based discounts or other substantiating evidence to support the claim that larger sales volumes would necessarily lead to discounted prices.

(90) The Commission therefore rejected this claim.

3.3.4. *Dumping margins*

(91) In the absence of any comments, recitals 231 to 233 of the provisional Regulation are confirmed.

3.4. **Thailand**

(92) After provisional disclosure Aditya Birla submitted that the Commission had not considered Aditya Birla's comments on pre-disclosure in the provisional Regulation. Aditya Birla reiterated its comments also in two separate submissions to the final disclosure. Both submissions mainly repeated the same arguments already submitted after the provisional disclosure without bringing forward new evidence which would change the conclusions of the final disclosure.

(93) As explained in the recital 4, the admissible pre-disclosure comments are limited to the accuracy of the calculations. This was also specified in the pre-disclosure documents shared with the interested parties. The comments submitted by Aditya Birla on pre-disclosure exceeded this scope, addressing matters that should only be raised and addressed after the imposition of the provisional measures. Therefore, the Commission rejected this claim.

3.4.1. *Normal value*

(94) After provisional disclosure, Aditya Birla submitted that the Commission wrongly used the actual profit percentages on the domestic market for product types ('PCNs') which were sold in the domestic market in quantities which did not comply with the 5 % threshold established in Article 2(2) of the basic Regulation, which according to Birla would deem those sales not in the ordinary course of trade ('OCOT'). According to Aditya Birla this was against Article 2(3) of that Regulation and that the Commission should have instead used the profit margin based on all domestic sales made in the ordinary course of trade, irrespective of the PCN concerned. Aditya Birla reiterated its comments also in two submissions following the final disclosure by repeating the earlier arguments but not providing new evidence which would change the conclusions reached in final disclosure.

(95) The Commission noted that, contrary to Aditya Birla's submission, domestic sales volumes which do not constitute 5 % or more of exports of the same product type are not considered as not being in the ordinary course of trade. In fact, Article 2(3) of the basic Regulation makes a reference to 'insufficient sales of the like product **in the ordinary course of trade**'. (emphasis added). Indeed, the transaction on the basis of which the actual profit for the sales of the relevant PCNs used in the construction of the normal values under Article 2(3) of the basic Regulation was determined were all profitable and thus made in the OCOT. Thus, the premise that the Commission used a profit based on transactions not in the ordinary course of trade is factually incorrect.

(96) In their comments made after provisional disclosure, Aditya Birla seemingly confused sales that were not made in the OCOT (Article 2(4) of the basic Regulation) with the sales that did not pass the representativity test in Article 2(2) of that Regulation. Just because sales were made in insufficient quantities under Article 2(2) of the basic Regulation does not mean that they were not made in the OCOT. Indeed, as noted in recital 95, the relevant sales transactions which were used to compute the actual profit for the relevant PCNs were made in the OCOT.

(97) Regarding the complaint that the profit used in the construction of the normal value for the relevant PCNs was based on sale transactions that overall did not pass the 5 % threshold in Article 2(2) of the basic Regulation, the Commission noted the following.

(98) If there are insufficient domestic sales in the OCOT (i.e. their volume is less than 5 % of the sales volume of the product under consideration to the Union), as it was the case for the relevant PCNs, the normal value may be calculated either on the basis of the cost of production in the country of origin plus a reasonable amount for SG & A costs and for profits or on the basis of representative export prices ([22]). In this, Article 2(3) of the basic Regulation follows the provisions of Article 2.2 of the WTO ADA.

(99) With regard to SG & A costs and profit that are to be used in the construction under Article 2(3), Article 2(6) of the basic Regulation and Article 2.2.2 of WTO ADA stipulate, amongst other, that the amounts for SG & A costs and for profits shall be based on actual data pertaining to production and sales, in the ordinary course of trade, of the like product by the exporter or producer under investigation. If such amounts cannot be determined, three alternative ways of obtaining them are provided.

([22]) See, to that effect, judgment of 1 October 2014, *Council* v *Alumina*, C-393/13 P, EU:C:2014:2245, paragraph 20 and the case-law cited.

(100) Since Articles 2(3) and 2(6) of the basic Regulation, respectively, mirror in large part Articles 2.2 and 2.2.2 of the WTO ADA they should be interpreted, so far as possible, in conformity with the Agreement ([23]).

(101) As noted by the Appellate Body in EC – Tube or Pipe Fittings ([24]), 'Article 2.2.2 establishes, […], criteria for determining 'reasonable amount[s]' for SG & A and profits when calculating constructed normal value pursuant to Article 2.2'. The Appellate Body continued in the following manner: '[e]xamining the text of the chapeau of Article 2.2.2, we observe that this provision imposes a general obligation ("shall") on an investigating authority to use "actual data pertaining to production and sales in the ordinary course of trade" when determining amounts for SG & A and profits. Only "[w]hen such amounts cannot be determined on this basis" may an investigating authority proceed to employ one of the other three methods provided in subparagraphs (i)-(iii). In our view, the language of the chapeau indicates that an investigating authority, when determining SG & A and profits under Article 2.2.2, must first attempt to make such a determination using the "actual data pertaining to production and sales in the ordinary course of trade". If actual SG & A and profit data for sales in the ordinary course of trade do exist for the exporter and the like product under investigation, an investigating authority is obliged to use that data for purposes of constructing normal value; it may not calculate constructed normal value using SG & A and profit data by reference to different data or by using an alternative method' ([25]).

(102) It follows that if the sales in question were made in the OCOT, as was the case, their volume is immaterial. As observed by the Appellate Body, '[t]he absence of any qualifying language related to low volumes in Article 2.2.2 implies that an exception for low-volume sales should not be read into Article 2.2.2.' ([26]). In accordance with this case-law, where there is an actual profit data pertaining to sales made by an exporting producer in the ordinary course of trade, that actual profit data not only may but must be used by the Commission in the construction of the normal value. That obligation applies regardless of the volume of sales concerned by the transactions in question.

(103) For the reasons explained above, Aditya Birla's claim on establishing the normal value was rejected.

(104) Aditya Birla argued that technical service expenses, which cover the cost of services provided to customers applying epoxy resins to new applications, end uses, or changed circumstances, should be allocated solely to domestic sales. Consequently, Aditya Birla believed these expenses should not be included in the company's general expenses. Aditya Birla reiterated its comments also in response to the final disclosure.

(105) The Commission disagreed with this view. Technical assistance is a service generally offered to customers on the domestic market. Under Article 2(6) of the basic Regulation, the amounts for selling, general and administrative costs and for profits shall be based on actual data pertaining to production and sales, in the ordinary course of trade, of the like product by the exporter or producer under investigation. Therefore, the Commission considered these costs to be of a general nature and should be included in the company's general expenses, leading to the rejection of this claim.

(106) In the same context, Aditya Birla mentioned a Royalty Agreement, which requires Aditya Birla to pay commissions to the specified company. Aditya Birla claimed that these commissions are related only to specific products and sales and should not be included in the SG & A costs.

(107) Despite Aditya Birla's mention of the Royalty Agreement in relation to technical service expenses, these are distinct issues, and it appeared that Aditya Birla has inadvertently conflated them. The Commission did not allocate the allowances reported by Aditya Birla based on the Royalty Agreement to the general SG & A costs, resulting in the rejection of the claim concerning the Royalty Agreement.

([23]) See, for instance Judgment of 19 December 2013, *Transnational Company 'Kazchrome' and ENRC Marketing* v *Council*, C-10/12 P, EU:C:2013:865, paragraph 54; Judgment of 16 December 2020, *Changmao Biochemical Engineering* v *Commission*, T-541/18, ECLI:EU:T:2020:605, paragraph 61.

([24]) Appellate Body Report, *European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil*, WT/DS219/AB/R, paragraph 96.

([25]) *Ibid*. paragraph 97.

([26]) *Ibid*. paragraph 98.

3.4.2. *Export price*

(108) Following provisional disclosure Aditya Birla submitted that the Commission should not have adjusted the sales price of epoxy resins in cases where hardener and the epoxy resin were sold together for the same nominal unit price. Aditya Birla submitted that in these cases the Commission had wrongly considered the combined sale of epoxy resin and hardener as a sale of a system or a kit. Aditya Birla reiterated its comments also in response to the final disclosure.

(109) In the Commission's view, when an equal nominal sales price of epoxy and hardener is reported by Aditya Birla, the actual price of the epoxy resin is in reality lower than the price indicated on the invoice and did not reflect the economic reality. That is because hardeners and epoxy resins have a substantially different cost of production and, when sold separately, hardeners are sold at substantially higher price than epoxy resins. Therefore, the Commission considered it necessary to adjust the nominal sales price for the sales were the same price was indicated for both the epoxy resin and hardener, as to reflect the differences in the respective cost of hardener and epoxy resins. This aligned the sales prices with those transactions where epoxy resins and hardeners were sold separately.

(110) The Commission thus disagreed with Aditya Birla's claim. Regardless of whether the sales are considered as sales of a kit or a system, the combined sales of hardeners and epoxy with the same nominal sales price do not reflect the economic reality for the reasons explained above. In such cases an adjustment is warranted and the best available basis for this adjustment was the respective cost of the elements, following the analogy of situations where hardeners and epoxy resins are sold as kits.

(111) Furthermore, Aditya Birla did not argue or provide evidence that the high sales prices reported in cases of combined sales would have been achieved when the epoxy resin was sold separately, or that the same low prices for hardeners would have applied when hardeners were sold separately.

(112) Therefore, the Commission maintained that in cases where epoxy resins and hardeners are sold in combination at the same nominal price, an adjustment to the nominal sales prices of epoxy was warranted and rejected the claim.

(113) Aditya Birla also submitted that the Commission had wrongly applied SG & A costs and profit adjustment of its German subsidiary CTP Advance Materials GmbH ('CTP') to the selling prices of Aditya Birla on the Union market. The adjustment was based on CTP's total SG & A and a notional profit.

(114) The Commission partially accepted this claim. While maintaining that CTP acted as an agent for all Aditya Birla sales in the Union, the Commission acknowledged that the profit adjustment set out in recital 244 of the provisional Regulation included SG & A expenses related to processing activities. Consequently, the Commission made a downward correction to the SG & A and profit adjustment to the sales where CTP acted only as an agent. Despite of the adjustment made after the provisional disclosure, Aditya Birla reiterated its comments also in responses to the final disclosure by repeating the earlier arguments but not providing new evidence which would change the conclusions reached in final disclosure.

(115) Further Aditya Birla disagreed with the allocation method applied by the Commission in cases where epoxy resin is further processed by CTP before resale. First, Aditya Birla claimed that the Commission should not have allocated processing costs to different elements (epoxy resin and other substances) based on volume. Second, Aditya Birla argued that the Commission was incorrect in allocating the selling price of processed products to components based on their respective purchase price, as described in recital 238 of the provisional Regulation.

(116) The Commission disagreed with both arguments. First, the nature of CTP's processing, which involved mixing epoxy resin with other substances, meant that the volume of processed products, rather than their value, is the main cost driver. Therefore, the processing cost should be allocated on the basis of the volume of the elements.

(117) Second, the selling price of the processed product should be allocated to components based on their respective cost of production or purchase price. It follows from this allocation method that the different components of the processed product have the same profit margin, which is a reasonable assumption not contradicted by the company.

(118) In its comments to the final disclosure, Aditya Birla also claimed that the Commission had disregarded some sales transactions in the dumping calculations.

(119) The transactions that Aditya Birla was referring to had either taken place outside of the investigation period, were sold outside of the Union or were not produced by Aditya Birla. Therefore, those transactions were correctly excluded from the dumping calculations.

(120) Therefore, for the reasons explained above, the Commission rejected the claims concerning the allocation method of processing cost and the selling price.

(121) Aditya Birla also submitted that the Commission wrongly applied the sales price from Aditya Birla to CTP when calculating the CIF price of the imports for determining the injury margin. Instead, according to Aditya Birla the Commission should have used the price calculated back from the sales price of processed products as described in the recital 237 of the provisional Regulation. Aditya Birla reiterated its comments also in response to the final disclosure by repeating the earlier arguments but not providing new evidence which would change the conclusions reached in final disclosure.

(122) The Commission rejected this claim. Contrary to what Aditya Birla claimed, the Commission constructed the CIF prices based on the sales prices to the unrelated independent customers in the Union.

3.4.3. *Comparison*

(123) In the absence of any comments, recitals 239 to 244 of the provisional Regulation are confirmed.

3.4.4. *Dumping margin*

(124) Following the adjustment described in the recital 114 above the dumping margin is revised from 32,8 % to 29,9 %.

(125) The definitive dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin (%)
Aditya Birla Chemicals (Thailand) Limited	29,9
All other imports originating in Thailand	29,9

4. **INJURY**

4.1. **Definition of the Union industry and Union production**

(126) In the absence of any comments with respect to the definition of the Union industry and Union production, the conclusions set out in recitals 249 to 254 of the provisional Regulation were confirmed.

4.2. **Union consumption**

(127) In the absence of any comments with respect to the Union consumption, the conclusions set out in recitals 255 to 258 of the provisional Regulation were confirmed.

4.3. **Imports from the countries concerned**

4.3.1. *Cumulative assessment of the effects of imports from the countries concerned*

(128) Following the provisional disclosure, Nan Ya disagreed with the Commission's decision to assess the imports from Taiwan cumulatively with imports from other countries concerned, arguing that the conditions of competition between imports from Taiwan and other countries concerned, as well as between imports from Taiwan and the domestic like product, differ fundamentally. According to the exporter, the import volumes from Taiwan and the market share held by Union imports from Taiwan were miniscule compared to imports from the other countries concerned and developed in a completely different way from imports from the other countries concerned. Nan Ya argued that Taiwanese imports into the Union lost market share from 2022 to the IP and, therefore, the Union industry lost its market share to imports from other countries concerned and not to Taiwanese exporting producers. Lastly, Nan Ya maintained that imports from Taiwan entered the Union market at a much lower volume and at higher prices than other countries concerned and that even during the IP, the prices of Union imports from Taiwan remained 7 % higher than in 2020.

(129) First, as set out in recital 260 of the provisional Regulation, the volume of imports from Taiwan was not negligible within the meaning of Article 5(7) of the basic Regulation. Second, consistent with the evolution of market share of the other countries concerned, Taiwanese imports increased by 4 795 tonnes during the period considered and reached a market share of 3,3 % (up from 1,7 % in 2020). Furthermore, dumping was established for the Taiwanese exporting producers. Finally, as explained in section 4.3.1 of the provisional Regulation, the conditions of competition between the dumped imports from China, Taiwan, and Thailand and between the dumped imports from the countries concerned and the Union like product were similar, and Nan Ya offered no evidence to the contrary. Therefore, all the criteria set out in Article 3(4) of the basic Regulation were met for the imports from Taiwan to be assessed cumulatively with the imports from China and Thailand for the purposes of the injury determination. Therefore, Nan Ya's claim had to be rejected.

(130) In the absence of any further comments with respect to the cumulative assessment of the effects of imports from the countries concerned, the Commission confirmed its conclusions set out in recitals 259 to 265 of the provisional Regulation on these points

4.3.2. *Volume and market share of the imports from the countries concerned*

(131) ERC argued that the import statistics data used by the Commission is incomplete and unreliable, as it relied exclusively on CN code 3907 30 00 and disregarded other relevant CN codes (2910 90 00, 3824 99 92, and 3824 99 93) without adequate verification and reasoning behind the exclusion of certain CN codes from consideration. ERC further questioned the Commission's reliance on commercially obtained data from S&P Global intelligence, which is not publicly available and may not constitute positive evidence.

(132) First, the Commission clearly and unequivocally elaborated in recital 267 of the provisional Regulation on its methodology of identifying the imports from the countries concerned and why it excluded certain 'basket' commodity codes including multiple other products, other than epoxy resins. In this regard, ERC failed to substantiate in its submission as to why such approach should be declared invalid and how would any alternative approach (i) deliver more accurate results for imports from the countries concerned; and/or (ii) invalidate the Commission's analysis. Second, the import data relied on by the Commission is sourced exclusively from Eurostat, a publicly available database with verifiable data and is not supplemented by any private market intelligence. The Commission merely stated that the Eurostat data is consistent with S&P Global intelligence, without basing its analysis or conclusions on this intelligence. Moreover, and contrary to what is claimed by ERC, S&P Global intelligence is a subscription-based service widely used by the epoxy resins industry. It is reasonable to believe that ERC and/or its members would have every interest in accessing the data to what is a leading and most comprehensive data source in the epoxy resins industry. Irrespective of that, it is undisputable that the Commission sourced the import data, used for its findings, from Eurostat, a publicly available database. ERC's claim was therefore rejected.

(133) Further to the final disclosure, ERC alleged that the S&P Global intelligence data was selectively deployed by the Commission. According to ERC, the Commission used the data inconsistently by relying on it for the non-verified macroeconomic injury data and not for the examination of imports.

(134) Contrary to ERC's claim, the Commission did not use the disputed data selectively. While the Commission resorted to the S&P Global intelligence as a primary source of data in order to get a complete picture on the macroeconomic indicators of the Union industry, use of the S&P Global data as a primary source was simply not required for identification of imports from countries concerned, as the complete data was available in Eurostat. In any event S&P data is consistent with the Eurostat data with respect to the import statistics. The approach chosen by no means makes the Commission's methodology selective and flawed. ERC's argument was therefore dismissed.

4.3.3. *Prices of the imports from the countries concerned and price undercutting*

(135) QR Polymers is Nan Ya's exclusive distributor for Greece and submitted following the provisional disclosure that the price undercutting that the Commission claimed to have found is not present in Greece. The Commission recalled with reference to section 4.3.3 of the provisional Regulation that undercutting was calculated using data on export sales to the Union from verified questionnaire replies provided by the sampled exporting producers, including Nan Ya, and sales in the Union by the sampled Union producers for the Union market considered as a whole (as opposed to a select country or countries), rendering thus the claim made by QR Polymers ineffective.

(136) In the absence of further comments with respect to the volume, market share as well as the price of the imports from the countries concerned, the Commission confirmed its conclusions set out in recitals 266 to 276 of the provisional Regulation on these points.

4.4. **Economic situation of the Union industry**

4.4.1. *General remarks*

(137) Following the provisional disclosure, ERC contended that the injury assessment is based on macro- and microeconomic data derived not solely from questionnaire responses from the Union producers but also from data estimated by the S&P Global intelligence. According to ERC, such approach raises significant concerns about the accuracy, reliability, and representativity of these indicators.

(138) The microeconomic indicators are based solely on the verified questionnaire responses of the sampled Union producers. The macroeconomic data were based on information submitted by the complainants and verified by the Commission covering more than 70 % of Union production, further supplemented by the best available figures from S&P Global to arrive at data for the whole Union industry. Such data are therefore sufficiently representative of the micro- and macroeconomic trends of the Union industry over the period considered. ERC failed to substantiate as to why it would not be the case and ERC's argument is therefore rejected.

(139) Following the final disclosure, ERC reiterated its claim that using 2020 as a benchmark year for assessing the injury trends leads to an exaggeration of subsequent deterioration of the Union industry's situation. Instead, ERC argued, that using 2019 or 2021 as a benchmark for assessing trends would deliver a more balanced analysis.

(140) First, as set out in recital 43 of the provisional Regulation, the Commission, in accordance with its standard practice selected a period of three full years as well as the investigation period for examination of the macro- and microeconomic trends and indicators. Second, the injury assessment involves a dynamic assessment of the economic factors over the period considered and not merely the conditions at the start and the end of the period considered. Third, regardless of the first year of the period considered, the Commission analysis clearly showed material injury to the Union industry during the investigation period. Therefore, a change of the period considered would not invalidate or otherwise alter the injury findings set out in this Regulation.

4.4.2. *Macroeconomic indicators*

(141) In the absence of comments on macroeconomic indicators, the conclusions set out in recitals 282 to 296 of the provisional Regulation were confirmed.

4.4.3. *Microeconomic indicators*

(142) In response to the provisional disclosure, Nan Ya claimed that the Commission cannot disregard the fact that the Union industry was loss-making even in 2020, when the volume of imports from concerned countries was very low. Nan Ya further argued that the profitability trends of the Union industry, in particular from 2022 onwards were linked to the increased cost of production incurred by the Union producers, and their ability (or lack thereof) to pass on those costs to consumers due to the very nature of the market.

(143) First, as set out in recital 306 of the provisional Regulation, the lossmaking situation at the Union producers in 2020 was driven by the initial market response to the COVID-19 pandemic and it was only post-2022 when the injurious effects of the increased volumes of dumped imports were felt. As further outlined in recital 321 of the provisional Regulation, the pressure from increasing import volumes at dumped prices significantly below the production cost of the Union producers in 2023 and in the investigation period became unsustainable for the Union industry. It was due to this unfair competition from dumped imports that the Union industry became unable to increase its sales prices to pass on to customers the increasing cost of raw materials. To mitigate losses in production volumes and market share, the Union producers were subsequently forced to reduce prices at the expense of their profitability. Nan Ya's claim is therefore rejected.

(144) In the absence of further comments on microeconomic indicators, the conclusions set out in recitals 297 to 310 of the provisional Regulation were confirmed.

4.5. **Conclusion on injury**

(145) In view of the above, the Commission confirms its findings in recitals 311 to 317 of the provisional Regulation.

5. CAUSATION

5.1. **Effects of the dumped imports**

(146) Following the final disclosure ERC submitted that the Commission failed to establish a coherent timeline linking dumped imports to the alleged injury. According to ERC, the steepest import surge occurred in 2020-2022, when Union profitability peaked, whereas the downturn in 2022-IP coincided with exceptional energy and raw-material cost inflation.

(147) As noted in the provisional Regulation (in particular recitals 321, 326 and 348), the cumulated imports from the countries concerned were steadily and at a significant rate increasing (see Table 3 of the provisional Regulation) every single year of the period considered (hence not only between 2020-2022), while the market share of the Union producers was dropping and total imports from other countries were stable. Although in 2021-2022 the Union producers managed to achieve healthy profits despite the unfair competition thanks to a surge in demand for epoxy-containing products, the injurious effects of dumped imports became apparent in 2023 and in the investigation period when the imports from the countries concerned kept increasing their market share in a shrinking Union market. The claim was therefore rejected.

(148) In the absence of any further comments on the effects of the dumped imports, recitals 319 to 328 of the provisional Regulation are confirmed.

5.2. **Imports from third countries**

(149) Following the provisional disclosure as well as in its response to the final disclosure, ERC submitted that, inconsistent with Article 3(7) of the basic Regulation, the effects of imports from Korea on the Union industry were not isolated and properly assessed. According to ERC the Commission has not provided a convincing explanation as to why these imports should not be considered a significant contributing factor to the injury.

(150) First, the effects of imports from other third countries and notably from Korea have been duly and separately assessed in recital 332 of the provisional Regulation. Furthermore, and contrary to the ERC's claim, the Commission did conclude that imports from Korea contributed to the material injury of the Union industry. However, such contribution was not such as to attenuate the causal link between the injury suffered by the Union industry and the dumped imports from the countries concerned for the reasons already indicated in recitals 334 and 356 of the provisional Regulation.

(151) Further to the final disclosure, ERC also claimed that Korea should have been included in the Commission's cumulative analysis and that the selective cumulation, excluding Korean imports, distorts the macroeconomic picture. The Commission noted with reference to Article 3(4) of the basic Regulation as well as the Section 4.3.1 of the provisional Regulation that the effects of Korean imports could not have been cumulatively assessed as no dumping margin was found for Korea. Hence, ERC's claim was dismissed. Ina any event, the potential injurious effect of imports from Korea was analysed in section 5.2.1 and in particular in recital 332 of the provisional Regulation.

(152) In a similar vein, Nan Ya argued in response to the provisional disclosure that the Commission's conclusion that Union imports from Korea did not attenuate the causal link between the dumped imports from Taiwan and the injury is inadequate, and Nan Ya requested the Commission to revisit its determination. Nan Ya claimed that Korea accounted for a large proportion of all imports during the period considered, while Union imports from Taiwan remained of a very limited importance throughout (and decreased during most of) the period considered, and Taiwan maintained an insignificant market share compared to the Union industry and Korea.

(153) As set out in Section 4.3.1 of the provisional Regulation, Taiwanese imports are assessed cumulatively with imports from China and Thailand for the purposes of this case. The countries concerned increased their share on total Union imports from less than 11 % to over 35 %, while Korean imports as a proportion of total imports decreased over the period considered by 2 percentage points. Even when considering the evolution of Taiwanese imports individually, they increased by 73 % over the period considered. Therefore, as outlined in recital 332 of the provisional Regulation, given the volumes and prices of the dumped imports from the countries concerned and their development throughout the period considered, it could not be concluded that imports from Korea were capable of attenuating the causal link between the dumped imports from countries concerned and the material injury they caused to the Union industry. Hence, Nan Ya's claim has to be dismissed.

(154) In the absence of any further comments, recitals 329 to 334 of the provisional Regulation are confirmed.

5.3. **Export performance of the Union industry**

(155) ERC submitted following the provisional disclosure that the Union industry's inability to maintain export volumes and prices was a key factor contributing to its overall deteriorating financial situation. This decline in export performance cannot be ignored or downplayed in the causality assessment, according to ERC.

(156) The export performance was duly evaluated by the Commission. As outlined in section 5.2.2 and recital 357 of the provisional Regulation, the Commission did not ignore or downplay the export performance in its assessment. Indeed, it concluded that the export performance contributed to the adverse situation at the Union producers, but not in such a magnitude to attenuate the causal link between the imports from countries concerned and the injury suffered by the Union industry. ERC's claim is therefore dismissed.

(157) In the absence of any further comments, recitals 335 to 340 of the provisional Regulation are confirmed.

5.4. **Effects of other factors**

(158) Following the provisional disclosure, ERC restated that the deterioration in performance began in 2022, coinciding with rising energy prices and raw material costs, rather than increased imports. ERC also noted that the Union producers' decision to reduce production volumes and capacity utilisation was inconsistent with normal competitive responses expected in a commodity market. According to ERC, the Commission should have verified whether this sharp reduction in production was not a result of deliberate strategic decisions taken in anticipation of this anti-dumping proceeding.

(159) In its comments on following the definitive disclosure, ERC claimed that the Commission did not demonstrate with positive evidence that the dumped imports were the main cause of the Union industry's injury and not the sharp increase in the cost of energy and certain raw materials.

(160) In fact, the Commission analysed the effect of the increased cost of production and the spike in energy costs in recitals 341, 342 and 358 of the provisional Regulation and concluded that in absence of the price pressure from the dumped imports, the Union industry would have been able to pass on the cost increases and adequately respond to the changing market conditions.

(161) Nan Ya also argued following the provisional disclosure that the cost of production remained exceptionally high during the period considered, which explained why the Union industry could not pass the additional costs to its customers in a shrinking Union market.

(162) The Commission noted with reference to its causation analysis in sections 5.2.3 and 5.2.5 of the provisional Regulation that factors such as business decisions of the Union producers, energy prices and raw material price increases have been duly examined and assessed. As set out in recitals 306 and 314 of the provisional Regulation, it was the low-priced dumped imports from the countries concerned which caused significant price depression to the Union industry following 2022. As a result of these dumped imports (and of no other factors such as business decisions of the Union producers or energy crisis or rising raw material prices), the Union industry was unable to sell at prices covering their cost of production and became loss-making in 2023 and in the investigation period. Had it not been for the price pressure from the dumped imports, the Union industry would have been able to absorb the increasing cost of production and adequately respond to the changing market conditions. In terms of cost and sales price evolution, as it transpires from Table 8 ('Sales prices in the Union') of the provisional Regulation, while the Union cost of production decreased by 20 percentage points in the period 2022-IP, the Union sales prices dropped by 90 percentage points over the same period. ERC's and Nan Ya's claims are therefore rejected.

(163) Furthermore, Aditya Birla argued in its response to the provisional disclosure that the Commission failed to properly account for the distorting effects of the COVID-19 pandemic on the injury assessment. According to the exporter, basing injury calculations on data between 2020 and 2021 without sufficient adjustments, conflates economic distortions with actual injury leading to a manifest error in the causal link and non-attribution analysis. First, the injury calculations (including underselling and undercutting) are based on the investigation period and not the period of the COVID-19 pandemics preceding that period by several years. Furthermore, and in more general terms, the Commission injury assessment takes into account the data for the period considered, conducting a dynamic assessment of the macro- and microeconomic indicators of the Union industry over that period, including the years 2020-2021. As it follows from recitals 257, 258, 288, 306, 321, 345 and 364 of the provisional Regulation and contrary to Aditya Birla's claim, the Commission duly took account of the COVID-19 pandemic's impact on the situation of the Union industry in its injury assessment. Finally, Aditya Birla failed to substantiate how the effects of the COVID-19 pandemics would attenuate the causal link or otherwise invalidate the Commission's causality assessment. The claim of Aditya Birla is therefore dismissed.

(164) In view of the above and in the absence of further comments, the Commission confirms its findings in recitals 341 to 353 of the provisional Regulation.

5.5. **Conclusion on causation**

(165) The conclusions on causation reached in recitals 354 to 360 of the provisional Regulation were confirmed.

6. LEVEL OF MEASURES

6.1. Injury margin

(166) The complainant submitted, following the provisional disclosure, that the Commission underestimated the target profit of the Union epoxy resin industry by taking the minimum profit margin of 6 % as a basis. The complainant suggested that a reasonable profit margin should be at least [10-20] %, which is the average profit margin between 2020 and 2022. According to the complainant, adjusting the target profit above the 6 % threshold would also be in line with the Commission's recent practice, where profitability in excess of 6 % was achieved by the Union industry prior to the period considered and accepted by the Commission.

(167) First, reference is made to recital 364 of the provisional Regulation which provided exhaustive explanation regarding the establishment of the target profit in accordance with Article 7(2c) of the basic Regulation. Second, although the complainant argued in favour of using the average profit margin between 2020 and 2022, the complainant alone downplayed such choice by acknowledging that 'while 2021 profit levels were substantially above the expected target profit, the 6 % profit margins reported in 2020 and 2022 also fail to serve as a representative benchmark'. Furthermore, and as outlined in the Commission's provisional findings, profitability of the sampled Union producers for the period prior to the period considered could not be meaningfully considered given the lack of reliable data or heavy volatility in profits in the said period. The complainant's claim has to be therefore rejected.

(168) Furthermore, the complainant claimed in response to the provisional disclosure that in establishing the target price, the Commission should apply a default compliance cost per industry (referring to a Commission report on cost assessment in the Union chemical industry, published in 2016) in the absence of specific quantitative data from questionnaire responses of the sampled Union producers.

(169) First, and as acknowledged by the complainant in its submission, the Commission requires quantifiable and verifiable data for its calculations of future compliance costs, which the sampled Union producers failed to produce in this case as set out in recitals 364 to 365 of the provisional Regulation. Furthermore, the calculation of the non-injurious price (including the R & D, innovation and future compliance costs) is an exercise involving individualised figures of the sampled Union producers. Hence it would not be possible to replace the company-specific figures with sector-specific figures as part of the exercise. For the reasons above, the complainant's claim has to be dismissed.

(170) Finally, the complainant submitted that Chinese producers seem to have adopted a synchronized pricing strategy, as the injury margins calculated for Chinese sampled exporters exhibit an almost identical alignment, raising concerns about potential anti-competitive practices. Since the complainant did not provide any substantiated evidence to support its claim (which in any event does not fall under scope of the basic Regulation) the Commission could not examine it and hence it has to be rejected. The claim was reiterated by the complainant following the final disclosure, however still with no supporting evidence.

(171) As set out in recitals 113 and 114 above, the export price for the Thai company was corrected and subsequently the Commission revised the injury margin for Thailand. Therefore, the final injury elimination level for the cooperating exporting producers and all other companies is as follows:

Country	Company	Definitive dumping margin (%)	Definitive injury margin (%)
China	Jiangsu Sanmu Group Co., Ltd.	17,3	116
	Sinochem Group: — Jiangsu Ruiheng New Material Technology Co., Ltd. — Nantong Xingchen Synthetic Material Co., Ltd. — Jiangsu Kumho Yangnong Chemical Co., Ltd.	33,0	118,9

Country	Company	Definitive dumping margin (%)	Definitive injury margin (%)
	Other cooperating Chinese companies	23,0	117,1
	All other imports originating in China	33,0	118,9
Taiwan	Chang Chun Plastics Co	10,8	105,8
	Nan Ya Plastics Corporation	11,0	96,5
	All other imports originating in Taiwan	11,0	105,8
Thailand	Aditya Birla Chemicals (Thailand) Limited	29,9	71
	All other imports originating in Thailand	29,9	71

6.2. **Conclusion on the level of measures**

(172) Following the above assessment, definitive anti-dumping duties should be set as below in accordance with Article 7(2) of the basic Regulation:

Country	Company	Definitive anti-dumping duty (%)
China	Jiangsu Sanmu Group Co., Ltd.	17,3
	Sinochem group, consisting of: — Jiangsu Ruiheng New Material Technology Co., Ltd. — Nantong Xingchen Synthetic Material Co., Ltd. — Jiangsu Kumho Yangnong Chemical Co., Ltd	33,0
	Other cooperating companies	23,0
	All other imports originating in China	33,0
Taiwan	Chang Chun Plastics Co	10,8
	Nan Ya Plastics Corporation	11,0
	All other imports originating in Taiwan	11,0
Thailand	Aditya Birla Chemicals (Thailand) Limited	29,9
	All other imports originating in Thailand	29,9

7. **UNION INTEREST**

7.1. **Comments on the Union interest following the provisional disclosure**

(173) ERC argued that the high level of duties will impede access of imports from China to the Union and reiterated that the reduced availability of competitively priced epoxy resins could lead to higher costs for downstream industries relying on these inputs. ERC's claim is rejected with reference to section 7.4 of the provisional Regulation, in particular to recitals 391 and 392. Following the final disclosure, ERC restated its arguments, considering the Union-interest analysis unbalanced and calling for a specific downstream impact assessment, without submitting any evidence or new arguments.

(174) Furthermore, Aditya Birla claimed that the imposition of anti-dumping duties would have a negative impact on the Union's clean energy goals and energy security, as it would lead to higher costs, reduced supply security, and undermine key EU climate and energy policies, ultimately contradicting the Union's objectives of scaling up renewable energy and electrification. The exporter equally submitted that the imposition of measures would also lead to the closure of production facilities of CTP, which is a Union affiliate of Aditya Birla.

(175) Contrary to Aditya Birla's claim and in line with recital 388 of the provisional Regulation, the absence of measures (rather than their imposition) would put the existence of the Union epoxy resin industry and the stability of supply for the user industries in jeopardy. Reliance on dumped imports would in fact undermine the Union efforts to develop its own reliable industrial base to meet the renewable energy and carbon neutrality goals. Further to the operations of Aditya Birla's Union affiliate, it is recalled that in addition to the sufficient capacity available at the Union producers there are other large exporting countries such as India, Korea, or Switzerland and their producers (including Aditya Birla and CTP's related Indian producer) represent alternative sources of supply and pose a healthy competition to the Union industry. Second, Chinese, Thai and Taiwanese imports will not be prevented from entering the Union, they will simply enter at fair prices by paying the duties. In view of the aforementioned, Aditya Birla's claim is rejected.

(176) In response to the final disclosure, Nan Ya claimed (also with reference to the declared *force majeure* at Westlake's plant for one of the product types) that the measures would likely not protect Union production but would allow the complainant companies to substitute their Union epoxy resin production with their own imports from the United States, where the cost of production was significantly lower. Nan Ya further submitted that the measures increased the risk of anti-competitive behaviour by the largest Union producers, referring to Westlake's previous involvement in cartel activity in the Union and the United Kingdom.

(177) Nan Ya's claims were not accompanied by evidence and therefore were considered purely speculative. The exporter failed to substantiate how a temporary force majeure declaration on a particular product type or a past anticompetitive behaviour of Union producers could call into question or override the overall interest in imposing trade defence measures aimed at restoring the level playing field in the epoxy resins sector. Therefore, Nan Ya's claims were rejected.

(178) In response to the provisional disclosure, the unrelated importer De Monchy, distributing Nan Ya's resins, restated its opposition against anti-dumping duties introduced for Taiwanese imports. According to the importer, a restricted supply from Nan Ya due to the measures could negatively affect the end users, increase the price level for the end products, and could also result in a loss of business and personnel for the importer.

(179) Furthermore, another unrelated importer of resins from Taiwanese Nan Ya and at the same time also a user (QR Polymers) came forward following the provisional disclosure, calling for reconsideration of the provisional findings. QR Polymers submitted that unlike provisionally concluded by the Commission in recital 389 of the provisional Regulation, the company did not have the level of profit presented by the Commission, the proportion of the epoxy costs on total costs of the company is not limited, and the alternative sources of supply are absent or are not prepared to supply the quantities of epoxy resins QR Polymers will need. QR restated its claim following the final

disclosure, adding that the company had provided the Commission with detailed quantitative data on its financial performance, on its purchases, on the share of imports of its purchases and its sales. According to QR Polymers the Commission possessed all the data necessary for the assessment of QR Polymer's situation. QR further emphasised that the damage inflicted upon QR Polymers would propagate along the chain, providing the Commission with support letters from QR Polymers' customer, a supplier, a toll manufacturer and one of its distributors.

(180) First, as neither De Monchy nor QR Polymers completed a dedicated Commission questionnaire with verifiable data, which would quantify the effect that the duties would have on these respective companies, the claims raised are purely speculative and cannot be assessed on their merits. QR Polymers did not show that it would be unprofitable and did not substantiate the claims that it could not pivot to suppliers other than Nan Ya or how the 11 % duty imposed on Nan Ya would affect its business performance. QR Polymers equally represents only a fraction of the Union epoxy resin industry, and its situation would not be liable to alter the Union interest analysis and overall conclusions drawn by the Commission in the provisional findings or in this Regulation. Moreover, the letters provided in support of its arguments express only general concerns over the implications of anti-dumping measures against Nan Ya and were only provided in confidential form. In any event, such general statements could not invalidate the Commission Union interest analysis in this case. It is further recalled that QR Polymers did not supply any substantiated evidence as to why it should receive a special individualised treatment (see recitals 189 and 190 below). Second, as set out in recital 393 of the provisional Regulation, the measures will likely have only an insignificant impact (if any) on importers as they can continue importing epoxy resin at fair prices from the countries concerned (and their exporters, such as Nan Ya) or from other third countries. While the anti-dumping measures might lead to an increase in the epoxy resins price and might have an adverse effect on importers and users, as outlined in recital 391 of the provisional Regulation, only a modest price increase is projected as a result of the duties. Moreover, any price correction would merely be a manifestation of the fair-trade restoration in a situation where Union industry prices were depressed by a downward pressure coming from the dumped imports. The claims of the parties are therefore dismissed.

(181) Furthermore, De Monchy maintained in its response to the provisional disclosure that many older production sites in the Union require significant maintenance, which leads to potential supply delays or shortages for end users. As outlined in recital 387 of the provisional Regulation, there are other large countries exporting epoxy resins to the Union, such as India, Korea, or Switzerland, in addition to the sufficient capacity at the Union producers and the countries concerned (whose imports can enter the Union at fair prices). Moreover, De Monchy did not provide any substantiated evidence that the Union producers would not be able to satisfy the demand coming from the Union users. De Monchy's claim is therefore rejected. Further to the final disclosure, QR Polymers argued that a force majeure declared by Westlake on bisphenol F production and ceasing of ECH manufacturing by Westlake was illustrative of the fact that the imposition of measures would deteriorate, and not improve the situation of epoxy resin manufacturing in Europe. QR Polymers claim was dismissed on the grounds that a temporary force majeure on one of the product types or production stoppage of an upstream raw material by one of the Union producers cannot materially affect the supply situation in the Union, in particular in presence of supplies from other Union producers (e.g. Olin) or from countries concerned (e.g. Taiwan or Thailand) at fair prices or other third countries. Both, QR Polymers and De Monchy further argued with reference to the Westlake announcement to close down the liquid epoxy production plant in the Netherlands in 2025 that the epoxy market situation in Europe has changed radically, resulting in an immediate shortage of availability of epoxy resins produced in Europe in order to serve the Union market. According to these importers, losing Westlake's capacity in Europe has to be compensated by import from Taiwan and the Commission should re-examine its determination for Taiwanese imports in order to minimize damage to the European epoxy market. It is underscored that the measures aim at protecting legitimate interests of the entire Union industry (comprising six groups of producers as set out in recital 249 of the provisional Regulation), not just those of a particular company such as Westlake. Closure of one of the plants cannot invalidate the Commission's conclusion that the supply situation for users and importers in the Union is not in jeopardy, given the remaining substantial capacity in the Union and existence of supply sources in third countries, including countries concerned, at fair prices. Furthermore, if anything, the announcement on closure is just a manifestation of devastating effects that the dumped imports from countries concerned (including Taiwan) had on one of the Union epoxy resin producers and make the need to impose measures even more compelling in order to protect employment and production in the Union. QR Polymers' and De Monchy's additional arguments therefore have to be dismissed.

(182) In response to the final disclosure, Akzo Nobel appealed to the Commission to reduce or remove the level of duty intended to be imposed on Chang Chun Plastics Co (CCP). According to this user, this level of duty would jeopardize supply stability, reduce production efficiency, and weaken the competitiveness of the Union's coatings industry.

(183) First, CCP's anti-dumping margin is not prohibitive and will not preclude Akzo Nobel from continuing sourcing epoxy resins from CCP at fair price levels. Furthermore, Akzo Nobel has at its disposal other available sources of supply from within or outside the Union. Second, reference is made to recital 380 of the provisional Regulation, finding that the users in coating industry (including also Akzo Nobel) (i) enjoyed large profit margins; (ii) the proportion of epoxy resins cost on their cost of production was limited; and (iii) their revenues derived from epoxy-containing products are limited, hence further reducing the impact measures will have in general on the coatings industry. Akzo Nobel's claim was therefore dismissed as unjustified.

(184) Further to the final disclosure, ERC claimed that the Commission interpreted selectively the capacity utilisation rates of the Union industry. According to ERC, the Commission makes two mutually incompatible propositions that cannot simultaneously be true – on one hand the production capacity of the Union producers, whose low utilisation is evidence of material injury, and on the other hand the same capacity is presented as a guarantee of reliable supply once duties are in place.

(185) There is no contradiction in the Commission's own findings, nor incompatibility. In fact, capacity utilisation is one of the indicators examined as part of the injury analysis. A low capacity utilization rate resulting from the pressure from dumped imports does not contradict the finding that sufficient production capacity is available in the Union and a potential increase of supply to downstream industries is possible following the imposition of measures. ERC's argument was therefore rejected.

7.2. **Conclusion on Union interest**

(186) In view of the above and in the absence of any further comments, the Commission confirmed its conclusion set out in recital 394 of the provisional Regulation that there were no compelling reasons that it was not in the Union interest to impose measures on imports of epoxy resins originating in China, Taiwan and Thailand.

8. **TERMINATION AND DEFINITIVE ANTI-DUMPING MEASURES**

(187) Given the fact that no dumping has been established regarding imports from Korea, the proceeding with regard to imports originating in Korea shall be terminated.

8.1. **Definitive measures**

(188) In view of the conclusions reached with regard to dumping, injury, causation, level of measures and Union interest, and in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping measures should be imposed in order to prevent further injury being caused to the Union industry by the dumped imports of the product concerned.

(189) Following the provisional disclosure, QR Polymers requested the Commission to grant an end-use exemption on the epoxy resins imported by QR Polymers from Nan Ya from the application of the anti-dumping measures. QR reiterated its claim following the final disclosure, without however bringing forward any new evidence.

(190) QR Polymers failed to substantiate in its request on what basis and for which end-use the epoxy resin types imported from Nan Ya should be subject to an end-use exemption. Therefore, QR Polymers' claim has to be dismissed.

(191) On the basis of the above, the definitive anti-dumping duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Country	Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
China	Jiangsu Sanmu Group Co., Ltd.	17,3	116	17,3
	Sinochem Group: — Jiangsu Ruiheng New Material Technology Co., Ltd. — Nantong Xingchen Synthetic Material Co., Ltd. — Jiangsu Kumho Yangnong Chemical Co., Ltd.	33,0	118,9	33,0
	Other cooperating Chinese companies	23,0	117,1	23,0
	All other imports originating in China	33,0	118,9	33,0
Taiwan	Chang Chun Plastics Co	10,8	105,8	10,8
	Nan Ya Plastics Corporation	11,0	96,5	11,0
	All other imports originating in Taiwan	11,0	105,8	11,0
Thailand	Aditya Birla Chemicals (Thailand) Limited	29,9	71	29,9
	All other imports originating in Thailand	29,9	71	29,9

(192) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflect the situation found during this investigation in respect to these companies. These duty rates are thus exclusively applicable to imports of the product under investigation originating in the country concerned and produced by the named legal entities. Imports of the product concerned manufactured by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and should be subject to the duty rate applicable to 'all other imports' originating in the respective country concerned.

(193) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ([27]). The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.

(194) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the proper application of the individual anti-dumping duties. The application of individual anti-dumping duties is only applicable upon presentation of a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this Regulation. Until such invoice is presented, imports should be subject to the anti-dumping duty applicable to 'all other imports' originating in the respective country concerned.

(195) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this Regulation, the customs authorities of Member States should carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the rate of duty is justified, in compliance with customs law.

(196) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume, in particular after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, an anti-circumvention investigation may be initiated, provided that the conditions for doing so are met. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.

(197) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other imports originating in the respective country concerned should apply not only to the non-cooperating exporting producers in this investigation, but also to the producers which did not have exports to the Union during the investigation period.

(198) Exporting producers in the People's Republic of China that did not export the product concerned to the Union during the investigation period should be able to request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the IP; (ii) it is not related to an exporting producer that did so; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.

8.2. **Definitive collection of the provisional duties**

(199) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of provisional anti-dumping duties imposed by the provisional Regulation, should be definitively collected up to the levels established under the present Regulation.

8.3. **Retroactivity**

(200) As mentioned in section 1.2, the Commission made imports of the product under investigation subject to registration.

([27]) Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu; European Commission, Directorate-General for Trade, Directorate G, Wetstraat 170 Rue de la Loi, 1040 Brussels, BELGIUM.

(201) During the definitive stage of the investigation, the data collected in the context of the registration was assessed. The Commission analysed whether the criteria under Article 10(4) of the basic Regulation were met for the retroactive collection of definitive duties.

(202) The Commission analysed, on the basis of Surveillance data, whether there was any further substantial rise in imports in addition to the level of imports which caused injury during the investigation period, as prescribed by Article 10(4)(d) of the basic Regulation. For this analysis, the Commission compared:

(a) The average monthly imports from the first full month after initiation to the full month when registration took place (July 2024–October 2024) with the average monthly imports in the same months in the investigation period;

(b) The average monthly imports from the first full month after initiation to the full month when provisional duties were adopted (July 2024–February 2025) with the average monthly imports in the same months in the investigation period;

(c) The average monthly imports from the first full month after initiation to the full month when registration took place (July 2024–October 2024) with the average monthly imports in the whole investigation period; and

(d) The average monthly imports from the first full month after initiation to the full month when provisional duties were adopted (July 2024–February 2025) with the average monthly imports in the whole investigation period.

(203) Neither of the four comparisons outlined above showed a further substantial rise in imports in addition to the level of imports which caused injury during the investigation period.

(204) Consequently, the Commission concluded that the conditions for retroactive collection are not met.

9. **FINAL PROVISION**

(205) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ([28]), when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.

(206) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of products containing more than 35 % by weight of epoxy resins, also known as epoxide resins or polyepoxides, which are polymers or prepolymers containing reactive epoxy groups, based on epichlorohydrin and an aliphatic or aromatic alcoholic component (such as BPA), in solid, semi-solid or liquid forms, having all types of grade, purity, molecule weight or molecular structure, whether or not containing modifiers, curing agents, or additives, so long as the curing agents have not chemically reacted so as to cure the epoxy resin or convert it into a different product no longer containing epoxy groups, currently classified under CN codes ex 2910 90 00, ex 3824 99 92, ex 3824 99 93, and ex 3907 30 00 (TARIC codes 2910 90 00 05, 3824 99 92 96, 3824 99 93 10, 3907 30 00 05, 3907 30 00 20, and 3907 30 00 80), and originating in the People's Republic of China, Taiwan and Thailand.

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

The following products are excluded from the product described in Article 1(1):

— Certain paint and coating products, which are blends, mixtures, or other formulations of epoxy resin, curing agent, and pigment, in any form, packaged in one or more containers, wherein (1) the pigment represents a minimum of 10 percent of the total weight of the product; (2) the epoxy resin represents a maximum of 80 percent of the total weight of the product; and (3) the curing agent represents 5 to 40 percent of the total weight of the product.

— Pre-impregnated fabrics or fibres, often referred to as 'pre-pregs', which are composite materials consisting of fabrics or fibres (typically carbon or glass) impregnated with epoxy resin.

— Blends of epoxy resins with other materials, currently classified under CN codes other than 2910 90 00, 3824 99 92, 3824 99 93, and 3907 30 00.

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

Country of origin	Company	Definitive anti-dumping duty (%)	TARIC additional code
China	Jiangsu Sanmu Group Co., Ltd.	17,3	89LO
	Sinochem group: — Jiangsu Ruiheng New Material Technology Co., Ltd. — Nantong Xingchen Synthetic Material Co., Ltd. — Jiangsu Kumho Yangnong Chemical Co., Ltd	33,0	89LP
	Other cooperating companies listed in Annex	23,0	
	All other imports originating in China	33,0	8999
Taiwan	Chang Chun Plastics Co	10,8	89LQ
	Nan Ya Plastics Corporation	11,0	89LR
	All other imports originating in Taiwan	11,0	8999
Thailand	Aditya Birla Chemicals (Thailand) Limited	29,9	89LS
	All other imports originating in Thailand	29,9	8999

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

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

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/393 imposing a provisional anti-dumping duty on imports of epoxy resins originating in the People's Republic of China, Taiwan and Thailand shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

Article 3

Article 1(2) may be amended to add new exporting producers from the People's Republic of China and make them subject to the appropriate weighted average anti-dumping duty rate for cooperating companies not included in the sample. A new exporting producer shall provide evidence that:

(a) it did not export the goods described in Article 1(1) during the period of investigation;

(b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which could have cooperated in the original investigation; and

(c) it has either actually exported the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.

Article 4

The anti-dumping proceeding concerning imports of the product mentioned in Article 1(1) originating in Korea is hereby terminated.

Article 5

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

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

Done at Brussels, 25 July 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Cooperating exporting producers not sampled in the People's Republic of China

Company Name	TARIC additional code
Allnex Resins (China) Co., Ltd.	89LT
Chang Chun Chemical (JiangSu) Co., Ltd.	89LU
Chang Chun Chemical (Panjin) Co. Ltd.	89LV
Dalian Qihua New Material Co., Ltd.	89LW
Dongying Hebang Chemical Co., Ltd.	89LX
Fujian Huanyang New Material Co., Ltd.	89LY
Sinopec Hunan Petrochemical Co., Ltd.	89LZ
Techstorm Advanced Material Corporation Limited	89M0
Zhuhai Epoxy Base Electronic Material Co., Ltd.	89M1