



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR TRADE AND ECONOMIC SECURITY

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Subject: AD725 – Anti-dumping proceeding concerning imports of Acrylonitrile-Butadiene-Styrene (ABS) Resins originating, inter alia, in Taiwan

Dear Sir, Dear Madam,

We follow up on our letter of 18 August 2025 which concerned the preliminary findings in the framework of the anti-dumping procedure in subject.

The European Commission has now the honour to provide the Taipei Representative Office in the European Union with the disclosure of its definitive findings. These findings were also disclosed to the interested parties. The deadline for comments is 5 December 2025.

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.

Yours faithfully,

[e-signed]

Jon NYMAN
Head of Unit

Enclosure: General Disclosure Document





EUROPEAN COMMISSION
Directorate-General for Trade and Economic Security

Directorate G - Trade Defence
Investigations IV. Relations with third countries for Trade Defence Matters

Brussels, 25 November 2025

GENERAL DISCLOSURE DOCUMENT (FINAL DISCLOSURE)

Subject: AD725 – Anti-dumping proceeding concerning imports of Acrylonitrile-Butadiene- Styrene Resins (‘ABS’) originating in the Republic of Korea and Taiwan.

OFFICIALS IN CHARGE	
DUMPING TEAM	INJURY TEAM
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1. PROCEDURE

1.1. Initiation

- (1) On 19 December 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea ('ROK' or 'Korea') and Taiwan ('the countries concerned') on the basis of Article 5 of Regulation (EU) 2016/1036 of the European Parliament and of the Council ('the basic Regulation'). It published a Notice of Initiation in the *Official Journal of the European Union*¹ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 4 November 2024 by INEOS Styrolution Switzerland SA, Versalis SpA, and Trinseo Europe GmbH ('the complainants'). The complaint was made by the Union industry of Acrylonitrile-Butadiene-Styrene Resins in the sense of Article 5(4) of the basic Regulation. 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) 2025/412 of 3 March 2025 ('the registration Regulation')².

1.3. Provisional measures

- (4) In accordance with Article 19a of the basic Regulation, on 18 July 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. Chimei Corporation pointed at apparent discrepancies between cost figures amongst datasets disclosed, an issue that became moot with the recalculation of the party's dumping margin at final disclosure stage. LG Chem, Ltd and Lotte Chemical Corporation provided comments on the methodology used to calculate the dumping margin, which were reiterated on the provisional disclosure. Since these comments did not directly concern the accuracy of the calculation, they were not addressed at the provisional stage and are further detailed in the following paragraphs (27) to (53).
- (5) On 18 August 2025, the Commission imposed provisional anti-dumping duties on imports of Acrylonitrile-Butadiene-Styrene Resins ('ABS') originating in Korea and Taiwan by Commission Implementing Regulation (EU) 2025/1739 of 14 August 2025³ ('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'), several parties filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation. These parties were:

¹ OJ C, C/2024/7490, 19.12.2024, ELI: <http://data.europa.eu/eli/C/2024/7490/oj>.

² OJ L, 2025/412, 4.3.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/412/oj.

³ OJ L, 2025/1739, 18.8.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1739/oj.

- Authorities of the countries concerned
 - The Government of the Republic of Korea ('GOK')
 - The authorities of Taiwan
 - Exporting producers in the ROK
 - LG Chem, Ltd. ('LG Chem')
 - Lotte Chemical Corporation ('Lotte')
 - Exporting producers in Taiwan
 - Chimei Corporation
 - Formosa Chemicals & Fibre Corporation
 - Union industry
 - INEOS Styrolution Europe GmbH ('Ineos')
 - Trinseo Europe GmbH ('Trinseo')
 - User
 - LEGO Systems A/S ('LEGO')
 - Associations
 - Plastic Recyclers Europe ('PRE')
 - The Coalition for an Open and Competitive EU ABS Market ('the Coalition')
- (7) The parties who so requested were granted an opportunity to be heard. Hearings took place with LG Chem, Lotte, Chimei Corporation, Formosa Chemicals & Fibre Corporation, Ineos, Trinseo, and the Coalition. No party requested a hearing with the Hearing Officer.
- (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.

1.5. Claims on initiation

- (9) In the absence of comments concerning the initiation, recitals (6) to (16) of the provisional Regulation were confirmed.

1.6. Sampling

- (10) In the absence of comments concerning sampling, recitals (17) to (27) of the provisional Regulation were confirmed.

1.7. Individual examination

- (11) As mentioned in recital (28) of the provisional Regulation, the Commission received a request from one non-sampled exporting producer in Korea, INEOS Styrolution Korea Ltd., for individual examination under Article 17(3) of the basic Regulation. However, due to the complexity of the case and the workload associated with the investigation, the Commission considered that any individual examinations would be unduly burdensome and would jeopardise the timely completion of the investigation within the meaning of Article 17(3) of the basic

Regulation. The request for individual examination submitted by INEOS Styrolution Korea Ltd. was therefore rejected.

1.8. Investigation period and period considered

- (12) Following provisional disclosure, Lotte and the GOK reiterated their comments on the exceptional nature of years 2020 and 2021 with regard to the injury findings. LEGO argued that would the Commission follow its practice to limit the period considered to the investigation period and three preceding years, there would be no causal link between the imports from Taiwan and the injury suffered by the Union industry.
- (13) Since these comments concerned mainly the provisional findings of injury and causation, they were addressed in sections 4 (paragraphs (89) and (90)) and 5 (paragraphs (94) to (97)) of this document respectively.
- (14) In the absence of other comments concerning the investigation period and period considered, recitals (6) to (16) of the provisional Regulation were confirmed.

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product types containing less than 95 % of ABS

- (15) Following provisional disclosure, Lotte supported by the GOK claimed that the Commission erroneously included in the determination of dumping product types with an ABS content of more than 50 % although the indicated CN code covered only products with an ABS content of more than 95 %. Lotte submitted a customs classification decision issued by the Korean customs authorities in 2017 with regard to a product containing [50-70] % of ABS to demonstrate that product types containing more than 50 % but less than 95 % of ABS should be classified under HS code 3903 90 (Others).
- (16) The Commission recalled that the scope of this investigation is determined by the definition of the product under investigation. The product definition in Section 2 of the Notice of Initiation covered “pure ABS” as well as products with an ABS content of more than 50 %. Those products were correctly reported by exporting producers and the Union industry and investigated by the Commission.
- (17) The Commission further noted that Lotte and the GOK’s comment that the CN code mentioned in the Notice of Initiation and provisional Regulation covers only products with ABS content of more than 95 % is not correct. There are no technical or legal reasons to exclude blends containing more than 50 % of ABS and less than 95 % of ABS from that CN code. Such products cannot be classified by application of Note 1 to Chapter 39 of the Combined Nomenclature⁴ only, since they are not isolated products, but they are mixed (blended) with another polymer. Consequently, in order to classify ABS blended with another polymer, Note 4 to Chapter 39 must be also applied, considering which polymer predominates by weight in the mixture. Consequently, products with an ABS content of more than 50 %, should be classified under CN code 3903 30 00, as the ABS predominates in the mixture. A classification under CN code 3903 90 00 is excluded because this

⁴ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1, ELI: <http://data.europa.eu/eli/reg/1987/2658/oj>).

subheading covers blends of ABS with certain other polymers of the styrenic family, if these other polymers are predominant in the blend.

2.2. Mass-balanced ABS

- (18) Following provisional disclosure, Chimei and LEGO reiterated their request concerning an exclusion of mass-balanced ABS⁵. Chimei focused its claims on ABS produced from bio feedstock. It submitted that mass-balanced ABS is a unique sustainable product not substitutable by general ABS, that it has a significantly reduced carbon footprint compared to general ABS which is derived from fossil fuels, that it is certified through the ISCC PLUS platform⁶ and that its supply is limited. LEGO limited its exclusion request to ABS with a mass-balanced (sustainable) content of more than 50 % because only a few users commit to sustainability purchase making it a separate market segment, not competing with general (fossil) ABS due to its much higher price and distinct sustainability benefits. Alternatively, LEGO reiterated that if mass-balanced ABS was not excluded from the product scope the Commission should collect duties only on a value excluding the so-called green premium (a price supplement reflecting the use of sustainable feedstocks) or impose specific duties. Finally, LEGO requested the Commission to disclose how the mass-balanced content was taken into account for the purpose of comparison of normal value with the export price and the injury margin calculations.
- (19) With regard to the availability of mass-balanced ABS on the Union market, the Commission found that it is also produced in the Union, mainly from feedstock obtained through chemical or mechanical recycling of circular product. The Commission further determined that the offer of mass-balanced ABS by the Union producers is significant, i.e. the imposition of measures on mass-balanced ABS will not result in shortage of supply. In fact, the Union industry supplies LEGO with non-negligible quantities of mass-balanced ABS.
- (20) With regard to the request to limit the anti-dumping duty only to a value excluding the green premium, the Commission noted that LEGO does not publish the prices and price formulas agreed with its suppliers. The value of the green premium cannot be determined either from publicly available source or from the documents that are used in the customs clearance process. Therefore, excluding the green premium from the value on which the anti-dumping duties are levied is not possible. In addition, as mentioned in recital (234) of the provisional Regulation, ABS represents less than 4 % of LEGO's total cost when manufacturing the final product and the company has continuously achieved profits of more than 20 %. Therefore, the Commission found no compelling reasons linked to Union interest to deviate from the practice of imposing anti-dumping measures in the form of an *ad valorem* duty.
- (21) Finally, the effect of recycled or bio feedstocks on the cost or price of ABS was reflected in the definition of product types used for the comparison of normal value and export price, as well as for the determination of undercutting and underselling. Although, the level of mass-balanced content was not reflected in the definition of

⁵ Mass-balanced ABS is ABS produced either from (mechanically or chemically) recycled feedstocks or from bio feedstocks, e.g. used cooking oil (instead of fossil fuels). Commercially available ABS grade can have a varying mass-balanced content. All grades containing some mass-balance ABS are normally considered mass-balanced ABS.

⁶ 'ISCC PLUS' is a voluntary certification scheme designed to validate sustainability characteristics of alternative feedstocks (<https://www.iscc-system.org/certification/iscc-certification-schemes/iscc-plus/>).

those product types, it was considered for the purpose of fair comparison in case of ABS grades with higher-than-average mass-balanced content in the form of a price adjustment.

- (22) Consequently, the exclusions requests and claims concerning mass-balanced ABS were rejected.

2.3. Flame retardant ABS

- (23) Following provisional disclosure, Chimei reiterated its request concerning an exclusion of flame retardant ABS. It claimed that flame retardant ABS had different basic characteristics from general purpose ABS. Lotte also submitted in its comments on provisional disclosure that the imposition of the measures on flame retardant ABS would have negative effect on the supply in the Union as flame retardant ABS was produced in the Union only in small quantities. Lotte however did not explicitly request an exclusion of flame retardant ABS from the product scope.
- (24) Chimei did not provide any relevant justification supporting its claims. Naturally, when compared to general purpose ABS, flame retardant ABS has different characteristics. Flame retardant ABS is however produced also in the Union. The basic physical, chemical and technical characteristics of flame retardant ABS exported to the Union by Chimei and other exporting producers are comparable to flame retardant ABS produced and sold by the Union industry.
- (25) Should the demand for flame retardant ABS continue growing in the Union, the Union producers may increase their production of such grade. In addition, the level of the present duties does not prevent the users of flame retardant ABS to continue procuring it from the countries concerned.
- (26) Consequently, the Commission confirmed its rejection of this exclusion request.

3. DUMPING

3.1. Republic of Korea

3.1.1. Normal value

- (27) In its comments to the provisional disclosure, the Union industry pointed out that for the sampled Korean exporting producers, the established injury margins were significantly higher than the respective dumping margins, and took the view that the difference was, at least in part, attributable to the methodology used by the Commission in the calculation of the normal value. More specifically, the Union industry claimed that:
- (a) The Commission's finding that 64 % of Korean domestic ABS sales were profitable appears unlikely. To corroborate its doubts, the Union industry provided the example of LG which for its petrochemical business unit (which includes the ABS business) has reported losses during the IP (-0,8 % in 2023 and -0,7% in 2024) and considered that the positive profitability reported for domestic ABS sales could be due to misallocation of costs.
 - (b) There are reasons to believe that the product control number (PCN) might give "too much attribution to certain qualities" of some Korean ABS products, thereby distorting their normal value.
 - (c) There might be a particular market situation in the domestic market as regards the supply of the raw materials used to produce ABS. Such particular market

situation could be linked to overcapacity, cheap Chinese products and slowing domestic demand.

- (28) The Union industry requested a more detailed disclosure of the methodology used for the calculation of the normal value in order to further support their claims.
- (29) The Commission considered that no assumptions can be made from the significant difference between the injury margins and the dumping margins of the sampled Korean producers as, in accordance with the basic Regulation, they are established based on different methodologies.
- (30) Moreover, the Commission recalled that for both sampled exporting producers, its findings were based on data which was verified on-spot.
- (31) As regards specifically point (a), the Commission considered that the fact that LG's petrochemical sector was marginally unprofitable during the IP did not exclude, or even make it unlikely, that the majority of domestic sales of ABS products by the Korean sampled producers were profitable.
- (32) As regards point (b), the Commission noted that the Union industry did not explain how the PCN structure might give '*too much attribution to certain qualities of some Korean ABS products*', which qualities these would be, how they would have affected their normal value and why taking those into account would not be appropriate.
- (33) As regards the point (c), the Commission noted that the Union industry did not offer any evidence to substantiate its claims on a possible particular market situation, including on the assumed underlying reasons.
- (34) Overall, the Commission considered that the arguments used by the Union industry to cast doubt on the calculation of the normal value were either not supported by the facts of the case or unsubstantiated, and therefore, they were dismissed.
- (35) As regards the request for more details to be disclosed on the respective methodology, the Commission noted that the methodology as such has been fully disclosed. However, the data on which the methodology was applied, that is, the data on the sales and costs of the sampled Korean exporting producers was in their entirety confidential and therefore could not be disclosed to other parties. The request was therefore rejected.
- (36) In its comments to the provisional disclosure, Lotte claimed that the Commission's calculation of the normal value had a number of errors and requested changes. Specifically, Lotte claimed that:
 - (a) There was a double counting of certain expenses related to transport and packing, and therefore the selling, general and administrative (SG&A) expenses of Lotte should be revised downwards.
 - (b) Certain dividends received should have been included in the SG&A expenses calculation because they relate to amounts received by the relevant companies as a result of their investments and the Commission did not establish that these investments are unrelated to the product concerned. In any case, if the Commission insists on excluding those dividends, it must also exclude another item from the SG&A calculation (details provided in the sensitive version of Lotte's submission).

- (37) As regards point (a), the Commission rejected the claim. The Commission did not find any grounds to revise the methodology used in the calculation of the SG&A, which excluded costs of transportation. More details on the adjustments were provided in Lotte's specific disclosure.
- (38) As regards point (b), the Commission rejected the claim that the aforementioned dividends should be taken into account for the SG&A costs, considering that Lotte failed to show that they were related to the production and sale of the product under investigation. However, the Commission considered, on similar grounds, another item, including the one indicated by the company, should be excluded, and revised its SG&A cost calculation accordingly. More details on the adjustments were provided in Lotte's specific disclosure.

3.1.2. *Export price*

- (39) In its comments to the provisional disclosure, LG claimed that the Commission's export price calculation contained errors. Specifically, LG claimed that the Commission's overestimated the profit of the unrelated importers used in constructing the export price. LG considered that a profit at the level of [9%-12%] appears excessively high compared to average profits achieved by traders in the ABS market, and the price that would result from such profit does not reflect actual market conditions. The GOK also voiced these concerns in its comments on provisional disclosure.
- (40) The Commission first noted that LG Chem and the GOK did not substantiate their claim that the profit of unrelated importer determined in the provisional disclosure did not reflect industry average. Neither did the parties submit any alternative data that could be used to establish a level of such profit. Secondly, the profit of unrelated importer used by the Commission was determined as a weighted average profit of the actual profits of two unrelated importers that provided meaningful replies to the relevant questionnaire. Consequently, the Commission rejected the claim of LG Chem and the GOK.

3.1.3. *Comparison*

- (41) In its comments to the provisional disclosure, Lotte claimed that:
- (a) The rejection of the duty drawback adjustment on the grounds that the company was unable to allocate specific quantities of the imported raw materials to the product under investigation was incorrect. To substantiate its claim, in the sensitive version of its submissions, Lotte referred to the verification report and the relevant exhibits.
 - (b) There was a double deduction of certain transport associated costs, bank charges and packing expenses for LCHU.
 - (c) For Lotte's exports to its related company LCHU (LOTTE Chemical Hungary Ltd.) the Commission used the quantity of ABS produced and sold by LCHU rather than the quantity of ABS exported by Lotte and used as an input by LCHU.
- (42) As regards point (a), the Commission rejected the claim, considering that, as noted in the verification report, the alternative allocation was presented at the late stage of the verification visit and the Commission was not able to verify the accuracy of the data and calculation methodology. Moreover, the methodology proposed by the company to calculate the adjustment was still on an overall basis and the company was unable to

provide the adjustment per type or model basis. More details on the reasons for rejecting the claim were provided in Lotte's specific disclosure in order to protect confidentiality of the relevant data.

- (43) As regards point (b), the Commission found the claim to be partially justified and revised LCHU's SG&A costs calculation accordingly. More details on the adjustments were provided in Lotte's specific disclosure in order to protect confidentiality of the relevant data.
- (44) As regards point (c), the Commission found the claim to be justified and adjusted the quantity used in the calculation to the quantity exported by Lotte and used as an input by LCHU.
- (45) As a result of the above changes, the Commission recalculated the export price for Lotte.
- (46) In its comments on the provisional disclosure, Lotte also requested the monthly calculation of the dumping margin. Lotte justified the request on the grounds that raw material prices had increased during the IP, while in its ordinary course of trade test, the Commission used average costs. According to Lotte, this resulted in certain domestic sales, profitable at the time they were made, to be found (incorrectly) as being unprofitable. To allow the Commission to perform a monthly dumping margin calculation, Lotte provided a revised table DMCOP as well as a revised table G (PL) with monthly data, claiming that these tables were based on the information included in an exhibit provided during the verification visit, and therefore constituted verified and accurate information.
- (47) At the outset the Commission noted that the cost increase was not extraordinary and, on average, below 15% throughout the IP. Moreover, the Commission noted that the purpose of the verification visit was to verify the information provided in the questionnaire reply, and such information did not include monthly cost data or monthly profitability data. The purpose of the exhibits provided during the visit was to support the verification of the questionnaire reply data. Consequentially, they were only assessed to the extent necessary to confirm the information provided in the questionnaire reply. No claim concerning monthly calculation was made prior to the verification. Thus, the exhibits themselves could be considered as verified and accurate stand-alone information. Furthermore, the Commission noted that the request, which is based on a factual situation known to the company from the start, only came at a late stage of the investigation (after the imposition of provisional measures), when the Commission was no longer in the position to verify the relevant information. Finally, the claim was clearly not warranted since the domestic sales were spread nearly evenly over the whole investigation period. In such a case even a significant cost increase, which, as noted above, was not present in the case at hand, would not have created a comparability issue. Therefore, Lotte's request was rejected.
- (48) In its comments to the provisional disclosure, LG claimed that:
 - (a) Since the allowance for physical differences was disregarded in tables DMSAL (domestic sales) and EUSALUR (direct export sales to unrelated customers in the Union), it should have been disregarded also in table M-RLSALUR (sales of related company LGCEG (LG Chem Europe GmbH) to unrelated customers in the Union) as a matter of consistency.
 - (b) Certain expenses that were deducted as allowances in table M-RLSALUR (sales of related company LGCEG to unrelated customers in the Union) should

not have been included in the calculation of LGCEG's SG&A, which was also deducted from the resale price as part of constructing the export price.

- (49) As regards point (a), the Commission found the claim to be justified. The Commission clarified that the adjustments for physical differences had not been removed from table M-RLSALUR due to a clerical error and revised the table accordingly.
- (50) As regards point (b), the Commission found also this claim to be justified and removed the relevant items from LGCEG's SG&A calculation.
- (51) For LG, following a further analysis of its verified data, the Commission made the following changes:
 - (a) Recalculated the SG&A costs of LG Chem by removing expenses/income that were not directly related to the product under investigation
 - (b) Recalculated the SG&A costs of LG CEG by removing expenses/income that were not directly related to the product under investigation
 - (c) Removed a claimed duty drawback allowance claimed for export sales, which was inadvertently retained at provisional stage. The claim was rejected on the grounds that it was not sufficiently substantiated.
 - (d) Adjusted the credit costs of export sales on the basis of information published by the Bank of Korea for loans to corporations
 - (e) For one customer, included an adjustment under Article 2(10)(a) and 2(10)(k) of the basic Regulation, in particular the existence of a green premium⁷ for certain products.

More details on the above changes were provided in LG's specific disclosure.

3.1.4. *CIF Value*

- (52) In its comments on the provisional disclosure, Lotte claimed that in order to establish a CIF value at the Union frontier and a CIF landed price in the Union for export sales made through an unrelated trader in Korea, the Commission should have added to the price charged by Lotte, the SG&A costs and the profit of the unrelated trader. To that end, Lotte considered that the Commission should either use the published financial statements of this trader to calculate the SG&A costs and the profit for the IP, or to request the relevant data directly from the trader.
- (53) The Commission partially accepted this claim. First, the Commission notes that Lotte provided itself an estimation of the CIF value in its questionnaire reply. The Commission verified the CIF proposed by Lotte on-spot, accepted it and used it in the company's dumping calculation accordingly. It was only after the imposition of provisional measures that Lotte took an issue with the CIF it had itself proposed. Thus, the claim was submitted at a stage when it was too late for the Commission to verify the data of the unrelated trader or even to request more detailed information from this or other unrelated traders of the exporting producer. Based on publicly available data of this unrelated trader, the Commission established costs that are associated with the export trading activities and calculated SG&A costs and the profit. The Commission adjusted the sales to this trader accordingly.

⁷

See section 2.2. on the "Green premium".

- (54) For LG, the Commission discovered an error in the calculation of the CIF value estimates for the export transactions, and corrected them on the basis of information on transport costs provided by the company.

3.1.5. Dumping margins

- (55) Following claims from interested parties and further analysis of the available information, the Commission revised the dumping margins.
- (56) 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 (%)
LG Chem	9,2
Lotte Chemical Corporation	7,1
Other cooperating companies	8,6
All other imports originating in country concerned	9,2

3.2. Taiwan

3.2.1. Normal value

- (57) In its comments to the provisional disclosure, the Union industry put into question the finding in recital (93) of the provisional Regulation that 99 % of Taiwanese domestic sales were made at profitable levels. It also called for a disclosure of the calculations made by the Commission to determine Taiwanese normal values and corresponding dumping margins.
- (58) The Commission rejected the claims. Similarly to the claim concerning Korea addressed in paragraphs (34)-(35) above, the Commission found that the Union industry's claims were either not supported by the facts of the case or unsubstantiated. The Commission reiterates that the methodology for the calculation of the normal value was fully explained to interested parties in the provisional Regulation. The details requested by the Union industry refer not the methodology itself, but the calculations conducted by the Commission on the basis the described methodology, which concerns confidential data of exporting producers that cannot be disclosed to other interested parties.
- (59) No other comments were received concerning normal value. Therefore, the findings in recitals (86) to (98) of the provisional Regulation were confirmed.

3.2.2. Export price

- (60) In the absence of comments concerning the export price, the findings in recital (99) of the provisional Regulation were confirmed.

3.2.3. Comparison

- (61) At definitive stage the Commission removed the few non-prime transactions from Chimei Corporation's domestic sales listings with a view to ensure a fair comparison between the normal value and the export price established for Chimei Corporation for the same quality level. The party had no non-prime ABS export sales to the Union.

- (62) Following provisional disclosure, Formosa Chemicals & Fibre Corporation submitted that the current PCN classification was excessively broad and failed to account for critical differences affecting fair price comparability.
- (63) The Commission noted that, on the one hand, Formosa Chemicals & Fibre Corporation made no comments on the product scope within the 10-day deadline established in the Notice of initiation of the proceeding and made comments on the PCN classification only at a late stage in the proceeding. On the other hand, the party did not claim nor demonstrate that an adjustment under Article 2(10)(a) for differences in the physical characteristics of the product concerned was warranted. The Commission noted that, in any case, the party's claim about a fairer comparability was *de facto* (partly) satisfied to the extent the Commission duly took into account the fact that certain product types contained mass-balanced ABS for the purpose of fair comparison in the determination of the dumping and injury margins, as noted in recital (54) of the provisional Regulation, and amended the initial PCN during the provisional phase of the investigation with a view to consider relevant differences with a significant impact on prices, as noted in recital (72) of the provisional Regulation. The Commission rejected Formosa Chemicals & Fibre Corporation's claim.
- (64) Following provisional disclosure, Formosa Chemicals & Fibre Corporation reiterated that its cost codes would provide a more accurate and fairer basis for matching the products, comparing the normal value and the export price and calculating a dumping margin.
- (65) The Commission considered however that relying on the party's specific cost codes was not appropriate and that the PCN structure was sufficiently detailed to ensure fair comparison and still allowed for adjustments under Article 2(10) when necessary. In addition, it should be noted that the PCN also ensures fair comparison with the Union industry for the assessment of injury and therefore cannot be completely disregarded for the use of company-specific codes. The Commission rejected Formosa Chemicals & Fibre Corporation's claim.

3.2.3.1. Adjustments made to the normal value

- (66) Chimei Corporation disagreed with the reasons disclosed in confidence to the party at provisional stage on which grounds the Commission rejected the requested level of trade adjustment. Even if in its comments following provisional disclosure the party agreed that the normal basis for the calculation of a price difference between users and distributors is the domestic sales, the party stated that, given its (allegedly) low share of certain domestic sales, nothing in Article 2(10)(d) of the basic Regulation prevented from an adjustment calculated based on differences observed for sales to the Union in the present case.
- (67) First, the Commission disagreed that the party proved that the adjustment was necessary. In this respect, the Commission recalls that, in sections D.1 (domestic sales) and E.1 (export sales to the Union) of its questionnaire reply, Chimei Corporation stated not to issue price lists to its customers and that the selling price was determined through negotiations with the customer on a case-by-case basis. In addition, no contracts or other hard evidence were made available to the Commission that could support the need for an adjustment to neutralise a factor that affected prices and price comparability. Second, should an adjustment have been necessary, *quad non*, the Commission put into question the reliability of the information that could serve to quantify an adjustment, if any. The Commission noted that the verification of the categorisation of the domestic customers as users or distributors for sampled invoices

showed inaccuracies. The latter put into question Chimei Corporation's categorisation of its numerous customers. In sum, Chimei Corporation failed to prove whether, as claimed, sales to distributors were at lower prices and that the level of the sale prices to distributors was linked to a different level of trade. The Commission concluded rather that the selling price was determined through negotiations with the customer on a case-by-case basis. Therefore, the Commission rejected Chimei Corporation's claim.

- (68) In its comments on the provisional disclosure, Chimei Corporation reiterated its claim that SG&A costs and profit should be removed from the calculation of the normal value for the domestic sales made by its related party in Taiwan. Chimei Corporation stated that the reasons given at provisional stage to reject its claim were irrelevant. Chimei Corporation alleged that the comparison made between the export price and the normal value was not at the same level of trade because sales via its related party included a double SG&A and profit. Chimei Corporation asked the Commission to transpose to its domestic related entity the Commission's consistent approach of making adjustments when related traders are involved in exports to the Union.
- (69) Further to the arguments disclosed to Chimei Corporation in confidence at provisional stage, the Commission noted that removing SG&A and profit for Chimei Corporation's related party would not be appropriate in the present case bearing in mind that the nature of the activities performed by the related party in question. Chimei Corporation's request would entail that the normal value would only have the SG&A and profit of Chimei Corporation for ABS further processed by Chimei Corporation's related party and a PCN change. The Commission rejected Chimei Corporation's claim.
- (70) Following provisional disclosure, Formosa Chemicals & Fibre Corporation asked for a downwards adjustment of the normal value that would take into account the differences in the domestic and Union export market structures, and the differences in pricing based on the quantities sold, pursuant to Article 2(10)(c) of the basic Regulation and the Commission's position in *High Tenacity Yarns from Belarus, Korea and Taiwan*⁸. The party based its request on an empirical analysis according to which for a significant share of domestic sales the monthly average unit price of large orders within a given PCN was lower than the monthly average unit price of small orders within that same PCN.
- (71) During the investigation, the Commission endeavoured to collect hard evidence about how Formosa Chemicals & Fibre Corporation set sales prices. In this respect, in sections D.1 (domestic sales) and E.1 (export sales to the Union) of its questionnaire reply, Formosa Chemicals & Fibre Corporation stated not to issue price lists to its customers. No contracts or other hard evidence was made available to the Commission in the verification visit that could support the statement that orders above a certain threshold benefited from lower prices or that quantity discounts were given for differences in quantities directly linked to the sales under consideration. The Commission found Formosa Chemicals & Fibre Corporation's claim unfounded and thus rejected it.

⁸ Commission Decision of 5 April 2005 terminating the anti-dumping proceeding concerning imports of polyester high tenacity filament yarn originating in Belarus, the Republic of Korea and Taiwan, OJ L88, 7.4.2005, p.21, ELI: <http://data.europa.eu/eli/dec/2005/289/oj>, recital (47), which reads that "...quantity discounts can only be considered for an adjustment when they are actually given for differences in quantities directly linked to the sales under consideration...".

3.2.3.2. Adjustments made to the export price

- (72) Following provisional disclosure, Chimei Corporation considered that the Commission had not met the burden of proof requirements for the adjustments it made to the export price of the company as regards credit costs and year-end rebates.
- (73) The Commission revised its provisional position as regards year-end rebates and considered at final stage that the nature of the year-end rebates reported by Chimei Corporation for export sales rendered them ineligible for an allowance.
- (74) As regards credit costs, the Commission confirmed its provisional findings. Firstly, the Commission considered that the fact that Chimei Corporation reported credit costs for export sales entailed that the party considered them to be a factor taken into account in the determination of the prices charged. Secondly, payment settlement strategies in the domestic and export markets differed significantly. This supported a downward adjustment for credit costs on the export price (only) because the settlements issues on which grounds a credit cost adjustment was rejected for the normal value calculations were not observed for customers in the Union.
- (75) In the absence of other comments about a fair comparison, the findings in recitals (100) to (105) of the provisional Regulation were confirmed.

3.2.4. Dumping margins

- (76) Following the changes described in paragraphs (61) and (73), the Commission revised the dumping margin for Chimei Corporation from 10,8 % to 10,9 %.
- (77) 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 (%)
Chimei Corporation	10,9
Grand Pacific Petrochemical Corporation	
Formosa Chemicals & Fibre Corporation	21,7
All other imports originating in Taiwan	21,7

4. INJURY

4.1. Definition of the Union industry

- (78) Following provisional disclosure, Lotte and the GOK reiterated that compounders should be considered part of the Union industry and included in the injury analysis. In this respect, the parties referred to the findings of WTO Panels and the Appellate Body in several dispute settlement cases, which held that the producers are those who make the product and those who produce inputs to make that product cannot be considered producers. In this respect, the parties recalled that compounders are involved in the production of ABS in two ways:
- (a) They purchase the finished product and blend it with other (co)polymers, pigments or other additives that enhance the properties of the product;

- (b) They purchase dry powder⁹, a semi-finished product that contains all three monomers but has a high content of butadiene and is thus not suitable for industrial uses. Such semi-finished product is then compounded with styrene-acrylonitrile ('SAN') to arrive at the finished product, ABS with the appropriate content of the three monomers.
- (79) At the provisional stage, the Commission indeed only analysed compounding activities described in paragraph (78), point (a). The Commission found that such companies should not be considered part of the Union industry as they did not perform the most important production step (the completion of the polymerisation process) and their added value was relatively small (7-10 %) (see recitals (114) to (116) of the provisional Regulation).
- (80) In addition to that, the Commission also examined the information available on the file concerning compounders described in paragraph (78), point (b). First, it must be noted that companies purchasing dry powder can use it to make products which are not subject to this investigation (e.g. PC/ABS, a blend containing more than 50 % of polycarbonate, MABS, a blend containing more than 50 % of methyl methacrylate). Therefore, companies processing dry powder do not necessarily make product that is covered by this investigation.
- (81) Sales of the Union industry and imports from Korea and Taiwan represent 94 % of the Union's ABS consumption. Out of the four sampled exporting producers, only one sold a small volume of dry powder (less than 20 tonnes) to distributors in the Union in the investigation period. The Union industry sold [3 800-4 100] tonnes of dry powder on the Union market. [83-86] % of that quantity was sold to a single customer that processed the semi-finished product into finished products. According to publicly available information, that customer offered [42-46] grades of PC/ABS, a product that is not in the scope of this investigation, and only [1-3] grades of ABS/PC, a product that is in the scope of this investigation. Therefore, we concluded that it was highly unlikely that that customer produced significant quantities of such grades that could fall under the scope of this investigation.
- (82) Even if the total known sales of dry powder on the Union market were used to produce the product under investigation, the total additional volume would amount to only 3 % of the ABS production in the Union in the investigation period as described in recital (141) of the provisional Regulation.
- (83) Finally, as addressed in recital (115) of the provisional Regulation, potential compounders were contacted before initiation with regard to the standing exercise and also at initiation. Throughout the whole investigation, only one company, Romira GmbH, claiming to be a compounder registered as an interested party. The company never made any representations, neither has it provided any data for the investigation.
- (84) Consequently, the Commission concluded that even if there were compounders on the Union market that use dry powder to produce additional volumes of ABS, their share on total production and sales was not of such magnitude that it could have change the Commission's findings of injury, causation and Union interest.

⁹ Alternative names for this semi-finished product used by the parties interested in this investigation were rubber powder, grafted rubber concentrate, or gABS.

Therefore, the Commission's decision not to consider them part of the Union industry did not distort the injury picture.

- (85) Therefore, the claim made by Lotte and the GOK concerning the composition of the Union industry was rejected.

4.2. Union consumption

- (86) In the absence of comments concerning the Union consumption, recitals (117) to (119) 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

- (87) In the absence of comments concerning the cumulative assessment of the effects of imports from the countries concerned, recitals (120) to (123) of the provisional Regulation were confirmed.

4.3.2. Prices of the imports from the countries concerned and price undercutting

- (88) In the absence of comments concerning prices of imports and undercutting, recitals (128) to (135) of the provisional Regulation were confirmed.

4.4. Economic situation of the Union industry

4.4.1. General remarks

- (89) Lotte and the GOK argued that the Commission did not take into account the exceptional nature of years 2020 and 2021. The parties claimed that this led to a distorted injury picture and pointed to the evolution of imports, which dropped in 2020 (in comparison to 2019) in the context of the Covid 19 pandemic and started increasing to their pre-pandemic levels as of 2021.
- (90) Contrary to what the parties alleged, the Commission addressed the exceptional nature of years 2020 and 2021 in the provisional Regulation, namely in recitals (177) to (179) of the provisional Regulation. The parties did not bring forward any additional evidence that would invalidate the Commission's findings from the provisional stage of the investigation. Consequently, the Commission rejected the claim.

4.4.2. Macroeconomic indicators

- (91) In the absence of comments concerning macroeconomic indicators, recitals (141) to (155) of the provisional Regulation were confirmed.

4.4.3. Microeconomic indicators

- (92) In the absence of comments concerning microeconomic indicators, recitals (156) to (170) of the provisional Regulation were confirmed.

4.5. Conclusion on injury

- (93) On the basis of the above, the Commission confirmed its conclusion on the existence of material injury within the meaning of Article 3(5) of the basic Regulation as described in recitals (171) to (173) of the provisional Regulation.

5. CAUSATION

5.1. Effects of the dumped imports

- (94) Following provisional disclosure, LEGO argued that the measures should be terminated with regard to Taiwan. In this respect, the company claimed that the Commission should have used a period starting in 2021 and ending in the investigation period as the period considered according to the Commission's established practice as 2020 was an exceptional year affected by the Covid 19 pandemic. The company pointed out that the exceptional nature of 2020, which rendered it not representative, was found in several other investigations. The party further submitted that if 2021 had been used as the beginning of the period considered, imports from Taiwan would have been found decreasing in absolute and relative terms and thus the investigation should be terminated with regard to Taiwan.
- (95) On a similar note, in their comments on provisional disclosure, the Taiwanese authorities argued that there was a lack of causal link between the imports from Taiwan and the material injury suffered by the Union industry. In particular, the authorities pointed out that the imports from Taiwan decreased after 2022, i.e. in 2023 and in the investigation period, and thus the economic situation of the Union industry should have improved.
- (96) In this respect the Commission noted that year 2020 indeed could not be considered representative due to the Covid 19 pandemic. Year 2021, however, was also exceptional considering the post-pandemic economic boom. The Commission conducted a balanced injury analysis where it took into account the fact that both years were rather extraordinary. This issue was addressed in recitals (177) to (179) of the provisional Regulation and in paragraphs (89) and (90) above.
- (97) In addition, as explained in recitals (120) to (123) of the provisional Regulation, the Commission found that the imports from Korea and Taiwan should be analysed cumulatively as all conditions for cumulation had been met. The fact that the imports from Korea grew over the whole period considered while the imports from Taiwan decreased in a part of the period considered (in 2023 and in the investigation period) cannot be considered a reason that would prevent the Commission from a cumulative analysis. Consequently, the claims of both parties were rejected.

5.2. Effects of other factors

5.2.1. *Cost of energy and raw materials*

- (98) Following provisional disclosure, Lotte and the GOK reiterated that the injury suffered by the Union industry was not caused by the imports from Korea but by increased cost of energy and raw materials. They demonstrated the increase in energy prices based on data from IEA, which showed that the electricity price in the Union had more than doubled between 2021 and 2023, while the electricity cost in Korea had increased only by approximately 50 %. With regard to raw materials, the parties referred to benchmarks for China and Europe based on market intelligence data by Platts.
- (99) Following provisional disclosure, LG Chem claimed that the ultimate reason for the increase in ABS imports originating in Korea was the high quality of their products coupled with more efficient production process and corresponding lower

production cost. The company pointed out that the Commission failed to quantify the global increase in energy cost and freight cost during the period considered.

- (100) The Commission analysed the verified data of the sampled Union producers and the sampled exporting producers in the countries concerned. While the cost of raw materials per unit of finished product was indeed lower in Korea and Taiwan, the cost of energy per unit of finished product incurred by the Union industry were within the range of energy cost obtained from the sampled exporting producers. Cost of materials of the sampled exporting producers was by 5-15 % lower than the cost of raw materials incurred by the Union industry.
- (101) The above analysis confirmed the Commission's conclusions set out in recital (198) of the provisional Regulation that higher cost of production contributed to the injury suffered by the Union industry but did not attenuate the causal link between dumped imports and injury. In addition, the Commission recalled that in the absence of unfair competition, the Union industry would be able to recover at least part of its cost of production and thus achieve more reasonable profits. Therefore, the claim that the injury was caused solely by high energy and raw material cost in the Union was rejected.

5.2.2. *Lack of cost optimisation and investment*

- (102) Following provisional disclosure, Lotte and the GOK reiterated their claims that the injury suffered by the Union industry was caused by the lack of cost optimisation and investments into improving their operations in the Union. The parties referred to the fact that the Union industry increased its production capacity in 2021 and 2022 despite the reduction of the Union market. In addition, they pointed out that Ineos was investing in China while neglecting its operations in the Union.
- (103) First, the Commission noted that the parties did not bring forward any new arguments or evidence concerning the lack of cost optimisation.
- (104) Contrary to that, the Commission found that the Union industry has been consolidating its employment numbers by optimising management and administration functions and continues doing so even after the period considered. The reduction of production related staff was, however, limited by the numbers necessary to run the existing plants and production lines.
- (105) The issue of additional production capacity was already addressed in recitals (199) to (201) of the provisional Regulation. In addition to the explanations provided in the provisional Regulation, it must be noted that contrary to what the parties claimed, the Union market grew in those two years (2021 and 2022) when new production capacity was put into operation by the Union industry. It only declined in 2023 and in the investigation period even below the level of 2020, the beginning of the period considered.
- (106) With regard to Ineos' investments in China, the mere fact that the global group invested in one region was not alone evidence of neglecting their operations in another region. The sampled Union producers appeared to have an internationalisation strategy different from the Korean exporting producers. While the Korean companies served the global market primarily from their production plants located in Korea, the groups to which the sampled Union producers belong established regional presence closer to their customers.
- (107) Consequently, the claim described in paragraph (102) was rejected.

5.2.3. Imports from third countries

(108) In the absence of comments concerning sampling, recitals (183) to (186) of the provisional Regulation were confirmed.

5.2.4. Export performance of the Union industry

(109) In the absence of comments concerning sampling, recitals (187) to (191) of the provisional Regulation were confirmed.

5.3. Consumption

(110) In the absence of comments concerning sampling, recitals (192) to (193) of the provisional Regulation were confirmed.

5.4. Conclusion on causation

(111) Considering the Commission's conclusions on claims related to the cost of energy and raw materials, and to optimisation and investment, as well as the fact that no comments were received with regard to the effect of imports from third countries and the export performance of the Union industry, the Commission confirmed its findings concerning causation set out in recitals (210) and (211) of the provisional Regulation.

6. LEVEL OF MEASURES

6.1. Injury margin

(112) Following provisional disclosure, Taiwanese authorities argued that the inclusion of future compliance cost in the injury margin calculation could have resulted in double remedy. According to the Taiwanese authorities, the compliance cost was already included in the cost of production, the Union producers have received 100 % free ETS quota and will continue receiving them until 2034.

(113) In this respect, the Commission noted that the purchase of ETS certificates by the Union industry was verified. In addition, there was no double remedy as only the additional cost linked to the purchase of ETS certificates, based either on the higher future price of those certificates or an increased need for additional ETS quota, which was not included in the Union industry's cost of production incurred in the investigation period, was reflected in the injury margin calculation.

(114) Consequently, the claim concerning potential double remedy due to the inclusion of future compliance cost in the injury margin calculation was rejected.

(115) Considering the Commission's conclusions in recital (114), recital (222) of the provisional Regulation is confirmed.

6.2. Conclusion on the level of measures

(116) 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 (%)
Korea	LG Chem	9,2

Korea	Lotte Chemical Corporation	7,1
Korea	Other cooperating companies	8,6
Korea	All other companies	9,2
Taiwan	Chimei Corporation Grand Pacific Petrochemical Corporation	10,9
Taiwan	Formosa Chemicals & Fibre Corporation	21,7
Taiwan	All other companies	21,7

7. UNION INTEREST

7.1. Interest of the Union industry

- (117) Following provisional disclosure, the Union industry reiterated that it suffered material injury. In particular, the companies mentioned the increase in imports from Korea after the initiation of the investigation, their customers reporting lower prices charged for ABS originating in Korea, decreasing ability to finance maintenance of their production equipment, continued reduction in employment, and an imminent risk of closure of at least one of the production plants located in the Union.
- (118) Following provisional disclosure, the association Plastics Recyclers Europe criticised the low level of the provisional duties. According to the association, in particular the duties provisionally imposed on imports originating in Korea were insufficient to restore fair competition in the Union market. The association submitted that in addition to further injury to producers of recycled or virgin ABS, the level of the duties jeopardised the achievement of the Union's recycling and recovery targets under Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment ('WEEE Directive')¹⁰.
- (119) The Commission took note of the above comments received from the Union industry that clearly show that the imposition of the measures was in the interest of the Union industry.
- (120) With regards to the recycling and recovery targets, the Commission recognised the importance of transition to a circular economy, the basic Regulation however does not provide for a possibility to impose anti-dumping measures at a level exceeding the level of the dumping margin.
- (121) Consequently, the Commission confirmed its findings concerning the interest of the Union industry as set out in recitals (224) and (225) of the provisional Regulation.

¹⁰ OJ L 197 24.7.2012, p. 38, ELI: <http://data.europa.eu/eli/dir/2012/19/2024-04-08>.

7.2. Interest of unrelated importers and users

7.2.1. High quality of products and services offered by the Korean producers

- (122) Following provisional disclosure, LG Chem claimed that there was no evidence that the Union industry was able to provide the full range of products LG Chem offered. In this respect, the party also pointed out that switching from one user to another could not be done in a short term due to approval procedures.
- (123) In the same spirit, following provisional disclosure, the Coalition claimed that LG Chem offered unique and irreplaceable products. In addition, the Coalition claimed that the Union industry was not able to offer competitive ABS alternatives, highlighting the fact that only one of the three complainants manufactured emulsion ABS, which was allegedly preferred on the market.
- (124) First, the quality of products supplied by the producers in the countries concerned is not disputed. It is not the aim of this investigation to prevent imports from those countries, but to correct the dumping behaviour to level the playing field.
- (125) Second, the quality of products offered by the Union industry could not be doubted either. The Union industry served approximately 63 % of the Union market, including a number of customers with very specific requirements for the ABS properties. Contrary to what LG Chem and the Coalition claimed there was no evidence that the Union industry was not able to meet the demand on the Union market, including specific ABS grades. The parties' claims were mere assertions not supported by any evidence.
- (126) Third, the Union industry provided evidence that major OEMs that have very specific requirements for ABS properties and submit the ABS suppliers to approval procedures did not rely solely on one supplier, but cooperated with a number of certified ABS producers, including the Union producers and producers from the countries concerned, to ensure security of supply. Therefore, even if the anti-dumping duties limited the access of users to ABS from Korea and Taiwan, *quod non*, the users should not be affected as they already have preapproved suppliers other than the exporting producers from the countries concerned.
- (127) Finally, as already explained in the provisional Regulation, depending on the application and method used to produce downstream products, mass-produced ABS can be a suitable alternative for emulsion ABS. Contrary to what the Coalition asserted, two Union producers manufactured emulsion ABS. Although there was no evidence that the market in general prefers emulsion ABS, the potential of the two Union producers to meet the demand for emulsion ABS on the Union market was substantial considering their production capacity.
- (128) Consequently, the claims described in paragraphs (122) and (123) were rejected.

7.2.2. Stability of supply

- (129) Following provisional disclosure, the Coalition reiterated the *force majeure* events declared by the Union producers in 2021. In its comment on provisional disclosure, LG Chem pointed out its ability to ensure stability of supply as proven during the Covid 19 pandemic or the Red Sea crisis.
- (130) The Commission noted that the parties did not bring forward any new arguments or evidence. The Commission addressed the *force majeure* events of 2021 in recitals (202) to (205) of the provisional Regulation. Those events were limited in time (2-5 months), did not stop the producer's supply completely and other Union producers

reported that they were able to increase their sales in the Union in that period, i.e. to replace the shortage of supply by the Union producers experiencing the *force majeure* events. In addition, the Commission found that *force majeure* events are not an exceptional occurrence in chemical complexes. LG Chem and Lotte experienced such events themselves affecting either the production of ABS¹¹ (power outages in ABS production facilities) or other parts of the chemical production facilities¹².

- (131) Consequently, the Commission confirmed its conclusions set out in recital (205) of the provisional Regulation.

7.2.3. *Ability of importers and users to compete on the Union market and globally*

- (132) Following provisional disclosure, the Coalition claimed that even a low anti-dumping duty, such as the provisional duty of 3,7 % imposed on imports from LG Chem, would reduce the ability of its members to compete globally and in the Union.
- (133) In this respect, the Commission reiterated its findings at the provisional stage based on company specific data submitted by several importers and users. As mentioned in section 7.2 of the provisional Regulation, the importer's share of ABS trading on their total business was less than 10 % and they achieved healthy profits of more than 10 % on their ABS trading activities. With regard to users, as set out in section 7.3 of the provisional Regulation, the Commission found that ABS represented only a minor share (less than 4 %) on their total cost of production, and they also enjoyed healthy profits. Contrary to the above-mentioned finding based on company specific data, the arguments brought forward by the Coalition were mere allegations not supported by any evidence.
- (134) Although the level of the duties increased after the provisional disclosure, in particular with regard to imports of ABS originating in Korea the Commission found that the magnitude of the increase was not able to change its conclusions concerning the interest of importers and users since the contribution of ABS, either in the form of its share on their total trading business or on their total cost of production, to their overall business results remains minor.
- (135) Therefore, Commission rejected the claim.

¹¹ ABS, PP: Force majeure follows power outage in Daesan, South Korea / Key EU import volumes at risk? Available at https://www.plasteurope.com/news/PETROCHEMICAL_MARKETS_t257486/ (last viewed 22 October 2025). Power outage halts LG Chem, Lotte Chemical operations in Daesan, Korea. Available at <https://www.polymerupdate.com/News/Details/1370604> (last viewed 22 October 2025). Lotte Chemical declares force majeure after explosion [2020; affecting production of styrene monomer]. Available at <https://www.businessinsurance.com/lotte-chemical-declares-force-majeure-after-explosion/> (last viewed 22 October 2025). Lotte shuts Daesan cracker after explosion [2020; affecting production of styrene monomer]. Available at <https://www.argusmedia.com/ja/news-and-insights/latest-market-news/2082292-lotte-shuts-daesan-cracker-after-explosion> (last viewed 22 October 2025). Lotte Chemical announces FM on styrene supplies from Daesan unit. Available at http://www.apic-online.org/top_story.asp?ID=11336 (last viewed 22 October 2025).

¹² South Korea's LG Chem to declare force majeure on ethylene supply starting Oct [2022]. Available at <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/chemicals/080422-south-koreas-lg-chem-to-declare-force-majeure-on-ethylene-supply-starting-oct> (last viewed 22 October 2025). BPA Prices Rise After LG Chem's Force Majeure but Lose Momentum in March. Available at <https://www.chemanalyst.com/NewsAndDeals/NewsDetails/bpa-prices-rise-after-lg-chem-force-majeure-but-lose-momentum-in-march-35060> (last viewed 22 October 2025).

7.2.4. Conclusions on the interest of unrelated importers and users

- (136) Based on the considerations detailed in paragraphs (122) to (135), the Commission confirmed its conclusions set out in recitals (232) and (235) of the provisional Regulation.

7.3. Interest of consumers

- (137) In the absence of comments concerning the interest of consumers, recital (238) of the provisional Regulation was confirmed.

7.4. Other factors

- (138) Following provisional disclosure, Lotte and the Coalition argued that the imposition of anti-dumping duties on ABS from Korea and Taiwan could inadvertently open the door for influx of low-price, allegedly dumped imports from China. Therefore, the Union should instead continue relying on imports from the countries concerned.
- (139) First, the Commission noted that the imports from the sampled exporting producers in the countries concerned, on which the Union should allegedly continue relying, were found to be dumped. In this respect, it is not the aim of the measures to prevent imports from the countries concerned, but only to correct the injury caused to the Union industry by unfair competition from Korea and Taiwan.
- (140) Second, should the imports from China surge at low prices, whether as a result of the anti-dumping duties imposed on the countries concerned or simply because the Chinese ABS producers offer low-price alternatives, the Union industry will be able to request a new investigation provided that all conditions are met.
- (141) Consequently, the Commission rejected this claim as irrelevant for the analysis of the Union interest.
- (142) Following provisional disclosure, Lotte and the GOK disagreed with the Commission's assertions that the imposition of the anti-dumping duties might motivate further expansion of Lotte's subsidiaries in the Union. Lotte noted that its subsidiary in Hungary was not a fully independent plant but rather relied on imports of dry powder for compounding or imports of the finished product the properties of which are further enhanced through compounding with pigments and/or additives.
- (143) The Commission obviously cannot argue with Lotte about how the company should react to the imposition of the duties. However, the Commission cannot take the interest of specific companies individually in its analysis of Union interest but the interest of Union companies as a whole.
- (144) Consequently, the Commission rejected this claim as irrelevant for the analysis of the Union interest.

7.5. Conclusion on Union interest

- (145) Based on the considerations detailed in sections 7.1 to 7.4, the Commission confirmed its findings set out in recital (244) of the provisional Regulation concluding that there were no compelling reasons showing that it was not in the Union interest to impose measures on imports of ABS originating in Korea and Taiwan.

8. DEFINITIVE ANTI-DUMPING MEASURES

8.1. Definitive measures

(146) 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.

(147) 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 (%)
Korea	LG Chem	9,2	66,6	9,2
Korea	Lotte Chemical Corporation	7,1	62,9	7,1
Korea	Other cooperating companies	8,6	64,8	8,6
Korea	All other imports originating in Korea	9,2	66,6	9,2
Taiwan	Chimei Corporation Grand Pacific Petrochemical Corporation	10,9	51,7	10,9
Taiwan	Formosa Chemicals & Fibre Corporation	21,7	67,8	21,7
Taiwan	All other imports originating in Taiwan	21,7	67,8	21,7

8.2. Definitive collection of the provisional duties

(148) 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.

8.3. Retroactive collection

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

(150) 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.

(151) The Commission's analysis showed no 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 the monthly average import volumes of the product concerned during the period from the month following the initiation of this investigation until the last full month preceding the imposition of provisional measures with the monthly average import volumes during the investigation period. The Commission established an increase in imports from the countries concerned of 8 %. Also, when comparing the monthly average import volumes of the product concerned during the period from the month following the initiation of this investigation up to and including the month in which provisional measures were imposed with the monthly average import volumes during the investigation period, no further substantial increase could be observed. In this case, the Commission established an increase of imports from the countries concerned by 6 %.

Table 1- Evolution of imports after the initiation of the investigation					
Period	Korea	Taiwan	Countries concerned		
	Quantity (tonnes)	Quantity (tonnes)	Quantity (tonnes)	Monthly average quantity (tonnes)	Import evolution (Period/IP)
January-July 2025	100 415	18 740	119 155	17 022	108 %
January-August 2025	113 357	20 333	133 690	16 711	106 %
Investigation period	153 608	36 072	189 680	15 807	---
Source: Eurostat (Comext database) and Surveillance 3					

- (152) In addition, since the initiation of the investigation, the prices of imports from the countries concerned slightly increased as they were by 2 % to 3 % above the average import prices in the investigation period.
- (153) In this respect, the Commission has however no information on the file that the increased import volumes at modestly higher import prices caused additional injury to the Union industry.
- (154) On that basis, the Commission concluded that the conditions as set out in Article 10(4) of the basic Regulation for the retroactive application of the definitive anti-dumping duty were not met.

9. DISCLOSURE

- (155) All interested parties are hereby informed of the essential facts and considerations based on which it is intended to impose definitive anti-dumping duties on imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan. All parties are also granted a period to make representations subsequent to this disclosure and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.