



**COMMISSION IMPLEMENTING REGULATION (EU) 2026/316  
of 12 February 2026**

**imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan**

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 <sup>(1)</sup> ('the basic Regulation'), and in particular Article 9(4) thereof,

Whereas:

**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 the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* <sup>(2)</sup> ('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 <sup>(3)</sup> ('the registration Regulation').

**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 recitals 44 to 108.
- (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 <sup>(4)</sup> ('the provisional Regulation').

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

<sup>(2)</sup> OJ C, C/2024/7490, 19.12.2024, ELI: <http://data.europa.eu/eli/C/2024/7490/oj>.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2025/412 of 3 March 2025 making imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan subject to registration (OJ L, 2025/412, 4.3.2025, ELI: [http://data.europa.eu/eli/reg\\_impl/2025/412/oj](http://data.europa.eu/eli/reg_impl/2025/412/oj)).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2025/1739 of 14 August 2025 imposing a provisional anti-dumping duty on imports of Acrylonitrile-Butadiene-Styrene Resins originating in the Republic of Korea and Taiwan (OJ L, 2025/1739, 18.8.2025, ELI: [http://data.europa.eu/eli/reg\\_impl/2025/1739/oj](http://data.europa.eu/eli/reg_impl/2025/1739/oj)).

#### 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:
- 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.
- (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 ABS originating in Korea and Taiwan ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.
- (10) All four sampled exporting producers, the Union industry, two cooperating unrelated importers (Biesterfeld and Intepolimeri), one user (LEGO), and the Coalition for an Open and Competitive EU ABS Market made submissions on the final disclosure. Their comments and claims are addressed in the relevant parts of this Regulation.
- (11) Parties who so requested were also granted an opportunity to be heard. Hearings took place with LG Chem, Lotte, the Union industry, LEGO, and the Coalition.

- (12) As detailed in the relevant parts of this Regulation, the Commission accepted some comments and claims submitted by the parties after disclosure. Consequently, the Commission informed all interested parties of the revisions to the essential facts and considerations on the basis of which it intended to impose definitive anti-dumping duties ('additional final disclosure'). All parties were granted a period to comment on the additional final disclosure.
- (13) LG Chem, Lotte, the Union industry, Biesterfeld and Interpolimeri submitted comments on the additional final disclosure. Those comments and claims are addressed in the relevant parts of this Regulation.

#### 1.5. Claims on initiation

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

#### 1.6. Sampling

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

#### 1.7. Individual examination

- (16) 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

- (17) 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.
- (18) Since these comments concerned mainly the provisional findings of injury and causation, they were addressed in sections 4 (recitals 147 and 148) and 5 (recitals 152 to 155) of this Regulation respectively.
- (19) 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

- (20) In its comments on final disclosure, LG Chem supported by the GOK recalled that in the provisional Regulation, the Commission confirmed that dry powder, a semifinished product containing all three main monomers however with a high butadiene content, was not included in the scope of this investigation. The company insisted that without reflecting it in the definition of the product concerned, the measures might be inadvertently applied also on imports of dry powder.
- (21) The Commission is of that opinion that dry powder should not be classified under CN code 3903 30 00 and thus the risk perceived by the company should not materialise.

#### 2.1. Product types containing less than 95 % of ABS

- (22) 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).

- (23) 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.
- (24) 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 Nomenclature <sup>(7)</sup> 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 subheading covers blends of ABS with certain other polymers of the styrenic family, if these other polymers are predominant in the blend.
- (25) In its comments on final disclosure, Lotte supported by the GOK insisted that products containing more than 50 % but less than 95 % of ABS should be classified under HS code 3903 90, not under HS code 3903 30. The company argued that while relying on Note 4 to Chapter 39, the Commission omitted Notes to the subheading of Chapter 39. To support its views that products containing more than 50 % but less than 95 % of ABS should be classified under HS code 3903 90, the company submitted an internal classification decision, classification decisions by the Korean and the US customs authorities, and classification documents issued by the World Customs Organisation (General rules for the interpretation of the Harmonised System, Explanatory note to Chapter 39).
- (26) The Commission noted that to classify mixtures of ABS with other polymer correctly, it is necessary not to confuse (a) the chain structure of the ABS copolymer considered in isolation, which in case of a mixture does not constitute the entire product, and (b) the mixture of ABS and other polymer, e.g. polycarbonate ('PC'), which constitutes the entire product. The hypothetical mixture of ABS and PC (ABS/PC) cannot be classified in isolation using Note 1 to Chapter 39, since ABS is not an isolated product, but it is mixed with another polymer. Using the above example, the product to be classified is thus the ABS/PC blend.
- (27) To classify the ABS/PC blend, Note 4 to Chapter 39 must be applied by considering which polymer predominates by weight in the mixture.
- (28) This Note reads: 'The expression "copolymers" covers all polymers in which no single monomer unit contributes 95 % or more by weight to the total polymer content. For the purposes of this Chapter, except where the context otherwise requires, copolymers (including co-polycondensates, co-polyaddition products, block copolymers and graft copolymers) and **polymer blends are to be classified in the heading covering polymers of that comonomer unit which predominates by weight over every other single comonomer unit. For the purposes of this Note, constituent comonomer units of polymers falling in the same heading shall be taken together.** If no single comonomer unit predominates, copolymers or polymer blends, as the case may be, are to be classified in the heading which occurs last in numerical order among those which equally merit consideration' (emphasis added).
- (29) Since ABS predominates in the mixture used in the example (ABS/PC), the mixture is to be classified under HS code 3903 30.
- (30) In this respect, it also must be noted that Subheading Note 1 to Chapter 39 clearly states that HS code 3903 90 should be used '[ch]emically modified polymers are to be classified in the subheading named "Other", **provided that the chemically modified polymers are not more specifically covered by another subheading**' (emphasis added). In the context of a mixture of ABS with another polymer, the appropriate tariff classification cannot be established by taking into consideration only the rule established in Subheading Note 1 to Chapter 39 while ignoring Note 4 to Chapter 39. Since a mixture with predominant ABS falls under HS code 3903 30 based on Note 4 to Chapter 39, the rule established in Subheading Note 1 to Chapter 39 becomes moot in the context of a mixture of ABS with another polymer.
- (31) Consequently, the Commission rejected the claims by Lotte and the GOK detailed in recital 25.

<sup>(7)</sup> 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>).

## 2.2. Mass-balanced ABS

- (32) Following provisional disclosure, Chimei and LEGO reiterated their request concerning an exclusion of mass-balanced ABS <sup>(6)</sup>. 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 platform <sup>(7)</sup> 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.
- (33) 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.
- (34) 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.
- (35) 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 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.
- (36) Consequently, the exclusions requests and claims concerning mass-balanced ABS were rejected.
- (37) Following final disclosure, LEGO reiterated that the anti-dumping duty should not be applied on the mass-balanced content of imported ABS. The company once again offered a methodology for how the customs authorities could determine the value of the anti-dumping duty if the mass-balanced content is excluded. To make the exclusion of the mass-balanced content practicable, the company offered in the future, to request from its supplier(s) invoicing which differentiates between the green premium and the rest of the import price.
- (38) Considering that mass-balanced ABS clearly falls within the definition of the product concerned in recital 39 of the provisional Regulation, the Commission noted that the exclusion of the mass-balanced content from the application of the anti-dumping duty must be first and foremost justified by Union interest considerations. The practicability would only be considered if reasons for an exclusion based on Union interest would exist. In this regard, the Commission recalled its findings in recitals 234 and 235 of the provisional Regulation. In fact, an anti-dumping duty of 10 % on LEGO's imports of ABS from Korea and Taiwan in the investigation period would only lead to a reduction of the company's profit that would only be visible behind the decimal comma.

<sup>(6)</sup> 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.

<sup>(7)</sup> '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/>).

- (39) Consequently, the Commission confirmed the rejection of LEGO's request for the anti-dumping duty to be applied only to the non-sustainable content of ABS.

### 2.3. **Flame retardant ABS**

- (40) 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.
- (41) 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.
- (42) 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.
- (43) Consequently, the Commission confirmed its rejection of this exclusion request.

## 3. DUMPING

### 3.1. **Republic of Korea**

#### 3.1.1. *Normal value*

- (44) 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.
- (45) 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.
- (46) 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.
- (47) Moreover, the Commission recalled that for both sampled exporting producers, its findings were based on data which was verified on-spot.

- (48) 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.
- (49) 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.
- (50) 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.
- (51) 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.
- (52) 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.
- (53) 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).
- (54) 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.
- (55) 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.
- (56) Following definitive disclosure, Lotte claimed that the Commission incorrectly excluded some items from the SG & A costs. The Commission partially accepted these claims and revised the SG & A costs calculation accordingly. As regards the other items excluded by the Commission the company did not provide sufficient evidence confirming that these costs should be associated with the domestic sales of the product concerned, therefore the Commission rejected the claims in the remaining part. Due to the confidentiality of these costs, more details were provided in Lotte's specific additional disclosure.
- (57) Following additional final disclosure, Lotte pointed out an error in the SG & A costs calculation, affecting its dumping margin. The Commission acknowledged that due to a clerical error, certain SG & A costs had not been excluded, and corrected its dumping margin calculation for Lotte. The corrected margins were provided in a Note to the File.

### 3.1.2. Export price

- (58) 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.
- (59) 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 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.
- (60) Following final disclosure, the two unrelated importers (Biesterfeld and Interpolimeri), as well as LG Chem maintained that the Commission used a profit of an unrelated importer that exceeds the industry average and was based on wrong interpretation of the data provided by the cooperating unrelated importers. LG Chem referred to the non-confidential version of the importers' questionnaire replies to support its claim. Biesterfeld argued that its net profit margin reached only 2–5 % in the investigation period. The company reiterated that the profit reported in the questionnaire reply was a gross margin and to arrive at net profit, the Commission should have taken into account information provided in another part of the questionnaire. Interpolimeri recalled that its actual profit margin was only 1,5–4 %.
- (61) In addition, LG Chem referred to a recent investigation of imports of fatty acids originating in Indonesia <sup>(8)</sup>, where the Commission used a profit from an earlier investigation aimed at a product of the chemical industry, namely a profit established at the level of 6,89 % in the anti-dumping investigation of imports of certain polyvinyl alcohols ('PVA') originating in the People's Republic of China ('PRC') <sup>(9)</sup>.
- (62) The Commission explained that it relied on profit before tax either reported by the cooperating unrelated importers or calculated based on the provided information. Both importers, however, continued challenging the Commission's determination of the weighted average profit margin. In particular, the importer which reported a gross margin continued questioning whether the Commission deducted from the reported gross margin all relevant importation and post-importation cost. In this respect, the Commission noted that the company provided contradicting information in its questionnaire reply. On one hand, the company claimed that the purchase prices already included certain importation cost and import duties. On the other hand, it claimed that all reported importation and post-importation cost should have been deducted from the gross margin. In view of the importers' comments and detected issues, and considering that their data were not verified, the Commission found that neither the claims of the companies, nor the Commission's calculations could be reliably confirmed. Considering the above, the Commission decided not to use the profitability data of the two cooperating unrelated importers.
- (63) Subsequently, the Commission decided to rely on the profit disclosed in the anti-dumping investigation on imports of PVA from the PRC and used again in a recent anti-dumping investigation of imports of fatty acid from Indonesia, as also suggested by LG Chem. At this stage and considering that the profitability of the cooperating unrelated importers could not be used, this profit margin was the most objective basis available for the purpose of arriving at a satisfactory estimate of an arm's length and therefore reasonable export price, based on detailed sales data for a product in the same general category, namely produced by the chemical industry.
- (64) Following additional final disclosure, LG Chem, the Union industry, Biesterfeld and Interpolimeri commented on the profit of unrelated importer.

<sup>(8)</sup> Commission Implementing Regulation (EU) 2023/111 of 18 January 2023 imposing a definitive anti-dumping duty on imports of fatty acid originating in Indonesia (OJ L 18, 19.1.2023, p. 1, ELI: [http://data.europa.eu/eli/reg\\_impl/2023/111/oj](http://data.europa.eu/eli/reg_impl/2023/111/oj)).

<sup>(9)</sup> Commission Implementing Regulation (EU) 2020/1336 of 25 September 2020 imposing definitive anti-dumping duties on imports of certain polyvinyl alcohols originating in the People's Republic of China (OJ L 315, 29.9.2020, p. 1, ELI: [http://data.europa.eu/eli/reg\\_impl/2020/1336/oj](http://data.europa.eu/eli/reg_impl/2020/1336/oj)).

- (65) Interpolimeri argued that the additional final disclosure document did not clarify why Interpolimeri's data was rejected. The company assumed that its profitability data was not used as it was only reported in the confidential version of the questionnaire reply. In this respect, the company waived the confidentiality treatment on the reported profit margin.
- (66) Biesterfeld claimed that the contradictions described in recital 62 had been clarified by the company in its submissions following provisional and final disclosure where it clarified that the reported profit represented a gross margin and that the net profit margin was reported in a different part of the questionnaire reply.
- (67) LG Chem submitted that on a counsel-to-counsel basis, it had access to confidential information submitted by Biesterfeld and Interpolimeri. In this context, it supported the arguments presented by the companies as detailed in recitals 65 and 66. In addition, the party claimed that the Commission misunderstood its reference to the profit of unrelated importer from the PVA investigation. The company submitted that had merely referred to the profit used in that investigation to demonstrate that the profit margin used by the Commission in the construction of its export price was disproportionate and not reflecting the average profit margin in the chemical industry. Finally, the company argued that the Commission cannot disregard the data of the two unrelated importers based on its deliberate choice not to verify the questionnaire replies.
- (68) The Union industry disagreed with the Commission's decision to replace the profit of unrelated importer of [9–12] % with the profit established in the PVA investigation. First, the industry pointed out that the fact that the importers' information was not verified did not automatically render it incorrect or less reliable as concluded by the Court of First Instance in Case T-299/05 <sup>(10)</sup>. Second, the party noted that none of the two importers had its financial statements published. The Union industry, however, submitted the financial statements of two distributors belonging to the Biesterfeld group showing that their profit margins <sup>(11)</sup> were well within the range of profitability initially established by the Commission. Third, the Union industry maintained that the initially established profitability was justified in the light of the lack of effective and sincere cooperation by Biesterfeld and Interpolimeri, as well as the failure to cooperate by two additional unrelated importers (Koryfes and Snetor) that initially indicated their willingness to provide the requested data when they replied to the sampling questionnaire. Finally, the party argued that the profit margin of 6,89 % was outdated as it was based on an investigation period of the PVA investigation that covered the period from 1 July 2018 to 30 June 2019.
- (69) With regard to Interpolimeri's claim that the Commission only disregarded its profitability data based on confidentiality, the Commission clarified that both companies, Biesterfeld and Interpolimeri, put into question the use of their data in the determination of the weighted average profit of unrelated importers in their comments on final disclosure. Subsequently, the Commission reviewed its assessment of the information received by the companies. In the additional final disclosure, the Commission indeed focused on the contradictions in Biesterfeld's questionnaire reply. Since Biesterfeld reported a gross margin and contested whether the Commission deducted all relevant importation and post-importation costs to arrive at net profit, the Commission considered that its questionnaire reply was the main source of the allegedly disproportionate profit margin. However, following the claims received from Interpolimeri on the final disclosure, where the net margins established by the Commission based on, inter alia, Interpolimeri's data were questioned by the company, the Commission further reviewed its questionnaire reply in order to identify the source of the issue and found several inconsistencies. Considering the confidential nature of the respective information, the Commission disclosed the identified inconsistencies to the company individually. Consequently, similarly to Biesterfeld, the Commission found that Interpolimeri's profit could not be reliably established based on the data submitted by the company and had to be rejected.
- (70) With regard to Biesterfeld's claims that the contradictions had been clarified in its comments on provisional and final disclosures, the Commission disagreed. In both submissions, the company merely stated that the reported profit reflected the gross margin, and the actual net profit should be at the level of [2–5] %. In none of those submissions did the company provide evidence substantiating the claim or a more detailed calculation.
- (71) Considering the above, the Commission confirmed its conclusion in recital 62 with regard to Biesterfeld's, Interpolimeri's and respective LG Chem's claims set out in recitals 65, 66 and 67.

<sup>(10)</sup> See Case T-299/05, *Shanghai Excell M&E Enterprise and Shanghai Adeptech Precision v Council*, ECLI:EU:T:2009:72, paragraphs 207 to 213.

<sup>(11)</sup> Biesterfeld Chemia Specjalna sp. z o.o. (Poland) reached a net profit of 8,08 % in 2024, a year that largely covered the investigation period. Biesterfeld Spezialchemie d.o.o. (Croatia) generated a net profit of 10,35 % in the same period.

- (72) With regard to the claims concerning the use or rejection of data for reasons of it not having been verified, the Commission noted that it exercised its discretion when it decided not to verify the importers' questionnaire replies. As correctly noted by the Union industry, the fact that information was not verified does not automatically render it incorrect or less reliable. Moreover, verification visits are intended to verify a complete and coherent set of data; they are not fact-finding exercises. As explained in recitals 62, 69 and 70, neither Biesterfeld nor Interpolimeri submitted to the Commission a complete and coherent set of data that would allow the establishment let alone verification of a clear and undisputable net profit margin for either company. Based on the submitted data the Commission attempted to establish such margin but both companies disputed the outcome. Initially, the data provided by the two importers appeared to be sufficiently complete, internally consistent and to a large extent supported by evidence. Only the companies' insistence that the Commission misunderstood and incorrectly used their data prompted the Commission to review their questionnaire replies anew. This additional review revealed elements on which basis neither the companies' nor the Commission's interpretation of the data could be confirmed.
- (73) Consequently, the Commission rejected the LG Chem's claim that the rejection of the importer's data was due to the Commission's deliberate choice not to verify the submitted information.
- (74) The Commission also rejected the claims made by the Union industry. The industry correctly pointed out that the importers' data cannot be simply disregarded because it was not verified. It also provided valuable examples supporting the theses that a profit margin of [9–12] % is not unreasonable to achieve for a trading/distribution company in the chemical industry. In fact, the Commission identified two more trading/distribution companies of the Biesterfeld group <sup>(12)</sup> with net profits exceeding 10 %. Those arguments however cannot overturn the findings of contradictions and inconsistencies in the companies' questionnaire replies made by the Commission following their comments on final disclosure. The Commission also noted that a decision on whether certain information can be used or not is not made as a reward for the party's cooperation or a punishment for the lack of it. The reliability and accuracy of that data is the main guiding principle.
- (75) Concerning the use of profit margin established in the PVA investigation, the Commission noted that in their comments on the final disclosure LG Chem used the profit margin of 6,89 % as an exemplary 'considerably lower profit [margin] used [...] in other recent investigations regarding chemical products'. LG Chem also correctly noted that 'such significantly lower margins were used even in cases where there was no cooperation by the importers or where the only cooperating importer did not provide data in the non-confidential version'. Considering these comments, it is unclear why in a situation where the Commission was not presented with a reliable net profit margin by either of the cooperating unrelated importers a different approach should be taken. In view of the issues with the profit reported by the two importers cooperating in this investigation, the profit margin from the investigation concerning imports of PVA originating in the People's Republic of China was naturally the best proxy. Consequently, the respective claim made by LG Chem was rejected.

### 3.1.3. Comparison

- (76) 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.

<sup>(12)</sup> BIESTERFELD SILCOM SLOVAKIA s.r.o. achieved a net profit before tax of 19,15 % in 2024. Profit and loss account for 2024. Available at <https://www.registeruz.sk/cruz-public/domain/financialreport/show/9492214/552> (last viewed 19 December 2025). Biesterfeld Silcom s.r.o. (Czechia) generated a net profit before tax of 13,6 %. Annual report 2024, p. 11–12. Available at <https://or.justice.cz/ias/ui/vypis-sl-detail?dokument=85721392&subjektId=445690&spis=100807> (last viewed 19 December 2025).

- (77) 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.
- (78) 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.
- (79) 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.
- (80) As a result of the above changes, the Commission recalculated the export price for Lotte.
- (81) 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 DMCOPI 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.
- (82) 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.
- (83) Following definitive disclosure, Lotte pointed out an error in the calculation formula for some SG & A costs. The Commission accepted the claimed and revised the SG & A costs for LCHU accordingly.
- (84) 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.
- (85) 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.

- (86) As regards point (b), the Commission found also this claim to be justified and removed the relevant items from LGCEG's SG & A calculation.
- (87) 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 premium <sup>(13)</sup> for certain products.

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

- (88) Following definitive disclosure, LG claimed that the application of the green premium adjustment to address alleged differences in the degree of sustainability is unlawful under WTO and EU law, and unjustified. To support its claim LG provided the following arguments, also referring to two products for which an adjustment was made (product A and product B):
- (a) There is a number of variables which altogether set the final price of a product. In view of this, the green premium cannot be considered as a separate price component for which an adjustment could be warranted. This is supported also by the WTO Panel in case EU-Biodiesel (Indonesia) <sup>(14)</sup>, where the Panel found that a green premium paid by customers for a specific type of biodiesel should be considered as a structural part of the price that is charged by the exporting producers.
  - (b) PCNs categorise the main characteristics of the product under investigation, which affect price comparability. Therefore, all products falling under a single PCN are considered to be alike and comparable in terms of price. The assumption that certain sustainable products have a higher degree of sustainability than other products is unsubstantiated.
  - (c) Any adjustments must address differences which are objective, clearly specified and fully quantifiable. When applying the green premium adjustment, the Commission failed to clearly and precisely explain what item needs to be adjusted, nor the reason or value of such an adjustment.
  - (d) For product A, the factual basis for the adjustment is ill-founded because, by virtue of its characteristics, this product is fully comparable with like products sold on the domestic market. Therefore, according to LG, the dumping margin for this product must be computed by comparing its export price with the normal value for the relevant PCN without applying any adjustments. In any event, as evidenced by the contract between LG and its customer, the green premium for product A was different from the one used in the Commission's calculation of the adjustment. In any event, for Product A, the Commission used an incorrect amount for the green premium, as evidenced by the relevant long-term agreement.
  - (e) For product B, for which there are no domestic sales, the dumping margin must be established by comparing the export price paid by the customer with the normal value constructed on the basis of costs. According to LG, the construction of the normal value on the basis of costs does not leave any room for an adjustment to address alleged differences in the degree of sustainability, and in particular an adjustment which removes from the export price practically the entire sales profit.

<sup>(13)</sup> See section 2.2. on the 'Green premium'.

<sup>(14)</sup> WT/DS480/R of 25 January 2018, European Union – Anti-Dumping Measures on Biodiesel from Indonesia Report of the Panel, paragraph 7.116.

- (f) It is groundless to infer the uniqueness of an ABS product from the exclusivity clause granted for that product to a customer. This is because ABS products are inherently 'spec-in' and customer-specific for all major customers, regardless of the market of destination. Consequently, sales tend to be based on specifications and exclusive supply relationships, to ensure that the same product is not supplied to other users.
- (g) An incorrect exchange rate was used in the calculation of the green premium adjustment when converting USD to KRW.
- (89) As regards point (a), the Commission did not dispute that a number of factors are considered for setting the prices of ABS. However, none of those factors was of such unique importance that it was explicitly included in the pricing formula. In addition, based on the information on the file, such premium was not charged on any of the product types sold domestically, i.e. used to establish the normal value. The company neither disputed that fact, nor did it provide evidence to the contrary. Therefore, the Commission found it appropriate to take the fact that the premium was only charged on export sales into consideration for the purpose of fair comparison.
- (90) The Commission, furthermore, noted that the Panel in WTO DS EU-Biodiesel (Indonesia) analysed the premium in the context of the construction of the export price pursuant to Article 2.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (WTO Anti-dumping Agreement, 'WTO ADA'), or Article 2(9) of the basic Regulation. The Panel concluded that the premium should have been included as a part of the constructed export price. In the present case, the green premium was recognised as a part of the export price. An adjustment for the green premium was performed for the purpose of fair comparison under Article 2.4 of WTO ADA, or Article 2(10) of the basic Regulation.
- (91) In addition, the respective Council Implementing Regulation (EU) No 1194/2013<sup>(15)</sup> elaborated in recital 100 that '[e]ven if the Commission would accept this claim and add the premiums to the export price, the premiums would have to be deducted again under Article 2(10)(k) in order to compare the export price with the same normal value with due account taken for differences that affect price comparability'. The Panel did not analyse this additional argument as it had already concluded that the Union was in breach of Article 2.3 of the WTO ADA by not including the premium in the constructed export price. In para 7.119 of the Panel Report, the Panel stated that it was '[n]ot required to address additional arguments of Indonesia or the European Union regarding the relevance of the rules contained in the third and fourth sentences of Article 2.4 of the Anti-Dumping Agreement or rules regarding differences affecting price comparability contained elsewhere in Article 2.4'. Therefore, the Commission considered that the findings of the Panel in the above-mentioned WTO dispute were not applicable for the application of the green premium adjustment under Articles 2(10)(a) and 2(10)(k) of the basic Regulation.
- (92) As regards point (b), the Commission noted that the use of PCNs did not guarantee that no adjustment for physical characteristics would be necessary as the PCN may not catch every single characteristic that influences prices of the product under investigation. Further factors having impact on prices and their comparability may be discovered during the investigation and must be adjusted for.
- (93) As regards points (c) to (e), the Commission noted that in the present case the differences between the two exported product types and domestically sold product types falling under the same PCNs was objective and could be quantifiable based on the information submitted by the company. First, as explained in recital 52 of the provisional Regulation, there are three main categories of mass-balanced ABS: (1) produced from mechanically recycled ABS, (2) produced from chemically recycled feedstocks, and (3) produced from bio feedstocks. The category of mass-balanced ABS was not captured by the PCN. In the present case, the export sales of product types to which the green premium adjustment was applied either did not have equivalent domestic sales of product type with the same category of mass-balanced content or the share of product types with the same category of mass-balanced content was so low that the sales of such product types had a negligible, if any, impact on the determination of the normal value. Second, the differences between the exported and domestically sold product types could be quantifiable based on the green premium charged on the export sales. In this respect, the Commission considered that to a certain extent, the price charged for product types with mass-balanced content partially reflected the higher cost of such products. Therefore, to determine the value of the adjustment, the

<sup>(15)</sup> Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 315, 26.11.2013, p. 2, ELI: [http://data.europa.eu/eli/reg\\_impl/2013/1194/oj](http://data.europa.eu/eli/reg_impl/2013/1194/oj)).

Commission reduced the value of the green premium by the difference in cost of production between product types with the same characteristics except for the existence of mass-balanced content. In relation to point (d) and the alleged incorrect amount for green premium adjustment for Product A, the Commission noted that the final price was based on the benchmarked cost of raw materials, several other categories of production cost, and the green premium. In case of Product A, the company however used the cost of raw materials of a product type (Product C) that was not equivalent to the exported product type (Product A). Product C was also not sold on the domestic market under the PCN relevant for Product A. Therefore, the Commission considered that the cost of raw materials used in the price formula was overstated and found that using the green premium applicable to Product B reasonable offset the effect of overstated cost of raw materials in the price formula.

- (94) As regards point (f), the Commission noted that the company did not provide any evidence to support the claim that a majority of its (domestic) sales were based on unique product types specifically developed for its customers. Contrary to that, the Commission found that the company's product coding system contained specific product codes for product types sold to the customer in the Union in question for which the green premium adjustment to the export price was applied.
- (95) Consequently, based on the above considerations, LG Chem's claims summarised in recital 88 points (a) to (f) were rejected.
- (96) As regards point (g), the Commission found the claim to be justified. Therefore, it corrected the exchange rate used, and recalculated the green premium adjustment accordingly.
- (97) Following additional final disclosure, LG Chem reiterated its claims concerning the level of the green premium adjustment for one of the product types, the allegations that one of the product types was actually not mass-balanced and that comparable domestic sales of one of the product types existed.
- (98) Since the green premium adjustment was not covered by the additional final disclosure, the Commission considered the additional arguments moot. It however also noted that the issues mentioned by LG Chem had been addressed in recital 93.
- (99) With regard to mass-balanced ABS and the green premium adjustment, in its comments on final disclosure, LEGO claimed that the revision of PCN was insufficient as the PCN did not specify the category of mass-balanced content and its level. According to the company, the various categories of mass-balanced ABS (mechanically recycled, chemically recycled or produced from bio feedstocks are priced differently). Similarly, the level of mass-balanced content influences the price. Therefore, without included the above two characteristics in the PCN, the Commission failed to established product types that would ensure fair comparison.
- (100) In addition, the company argued that the deduction of the green premium from the export price penalises the importers of mass-balanced ABS twice. The company pointed out that the deduction of the green premium from the export price increased the dumping margin, but in practice, the premium will be included in the import prices on which the anti-dumping duties will be levied.
- (101) The Commission noted that except for LG Chem, none of the parties contested the PCN composition at the initiation of the investigation. Although LG Chem proposed an alternative PCN structure, neither this proposal included the category and level of the mass-balanced content. When it became apparent during the investigation that the mass-balanced content influences costs and prices of ABS, the Commission requested the parties to revise the reported PCN and include the information on whether the product type contained mass-balanced ABS in the PCN. Further investigation indeed showed that the category and level of mass-balanced content influenced costs and prices. These finding resulted in the need to apply the green premium adjustment challenged by LEGO. In other words, by applying the green premium adjustment, the Commission corrected the deficiencies in the PCN structure.
- (102) Furthermore, the Commission noted that all adjustments under Article 2(10) of the basic Regulation, which reduce the export price, normally lead to a higher dumping although the duties are imposed on an import price that includes at least some of the elements that were removed for the purpose of comparison (those that were incurred before the border of the Union). The purpose of the adjustments under Article 2(10) of the basic Regulation is to allow for a fair comparison and not to penalise the importers.

- (103) Consequently, the claims made by LEGO as summarised in recitals 99 and 100 were rejected.
- (104) Moreover, LG claimed that the credit cost adjustment to the export price is not warranted because short term inter-bank interest rates are a reasonable proxy for short-term corporate loans. If however the Commission would decide to add a spread to inter-bank interest rates when calculating the credit cost for export sales, it should make a similar adjustment for domestic sales.
- (105) The Commission considered that inter-bank rates reflect the risk of loans to financial institutions, which are subject to stringent regulation, inter alia, in order to ensure their solvency. In view of this, the risk of such loans is not comparable to the risk of loans to a broader category of corporations. Therefore, the inter-bank rates cannot be considered a good proxy for rates of corporate loans.
- (106) However, the Commission accepted LG's argument that also for domestic sales, a similar adjustment is warranted, and recalculated the normal value accordingly.

#### 3.1.4. *CIF Value*

- (107) 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.
- (108) 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.
- (109) 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*

- (110) Following claims from interested parties and further analysis of the available information, the Commission revised the dumping margins.
- (111) 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	7,5
Lotte Chemical Corporation	5,2
Other cooperating companies	6,8
All other imports originating in country concerned	7,5

### 3.2. Taiwan

#### 3.2.1. Normal value

- (112) 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.
- (113) The Commission rejected the claims. Similarly to the claim concerning Korea addressed in recitals 51–52 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.
- (114) 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

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

#### 3.2.3. Comparison

- (116) 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.
- (117) 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.
- (118) 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.
- (119) 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. Following final disclosure, Formosa Chemicals & Fibre Corporation repeated the same comments without bringing new elements.
- (120) The Commission considered 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

- (121) 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. Following final disclosure, Chimei Corporation added that Article 2(10)(d)(ii) further allows a 'special adjustment' to be granted 'when an existing difference in level of trade cannot be quantified because of the absence of the relevant levels on the domestic market of the exporting countries, or where certain functions are shown clearly to relate to levels of trade other than the one which is to be used in the comparison'. The party alleged that this provision does not require that the adjustment be quantified exclusively by reference to domestic sales and gave examples of anti-dumping investigations (Sacks and bags from India <sup>(16)</sup>, PSF from China and Saudi Arabia <sup>(17)</sup>, FeSi <sup>(18)</sup> and Sweetcorn from Thailand <sup>(19)</sup>) in which the Commission would have relied on proxies to quantify level of trade differences in circumstances where the relevant levels of trade were absent from the exporters' domestic market. The party disagreed that the inaccuracies in the categorisation of the domestic customers as users or distributors for sampled invoices put into question Chimei Corporation's categorisation of its numerous customers.
- (122) 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, *quod non*, the Commission put into question the reliability of the information that could serve to quantify an adjustment, if any. The reliability of the information that could serve to quantify an adjustment was not at stake in Sacks and bags from India, PSF from China and Saudi Arabia, FeSi or Sweetcorn from Thailand. The four examples given by Chimei Corporation, namely Sweetcorn from Thailand (where, contrary to what the party stated, the relevant level of trade was present in the exporters' domestic market) can thus not back the party's position. In the case of Chimei Corporation, the verification of the categorisation of the domestic customers as users or distributors for sampled invoices showed inaccuracies. This and other failures as to the customer categorization were disclosed to the party in confidence at provisional stage. The said inaccuracies and failures put into question Chimei Corporation's categorisation of its numerous customers. In addition, the difference in prices at PCN level was not 'consistent' (as required in Article 2(10)(d)(i) of the basic Regulation) to the extent that the prices to distributors were not always lower than those to users. 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.
- (123) 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

<sup>(16)</sup> Council Regulation (EC) No 1763/2002 of 30 September 2002 amending Regulation (EC) No 1950/97 imposing definitive anti-dumping measures on imports of sacks and bags made of polyethylene or polypropylene originating, inter alia, in India (OJ L 267, 4.10.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/1763/oj>), recital 37.

<sup>(17)</sup> Council Regulation (EC) No 428/2005 of 10 March 2005 imposing a definitive anti-dumping duty on imports of polyester staple fibres originating in the People's Republic of China and Saudi Arabia, amending Regulation (EC) No 2852/2000 imposing a definitive anti-dumping duty on imports of polyester staple fibres originating in the Republic of Korea and terminating the anti-dumping proceeding in respect of such imports originating in Taiwan (OJ L 71, 17.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/428/oj>), recital 90.

<sup>(18)</sup> Council Regulation (EC) No 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ferro-silicon originating in the People's Republic of China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia (OJ L 55, 28.2.2008, p. 6, ELI: <http://data.europa.eu/eli/reg/2008/172/oj>), recitals 48 and 50.

<sup>(19)</sup> Commission Regulation (EC) No 1888/2006 of 19 December 2006 imposing a provisional anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ L 364, 20.12.2006, p. 68, ELI: <http://data.europa.eu/eli/reg/2006/1888/oj>), recital 36.

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.

- (124) Following final disclosure, Chimei Corporation insisted that, contrary to the requirement of the chapeau of Article 2(10) of the basic Regulation, the export price and normal value were not at the same level of trade, as the normal value included two layers of SG & A costs and profit (both from Chimei Corporation and its related party), whereas the export price only contained one layer of SG & A expenses and profit (those of Chimei alone). The party considered that the Commission had not explained why its related party cannot be regarded as a related trader under Article 2(10)(i) of the basic Regulation, nor engaged with the factual evidence and remuneration considerations provided by Chimei in the provisional disclosure comments. In its view, the Commission should have explained why the existence of further processing or PCN changes (to the extent they occur) would prevent it from isolating and deducting the part of the margin corresponding to distribution and selling functions, while leaving any processing-related element appropriately reflected in the PCN and cost structure<sup>(20)</sup>. The party called for the Commission to 'set out the facts and the legal considerations having decisive importance in the context of the decision'<sup>(21)</sup> and requested additional explanations why certain arguments had not been accepted with a view to properly exercise its rights of defence.
- (125) 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. Both the Commission's own practice and the Courts have confirmed that the realisation of a profit on resale by a related trader meets the requirement of a 'mark-up' under Article 2(10)(i), however, the merits of each case are of utmost importance. To justify an adjustment for commissions under Article 2(10)(i), the toller/trader in question must perform functions similar to those of an agent working on a commission basis. According to the case-law, this must be established by the party claiming the adjustment, in this case Chimei Corporation. Chimei Corporation failed to establish this.
- (126) Moreover, in the present investigation, in line with *Çolakoğlu*<sup>(22)</sup>, the Commission considered the reality of the case (i.e. that Chimei's Corporation related party resells in the domestic market only after processing Chimei's Corporation products) and also the data available. In this regard, as any processing-related element should be appropriately reflected in the cost structure, the normal value included two layers of SG & A costs and profit (one from Chimei Corporation and another from its related party). Even if the processing activities of the related party varied depending on the product, they always occurred. Chimei Corporation's call after final disclosure for isolating and deducting the part of the margin corresponding specifically to distribution and selling functions of its related party is contrary to the burden of proof set by the provisions of the chapeau of Article 2(10) of the basic Regulation (according to which it would be up to the claimant to prove and isolate its claim). In addition, Chimei Corporation's claim arrived too late in the proceeding. At no stage of the proceeding did the Chimei Corporation isolate a part of the related party's margin corresponding specifically to distribution and selling functions (versus the related party's margin corresponding to other (processing) activities) nor meaningfully responded to the Commission's concerns for a quantification, even if the Commission shared in due time all the factual and legal material which formed the basis of its decisions. In this respect, on 18 August 2025, in its provisional disclosure, the Commission had warned the party about practical difficulties encountered for quantifying an adjustment, if any. In this respect, Chimei Corporation did not pursue the Commission's attempts to analyse the specific relationship amongst the two parties, namely based on the link between the tables DMSAL (i.e. transaction-by-transaction sales of the producer to related and unrelated customers in the domestic market)

<sup>(20)</sup> Point 19 of t25.011742.

<sup>(21)</sup> In this respect, the party recalled *Brosmann Footwear (HK) and Others v Council*, Case T-401/06, Judgment of the General Court of 4 March 2010, ECLI:EU:T:2010:67, paragraph 181, and also Judgment of the General Court (Sixth Chamber) of 13 September 2010, *Whirlpool Europe v Council*, Case T-314/06, ECLI:EU:T:2010:390, paragraph 114.

<sup>(22)</sup> Judgment of the General Court of 8 May 2024, *Çolakoğlu Metalurji and Çolakoğlu Dış Ticaret v Commission*, Case T-630/21, ECLI:EU:T:2024:304, paragraph 94.

and DMSALRL (i.e. transaction-by-transaction sales of Chimei Corporation's related party in its domestic market) <sup>(23)</sup>. Should there had been good traceability and should DMSALRL have been fully filled in following all the instructions when due, *quod non*, there would have been further details about the related toller's specific activities transaction-by-transaction and the existence of patterns could have been explored. The Commission rejected Chimei Corporation's claims.

- (127) 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 <sup>(24)</sup>. 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. Following final disclosure, the party reiterated its request to adjust the normal value to take into account the differences in the domestic and EU export market structures, and the differences in pricing based on the quantities sold, pursuant to Article 2(10)(c) of the basic Regulation. No new elements were brought forward.
- (128) 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.

### 3.2.3.2. Adjustments made to the export price

- (129) 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.
- (130) 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.
- (131) 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.
- (132) In the absence of other comments about a fair comparison, the findings in recitals 100 to 105 of the provisional Regulation were confirmed.

<sup>(23)</sup> In point 4 of t25.008442, Chimei Corporation wrote '**As concerns the Commission's claimed impossibility to calculate the "mark-up"** (and therefore the adjustment), our client notes that the Commission's practice is to quantify the Article 2(10)(i) adjustment based on the SG & A expenses (as reported in the PL table) of the related trader and a notional profit (that is typically obtained from another, unrelated, profit). **The fact that a specific resale cannot be linked to a specific purchase – or that a resale related to a purchase made before the IP – is therefore irrelevant for the calculation of the adjustment**' (bold added).

<sup>(24)</sup> Commission Decision 2005/289/EC 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 L 88, 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 [...]'].

### 3.2.4. Dumping margins

- (133) Following the changes described in recitals 116 and 130, the Commission revised the dumping margin for Chimei Corporation from 10,8 % to 10,9 %.
- (134) 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 Grand Pacific Petrochemical Corporation	10,9
Formosa Chemicals & Fibre Corporation	21,7
All other imports originating in Taiwan	21,7

## 4. INJURY

### 4.1. Definition of the Union industry

- (135) 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:
- They purchase the finished product and blend it with other (co)polymers, pigments or other additives that enhance the properties of the product.
  - They purchase dry powder <sup>(25)</sup>, 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.
- (136) At the provisional stage, the Commission indeed only analysed compounding activities described in recital 135, 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).
- (137) In addition to that, the Commission also examined the information available on the file concerning compounders described in recital 135, 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.
- (138) 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.

<sup>(25)</sup> Alternative names for this semi-finished product used by the parties interested in this investigation were rubber powder, grafted rubber concentrate, or gABS.

- (139) 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.
- (140) 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.
- (141) 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. Therefore, the Commission's decision not to consider them part of the Union industry did not distort the injury picture.
- (142) Therefore, the claim made by Lotte and the GOK concerning the composition of the Union industry was rejected.

#### 4.2. Union consumption

- (143) 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

- (144) 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

- (145) Following the changes to the Korean export prices as set out in recitals 58 to 75 and the revision of the profit of unrelated importer as set out in recitals 60 to 63, the weighted average undercutting margin on the Union market ranged from 26,2 % to 28,1 % for Korea in the investigation period.
- (146) In the absence of comments concerning prices of imports and undercutting, the rest of the elements discussed in recitals 128 to 135 of the provisional Regulation was confirmed.

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

##### 4.4.1. General remarks

- (147) 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.
- (148) 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

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

#### 4.4.3. *Microeconomic indicators*

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

#### 4.5. **Conclusion on injury**

- (151) 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**

- (152) 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.
- (153) 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.
- (154) 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 recitals 147 and 148 above.
- (155) 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*

- (156) 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.
- (157) 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.

- (158) 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.
- (159) 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*

- (160) 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.
- (161) First, the Commission noted that the parties did not bring forward any new arguments or evidence concerning the lack of cost optimisation.
- (162) 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.
- (163) 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.
- (164) 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.
- (165) Consequently, the claim described in recital 160 was rejected.

#### 5.2.3. *Imports from third countries*

- (166) 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*

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

### 5.3. Consumption

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

### 5.4. Conclusion on causation

(169) 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

(170) 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.

(171) 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.

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

(173) Following the revision of the Korean export prices as set out in recitals 58 to 75 and the profit of unrelated importer as set out in recitals 60 to 63, the underselling margins for Korea changed. The final underselling margins established for the countries concerned were as follows:

Country	Company	Dumping margin (%)	Underselling margin (%)
Korea	LG Chem	7,5	67,7
Korea	Lotte Chemical Corporation	5,2	63,6
Korea	Other cooperating companies	6,8	65,8
Korea	All other companies	7,5	67,7
Taiwan	Chimei Corporation Grand Pacific Petrochemical Corporation	10,9	51,7
Taiwan	Formosa Chemicals & Fibre Corporation	21,7	67,8
Taiwan	All other companies	21,7	67,8

## 6.2. Conclusion on the level of measures

- (174) 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	7,5
Korea	Lotte Chemical Corporation	5,2
Korea	Other cooperating companies	6,8
Korea	All other companies	7,5
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

- (175) 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.
- (176) 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 <sup>(26)</sup>.
- (177) 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.
- (178) 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.
- (179) 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.

### 7.2. Interest of unrelated importers and users

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

- (180) 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.

<sup>(26)</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment ('WEEE Directive') (OJ L 197 24.7.2012, p. 38, ELI: <http://data.europa.eu/eli/dir/2012/19/oj>).

- (181) 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.
- (182) 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.
- (183) 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.
- (184) 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.
- (185) 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.
- (186) Consequently, the claims described in recitals 180 and 181 were rejected.
- (187) Following final disclosure, the Coalition, explicitly supported by Biesterfeld, Hromatka, and Interpolimeri during a hearing, reiterated their claims concerning the high quality and range of products offered by LG Chem as compared to a limited offer by the Union industry. The party provided an analysis of all product types of LG Chem and whether substitutes are produced by the Union industry. For a number of product types, the Coalition claimed there not be equivalent substitutes on the Union market.
- (188) Furthermore, the Coalition argued that while LG Chem offered [75–100] product types, the Union industry's scope was limited to [10–25] product types.
- (189) Finally, the Coalition referred to the homologation process that the ABS suppliers have to undergo before becoming a qualified supplier in certain industries. The party claimed that the homologation process takes up to two years for medical devices and up to 18 months in the automotive industry. LG Chem is allegedly in some cases the only qualified supplier. Therefore, allowing for access to Korean, specifically LG Chem's, ABS is crucial for seamless functioning of the users' industries.
- (190) First, the Commission noted that the analysis of availability of products by the Union industry sufficiently replacing LG Chem's ABS might be incomplete and flawed. For example, the Coalition claimed that the Union industry does not produce high impact ABS, which is incorrect. The Union producers offer a number of product types, some with a very high impact resistance. In addition, the product type in question is advertised by LG Chem itself as general purpose ABS, i.e. not a specialty product type.
- (191) The allegedly small number of product types offered by the Union industry is equally incorrect. Only the sampled Union producers produced between 60 and 300 various ABS types.
- (192) In any case, should any product type imported from Korea become scarce after the imposition of the measures, the Union industry can easily adapt its portfolio by compounding ABS with additives necessary to achieve the desired properties.

- (193) With regard to the homologation process, the Commission recalled that (1) most OEMs worked with several qualified suppliers (see recital 184) and (2) it was not the purpose of this investigation to completely prevent imports from Korea and Taiwan, but rather to level the playing field on the Union market.
- (194) Consequently, the Commission rejected the claims detailed in recitals 187 to 189.

#### 7.2.2. Stability of supply

- (195) 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.
- (196) 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 ABS <sup>(27)</sup> (power outages in ABS production facilities) or other parts of the chemical production facilities <sup>(28)</sup>.
- (197) Consequently, the Commission confirmed its conclusions set out in recital 205 of the provisional Regulation.
- (198) Following final disclosure, the Coalition, explicitly supported by Interpolimeri during a hearing, reiterated its concerns regarding the ability of the Union industry to provide a stable supply of ABS on the Union market. According to the party, various distributors reported that they were not able to secure a timely delivery from their usual Union suppliers. In addition, the Union industry allegedly operated at only 50 % of their production capacity at the moment.
- (199) Although there is no evidence supporting the above claims, if true, those reports only confirm the injury suffered by the Union industry due to dumped imports from Korea and Taiwan. Once the level playing field is restored on the Union market, the Union industry should be able to ramp up their production. Consequently, the claim by the Coalition was rejected.

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

- (200) 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.

<sup>(27)</sup> 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/](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](http://www.apic-online.org/top_story.asp?ID=11336) (last viewed 22 October 2025).

<sup>(28)</sup> 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).

- (201) 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 %. They also achieved healthy profits of up to 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.
- (202) 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.
- (203) Therefore, Commission rejected the claim.
- (204) Following final disclosure, the Coalition reiterated that if the anti-dumping duties are imposed, it will put at risk the ability of various industries to compete locally and globally. The party argued that ABS represented 10–25 % material input cost for consumer electronics, 20–35 % for appliances, and 15–25 % for automotive components.
- (205) In this regard, the Commission recalled the findings of the investigation with regard to the two cooperating users. ABS may represent high share on material cost. The investigation however found that it contributed with a minor share to total cost of the cooperating user, one of the being a producer of automotive components. Therefore, the Coalition's claim was rejected.

#### 7.2.4. *Conclusions on the interest of unrelated importers and users*

- (206) Based on the considerations detailed in recitals 180 to 203, the Commission confirmed its conclusions set out in recitals 232 and 235 of the provisional Regulation.

### 7.3. **Interest of consumers**

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

### 7.4. **Other factors**

- (208) 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.
- (209) Following final disclosure, the Coalition reiterated that the measure would not help the Union industry to recover from the suffered injury. They will rather open the Union market for an influx of Chinese ABS. Chinese products allegedly cover mainly general purpose ABS, the producers provide limited technical support, raise quality concerns and display regulatory compliance issues.
- (210) 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.
- (211) 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.
- (212) Consequently, the Commission rejected this claim as irrelevant for the analysis of the Union interest.

- (213) 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.
- (214) 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.
- (215) Consequently, the Commission rejected this claim as irrelevant for the analysis of the Union interest.

#### 7.5. Conclusion on Union interest

- (216) 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

- (217) 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.
- (218) 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	7,5	67,7	7,5
Korea	Lotte Chemical Corporation	5,2	63,6	5,2
Korea	Other cooperating companies	6,8	65,8	6,8
Korea	All other imports originating in Korea	7,5	67,7	7,5
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

- (219) 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 Korea' or 'All other imports originating in Taiwan' depending on the country of origin.

- (220) 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 <sup>(29)</sup>. 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*.
- (221) 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 Korea' or 'All other imports originating in Taiwan' depending on the country of origin.
- (222) 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.
- (223) 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.
- (224) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for 'All other imports originating in Korea' or 'All other imports originating in Taiwan' depending on the country of origin 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.
- (225) Exporting producers from Korea 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. New exporters from Taiwan can request an individual dumping margin under the provisions of Article 11(4) of the basic Regulation.

## 8.2. Definitive collection of the provisional duties

- (226) 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.

<sup>(29)</sup> Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu, European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

### 8.3. Retroactive collection

- (227) As mentioned in section 1.2, the Commission made imports of the product under investigation subject to registration.
- (228) 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.
- (229) 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

#### 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.

- (230) 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.
- (231) 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.
- (232) 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.
- (233) Following final disclosure, the Union industry provided detailed data concerning exports of ABS from Korea and Taiwan and their imports in the Union. The industry pointed out that in the three months following the initiation of the investigation, the exports from Korea significantly increased, which was reflected in an increase in imports to the Union with an approximately 2-month delay. Afterwards the exports dropped again as the exporters would risk that the goods would be delivered in the Union after the imposition of the provisional duties.
- (234) The Commission noted that for the measures to apply retroactively, there must be evidence of significant stockpiling following initiation of the investigation. The temporary increase in exports from Korea was however not of such magnitude as to translate into significant increase in imports to the Union in the analysed period. Therefore, the Commission rejected the claim.

## 9. FINAL PROVISION

- (235) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council <sup>(30)</sup>, 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.
- (236) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion on the measures provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

## Article 1

1. A definitive anti-dumping duty is imposed on imports of Acrylonitrile-Butadiene-Styrene Resins, a thermoplastic copolymer consisting of acrylonitrile, butadiene, and styrene in different proportions, regardless of colour or any other physical or mechanical properties, whether or not further processed or treated to confer specific additional physical properties, currently falling under CN code 3903 30 00 and originating in the Republic of Korea and Taiwan.

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
Republic of Korea	LG Chem	7,5	89UC
Republic of Korea	Lotte Chemical Corporation	5,2	89UD
Republic of Korea	Other cooperating companies listed in Annex	6,8	See Annex
Republic of Korea	All other imports originating in the Republic of Korea	7,5	8999
Taiwan	Chimei Corporation Grand Pacific Petrochemical Corporation	10,9	89UE
Taiwan	Formosa Chemicals & Fibre Corporation	21,7	89UF
Taiwan	All other imports originating in Taiwan	21,7	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 tonnes) 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 country concerned shall apply.

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

<sup>(30)</sup> 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>).

*Article 2*

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/1739 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 Republic of Korea 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 (1 October 2023 to 30 September 2024);
- (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*

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, 12 February 2026.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

## ANNEX

**Other cooperating exporting producers not sampled**

Country	Name	TARIC additional code
Korea	KUMHO PETROCHEMICAL Co., Ltd.	89UG
	INEOS Styrolution Korea Ltd.	89UH