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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL  
41th Annual Report from the Commission to the European Parliament and the Council on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities and the Use of Trade Defence Instruments by Third Countries targeting the EU in 2022

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THE COUNCIL**

**41th Annual Report from the Commission to the European Parliament and the Council  
on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities and the Use of Trade  
Defence Instruments by Third Countries targeting the EU in 2022**

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## 1. OVERVIEW OF THE LEGISLATION

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

#### 1.1.1. *The international framework*

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

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

#### 1.1.2. *The EU legislation*

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

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

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

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

The EU interest test is a public interest clause and provides that measures cannot be applied if it is established that they are contrary to the overall economic interest of the EU. This requires an analysis of all the economic interests involved, including those of the EU industry and its suppliers, downstream users, consumers and traders of the product concerned.

The lesser duty rule requires that the measures imposed by the EU be lower than the dumping or subsidy margin, if a lower duty rate is sufficient to remove the injury suffered by the EU industry. Such a "no-injury"

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

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

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

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

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

rate is usually determined by comparing import prices with the cost of production of the EU industry and a reasonable profit margin. Since the 2018 amendments to the basic Regulations, the lesser duty rule does not apply, in principle, in anti-subsidy investigations, which means anti-subsidy measures will fully offset the subsidies that an exporter has received. Also since 2018, in anti-dumping investigations, the application of the lesser duty rule may be modulated under certain conditions relating to evidence of significant raw material distortions in the exporting country.

The Commission can only depart from applying the lesser duty rule after receiving a duly substantiated request and where doing so would be not be against the Union interest. This new practice reflects the increased attention of the EU to tackle unfair and injurious subsidisation and artificial distortions by third countries. The EU is one of the few investigating authorities on a worldwide level that applies the lesser duty rule in such a coherent and comprehensive way. The Commission presented a review and evaluation of the modulation of the lesser duty rule to the Council and the European Parliament<sup>6</sup>.

## **1.2. Safeguards**

### *1.2.1. The international framework*

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

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

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

### *1.2.2. The EU legislation*

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

- Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (codification),<sup>7</sup>
- Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (recast),<sup>8</sup>
- Regulation (EU) 2019/287 of the European Parliament and of the Council of 13 February 2019 implementing bilateral safeguard clauses and other mechanisms allowing for the temporary

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6 COM/2023/294 final

7 OJ L 83, 27.3.2015, p.16.

8 OJ L 123, 19.5.2015, p.33.

withdrawal of preferences in certain trade agreements concluded between the European Union and third countries,<sup>9</sup>

- Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules (recast).<sup>10</sup>

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

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

The number of new investigations initiated in 2022 was lower than the previous year, with five initiations compared to 14 in 2021. The number of measures imposed in 2022 was also lower compared to the previous year. The Commission imposed 11 new definitive measures and three provisional measures giving a total of 13, compared to 22 in 2021.<sup>11</sup> At the same time, one new investigation was terminated without the imposition of measures, which brought the total number of new investigations concluded in 2022 to 12. The number of reviews initiated during 2022 was substantially higher than in 2021, with a total of 41 initiations compared to 28. These included 27 expiry reviews (three of which concerned anti-subsidy measures). The Commission concluded 18 expiry reviews in 2022 confirming the continuation of duties in all cases. Below are details on new investigations and review investigations.

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

At the end of 2022, the EU had 117 definitive anti-dumping measures (which were extended <sup>12</sup> in 34 cases) and 21 countervailing measures in force (extended in four cases)<sup>13</sup>.

The anti-dumping measures covered 81 products from 18 countries (see Annex O). The countervailing measures covered 17 products from 7 countries (see Annex P).

Of the 117 anti-dumping measures in force at the end of 2021, the countries and territories affected were the People's Republic of China (PRC) (69 measures), Russia (11 measures), Korea (5), India, Indonesia and USA (4 each), Taiwan (3), Belarus, Brazil, Egypt, Thailand, Türkiye and Ukraine (2 each) and Iran, Japan, Malaysia, Saudi Arabia and Trinidad and Tobago (1 each).

Of the 21 anti-subsidy measures in place, the countries affected were PRC (10), India (4), Egypt and Indonesia (2 each) and Argentina, Türkiye and US (1 each).

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

In the 5-year period from 2018 to 2022, the Commission initiated 60 new investigations on imports from 17 countries.

The main sector concerned by the investigations was Iron and steel with 26 investigations. A breakdown of the other sectors concerned is in Annex B (A).

The countries concerned by the highest number of initiations in the period from 2017 to 2021 include the PRC – 23; Indonesia - 7; Türkiye - 6, Egypt and Russia – 4 each; India 3, US – 2 and Argentina, Bahrain, Brazil, Malaysia, Morocco, North Macedonia, Saudi Arabia, Taiwan, Trinidad and Tobago - 1 each. A table showing all the investigations initiated over the last 5 years broken down by country of export is available at Annex B (B).

Table 1 below provides statistical information on the developments regarding new investigations for the years 2018 – 2022.

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

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

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

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

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

**TABLE 1**  
**Evolution of new anti-dumping, anti-subsidy investigations**  
**during the period 1 January 2018 - 31 December 2022**

	2018	2019	2020	2021	2022
<b>New investigations initiated during the period</b>	<b>10</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>5</b>
New investigations in progress during the period	24	28	31	29	21
New investigations concluded :					
- by imposition of definitive duty or acceptance of undertakings	4	7	11	12	11
- terminations <sup>14</sup>	8	5	5	1	1
<b>Total new investigations concluded during the period</b>	<b>12</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>12</b>
New provisional measures imposed	3	5	6	10	3

### 2.3. Review investigations – recent evolution

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

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

Reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2018 to 2022, the Commission initiated 144 review investigations. These reviews represented over 70% of all anti-dumping and anti-subsidy investigations initiated in that period.

In 2022, the Commission initiated 41 reviews. These comprised 27 expiry reviews (compared to 10 in 2021), 2 ‘new exporter’ reviews, 4 interim reviews, 2 anti-circumvention investigations, 5 ‘other’ reviews and 1 anti-absorption investigation. At the same time, the Commission concluded 39 reviews – 18 of which were expiry reviews (1 concerned anti-subsidy measures).

An overview of the review investigations in 2022 can be found in Annexes F to K. Table 2 below provides statistical information for the years 2018 – 2022.

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

**TABLE 2**  
**Reviews of anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2018 - 31 December 2022<sup>15</sup>**

	2018	2019	2020	2021	2022
<b>Reviews initiated during the period</b>	<b>24</b>	<b>23</b>	<b>28</b>	<b>28</b>	<b>41</b>
Reviews in progress during the period	48	49	55	58	78
<b>Total reviews concluded during the period<sup>16</sup></b>	<b>22</b>	<b>22</b>	<b>25</b>	<b>21</b>	<b>39</b>

### 3. OVERVIEW OF ACTIVITIES IN 2022

#### 3.1. New investigations

##### 3.1.1. Initiations

In 2022, the Commission initiated 4 new anti-dumping and 1 new anti-subsidy investigation. Three of the investigations concerned the category of 'Iron and steel', one concerned chemical products while the fifth fell into the category of 'Other'. The investigations concerned three different countries, with three of the investigations concerning imports from the PRC. Details of the investigations are given in Annexes A and B.

The list of cases initiated in 2022 can be found below, together with the names of the complainants. More information can be obtained from the Official Journals - publications reference is given in Annex A.

<b>Product</b> <b>(Type of investigation: AD or AS)</b>	<b>Origin</b>	<b>Complainant</b>
Stainless steel refillable kegs (AD)	China	European Kegs Committee
Polyester Yarn (High tenacity) (AD)	China	The European Man-made Fibres Association (CIRFS)
Bulb flat (AD)	China Türkiye	Laminados Losal S.A.U
Fatty Acid (AS)	Russia	Coalition against Unfair Trade in Fatty Acid

##### 3.1.2. Provisional measures

In 2022, provisional duties were imposed in 3 new anti-dumping investigations. There were no provisional anti-subsidy measures imposed.<sup>17</sup>

The list of cases where provisional measures were imposed during 2022 can be found below, together with the measures imposed. More information can be obtained from the Official Journal publications to which reference is given in Annex C.

<b>Product</b>	<b>Origin</b>	<b>Type<sup>18</sup> and level of measure</b>
Electrolytic chromium coated steel (ECCS)	Brazil People's Republic	AD: 33,2% - 77,9%; All others: 52%

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

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

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

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

	of China	
Aluminium road wheels	Morocco	AD: 8% All others: 16,5%

### 3.1.2. Definitive measures

During 2022, definitive duties were imposed in 11 anti-dumping investigations and in three anti-subsidy investigations. The list of cases where definitive measures were imposed can be found below, together with the range of the duties imposed. More information can be obtained from the Official Journals referred to in Annex D.

In 2022, the Commission lifted the suspension of measures on aluminium flat products originating in China which had been implemented in October 2021. In 2022 the Commission rejected the suspension of measures on urea ammonium nitrate originating in Russia, Trinidad and Tobago and USA.

Product	Origin	Type <sup>19</sup> and level of measure
Iron or steel fasteners	China	AD: 22,1% - 48,8% Others 86,5%
Calcium silicon	China	AD: 31,5% - 32,7% Others 50,7%
Superabsorbent polymers	Republic of Korea	AD: 13,4% - 18,8% Others 18,8%
Graphite Electrode Systems	China	AD: 23% - 51,7% Others 74,9%
Corrosion resistant steels	Russian Federation Türkiye	AD: 10,3% - 36,6% Others 37,4% AD: 2,4% - 11% Others 11%
Electrolytic chromium coated steel (ECCS)	China Brazil	AD: 30,7% - 52,9% Others 77,9% AD: 53,2%
Optical fibre cables (OFC)	China	AS: 5,1% - 10,3% Others 10,3%
Stainless steel cold-rolled flat products	India Indonesia	AS: 10% - 35,3% Others 35% AS: 9,3% - 20,2% Others 19,3%

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

#### **Certain iron or steel fasteners originating in the People's Republic of China – Anti-dumping measures**

On 21 December 2020 the Commission initiated an anti-dumping investigation on imports of fasteners originating in China following a complaint lodged by the European Industrial Fasteners Institute ('EIFI' or 'the complainant'), on behalf of 28 Union producers which together represented more than 45% of the total Union production of fasteners. The complaint was further supported by 39 Union producers representing together around 15% of the Union production. Out of the 67 complaining and supporting companies, 50 were SMEs.

The product subject to this investigation is certain fasteners of iron or steel, other than of stainless steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws and bolts for fixing railway track construction material), and washers.

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

The investigation of dumping and injury covered the period from 1 July 2019 to 30 June 2020 while the examination of trends relevant for the assessment of injury covered the period from 1 January 2017 to the end of the investigation period.

On 17 June 2021, the Commission made imports of fasteners subject to registration under Article 14(5) of the basic Regulation. There were no provisional measures imposed in the investigation.

### *Sampling*

The Commission selected three exporting producers/group of exporting producers, representing the largest volume of exports, which could reasonably be investigated within the time available. As regards Union producers, the Commission selected a sample of six, located in four different Member States, three of which were SMEs. A sample of five unrelated importers was selected by the Commission on the basis of the largest volume of imports of the product concerned.

### *Dumping*

The investigation was initiated in accordance with Article 2(6a) of the basic Regulation as there was evidence of the existence of significant distortions in China for steel, which is the main raw material used to produce fasteners. The distortions found in the steel sector included substantial government intervention in the PRC resulting in a distortion of the effective allocation of resources in line with market principles including a substantial degree of ownership and presence by the GOC in firms, the State's presence and intervention in the financial markets, as well as in the provision of raw materials, inputs as well as distortions in wage costs. In addition the system of plans applicable in the steel sector generated distortions in the sector. As a result of the existence of these distortions, the normal value was constructed based on undistorted prices and costs in a representative country, which in this case was Thailand.

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

The sampled exporting producers exported to the Union directly to independent customers therefore the export price was established on the basis of the export price actually paid or payable, in accordance with Article 2(8) of the basic Regulation.

The Commission compared the constructed normal value and the export price of the sampled exporting producers on an ex-works basis. To ensure a fair comparison, adjustments were made for differences affecting prices and price comparability, including for handling charges, freight, insurance, packing, credit costs and bank charges. This resulted in weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, ranging from 23,9% to 51,5% for cooperating producers and 89,8% for all others.

### *Injury and causation*

All the main injury indicators showed a negative trend during the period considered. The production volume of the Union industry decreased by 25 % while its sales volume decreased by 27 %. With the decrease in consumption of 18 %, the market share of the Union industry fell by 10 % during the IP. The investigation found that although the sales prices increased by 11 % over the period considered, this did not prove sufficient to offset the increase in the cost of production resulting in a declining profitability over the period considered, ultimately leading to a loss during the IP. The Commission also found decreasing trends for employment, average labour costs, investments, return on investment and cash flow in the period considered. As a result, the Commission concluded that the Union industry suffered material injury.

The Commission examined whether the dumped imports from China caused material injury to the Union industry and whether other known factors could, at the same time, have injured the Union industry. The investigation showed that the deterioration in the situation of the Union industry coincided with the significant increase of imports from China (from around 135 000 tonnes in 2017 to around 209 000 in the investigation period, an increase of 55%) which consistently undercut (by 37% on average) the Union industry's prices and suppressed Union market price during the IP.

The Commission examined other factors including imports from other countries, the competition between standard and non-standard fasteners, the decrease of the Union consumption, the structural changes in the automotive sector and the effects of the Covid-19 pandemic. The investigation showed that imports from other countries decreased over the period considered by 14%, while imports from China increased by 55% and that the average price levels of imports from other third countries were on average around 40% higher than the Chinese import prices and in line with the price levels of the Union industry. As regards the structural changes in the automotive sector, the Commission found that the total consumption of fasteners destined for that industry represented around 25% of the total sales of the Union industry during the IP and hence only part of the Union industry were potentially affected by the downturn of the automotive industry, if at all. Also there was a substantial increase in the production of hybrid cars that use more fasteners in their production process than conventional cars. The investigation found that the erosion of all main economic indicators of the Union industry, and namely production, sales and profitability, was already visible between 2017 and 2019, i.e. prior to the pandemic.

Therefore, the Commission concluded that there were no other factors that attenuated the causal link between the Chinese imports and the material injury suffered by the Union industry.

### *Union interest and measures*

The Commission examined if it was not against the Union interest to impose measures by examining the various interests involved, including those of the Union industry, importers, retailers in the do-it-yourself ('DIY') sector and users.

The Commission concluded that measures would improve market conditions for the Union producers allowing it to recover lost sales volume and market share while being able to increase its prices to reach a sustainable profitability. The cooperating importers were importing 46% of their total imports of fasteners from China, while 54% were imported from other third countries. All importers, with the exception of one that was slightly below breakeven, were found to be profitable. The impact of measures was considered low on this group as price increases were likely, at least partially, to be passed on the end customer, in particular because the cost of fasteners in the total cost of production was very low they were also in a position to shift to non-Chinese sources of supply. As regards users, the information provided indicated that fasteners only represented a small part of those users' total production cost and therefore there would not be a significant impact. Concerns were raised regarding lack of supply. However, the investigation showed that the Union industry had massive spare capacities available (54%) to meet an increased demand for fasteners as well as the fact that importers imported substantial quantities from sources other than China. The Commission concluded that it was not against the Union interest to impose measures.

A number of co-operating exporting producers offered undertakings. After examining the offers, the Commission concluded that they would be unenforceable and therefore rejected all the offers.

In February 2022, definitive anti-dumping duties were imposed by the Commission on fasteners from China ranging from 22.1% to 48.8% for cooperating exporters and 86,5% for all others.

The Commission also examined calls for a suspension of the measures under Article 14(4) of the basic Regulation. However, this was not supported by sufficient evidence and therefore no suspension was granted.

### **Calcium silicon originating in China - Anti-dumping measures**

On 18 February 2021, the European Commission initiated an anti-dumping investigation on imports of Calcium silicon originating in China following a complaint received from Euroalliances containing sufficient evidence of dumping and of resulting material injury. Calcium silicon is an alloy or a chemical compound that contains by weight 16 % or more of calcium, 45 % or more of silicon, less than 14 % of iron and not more than 10 % of any other element; whether or not presented in bulk, packaged in bags or in steel drums, enclosed in steel sheets (or cored wire), or otherwise presented, and is commonly referred to as calcium silicon or 'CaSi'. It is used in the manufacture of special metal alloys. CaSi alloys are used as a deoxidiser and desulfuriser in the manufacturing of high-grade steel. The investigation period (IP) for dumping and injury was 1 January 2020 to 31 December 2020 and the examination of injury trends covered the period from 1 January 2017 to the end of the investigation period. Sampling was not applied in the investigation.

On 14 October 2021, the Commission imposed provisional anti-dumping duties on imports of calcium silicon originating in the People's Republic of China ranging from 31,5% to 50,6%.

### *Dumping*

The investigation found significant State-induced distortions as regards the product under investigation in China. The evidence available, which was also drawn from a previous investigation into ferro-silicon (a product in the same sector) showed that prices or costs of the product under investigation, including the costs of raw materials, energy and labour, are not the result of the free interaction of market forces because they are affected by substantial government intervention. The distortions found related to a certain degree of ownership and control by the GOC of certain exporting producers who operate under the influence of, and benefit from, the strong backing of the government. As regards inputs needed for the production of calcium silicon, numerous plans, directives and other documents have been issued at various government levels in China which impact the market. These distort the price of inputs such as electricity, coal and two important raw materials used to manufacture calcium silicon – quartzite and limestone. State interference was also found in the financial market and labour costs. As a result, normal value was constructed on the basis of costs of production and sale in Brazil, the selected appropriate representative country in this case.

The cooperating exporting producers exported to the Union either directly to independent customers, through a related importer or through a related company acting as a trader. For direct sales or sales through a related trader to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union. For the export sales through a related company acting as an importer, the export price was established based on the price at which the imported product was first resold to independent customers in the Union. For these sales, the Commission adjusted the price for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing. The Commission compared the normal value and the export price of the exporting producers on an ex-works basis adjusting the normal value and/or the export price for differences affecting prices and price comparability. Adjustments were made for transport, insurance, handling, loading and ancillary costs, packing costs, credit costs, trader mark-ups, and bank charges.

The comparison resulted in dumping margins ranging from 52,3% to 123,6% for individual co-operating exporting producers and 132,6% for all other companies.

#### *Injury and causation*

During the period considered, imports from China fell by 22 %. However, the market share of those imports substantially increased (from 38,7 % to 60,8 %) given that consumption fell by 50 %. The prices of these imports were consistently low with import prices of the cooperating exporting producers undercutting Union industry prices by 10,6 % on average.

The like product was manufactured by two producers in the Union during the investigation period. Because of the downward pressure on prices the Union industry was unable to raise prices to the same extent as costs were increasing. Many volume indicators showed a significant negative trend over the period considered: production fell by 91 %, capacity utilisation by 91 %, sales volume in the Union market fell by 75 % and its market share fell by 25 percentage points. In addition, employment fell by 73 %, average labour costs fell by 11 % and productivity fell by 67 %. The average prices of the Union industry increased by only 5 % over the period considered and its costs rose by 51 % having a dramatic impact on profitability and return on investment. Very few indicators showed a positive development. Capacity showed a slightly positive trend due to improvements in the efficiency of production. As stocks were built up in 2018 and 2019, cash flow was negative, but then in 2020 when production was lower and larger quantities were sold from stock, cash flow improved. The relatively small captive use increased by 3 % over the period, but this development had only a marginal impact on the overall situation of the industry. As a result the Commission concluded that the Union industry suffered material injury.

The deterioration in the situation of the Union industry coincided with the increase in imports from China, which were made at prices which undercut the Union industry's prices and suppressed EU market price levels. The Commission also examined the effect of other factors on the Union industry's situation including; a significant fall in consumption, an increase in production costs (including a 40% increase in the price of electricity), purchase of calcium silicon from Argentina by the Union industry (needed to satisfy customers order), Union industry switching to manufacture other products, volume of imports from Brazil (five times lower than the volume from China) as well as the export performance of the Union industry. The Commission concluded that the other factors did not attenuate the causal link between the dumped imports and the material injury.

### *Injury margin and level of measures*

The complainants had claimed that there were raw material distortions within the meaning of Article 7(2a) of the basic Regulation which would allow for the measures to be based on the full dumping margins in the case. In particular, the complainant alleged that the price of electricity (which accounted for more than 17% of inputs as required under the basic regulation) was distorted. However, the Commission found no evidence to support the claim and therefore duties would be imposed on the basis of the underselling margin.

In order to establish the target profit, the Commission took into account the following factors: the level of profitability before the increase of imports from the country under investigation, the level of profitability needed to cover full costs and investments, research and development (R & D) and innovation, and the level of profitability to be expected under normal conditions of competition. On this basis, the Commission applied a profit margin of between 9,7 % and 12,5 % to the weighted average cost of production of the Union producers. The Commission found that no additional costs to the Union industry were to be added resulting from Multilateral Environmental Agreements, to which the Union is a party, and of ILO Conventions.

The injury margin was determined by comparing the weighted average import price of the cooperating exporting producers with the weighted average target price of the Union industry during the IP, which resulted in margins ranging from 31,5% to 50,7%. Given these levels were lower than the dumping margins, the duties to be imposed would be at the level of underselling margins in line with the legislation.

### *Union interest and definitive measures*

The Commission analysed whether it was in the Union interest to adopt anti-dumping measures. The Commission analysed the various interests involved, including those of the Union industry, importers and users, such as the cored wire manufacturers and the steel industry.

Regarding the Union industry, the investigation established that the imposition of anti-dumping duties would restore a level playing field and a fair price level on the Union market, and improve the Union industry's profitability. As for importers and users, the Commission found that other sources of supply exist around the world (Brazil and Argentina) and the measures are intended to restore fair competition on the Union market for the benefit of all players on that market. If measures were not imposed, this could threaten the supply of calcium silicon from the two Union producers which would be to the detriment of all participants in the supply chain of calcium silicon, including for the steel industry. The Commission also concluded that measures would have a marginal financial impact on the steel industry as calcium silicon purchases represented a very low percentage of its costs (less than 0,5 %). The Commission concluded that the effects of an imposition of duties would not outweigh the positive effects of measures on the Union industry.

One exporting producer offered an undertaking. However, the Commission found that the offer was not adequate to ensure the elimination of the injurious effects of dumping and therefore it was rejected. The Commission imposed definitive anti-dumping measures in March 2022 (based on the injury margin applying the lesser duty rule) and ranged from 31,5% to 50,7%.

### **Superabsorbent polymers originating in the Republic of Korea - Anti-dumping measures**

On 18 February 2021, the European Commission initiated an anti-dumping investigation on imports of Superabsorbent polymers originating in the Republic of Korea following a complaint received from the European Superabsorbent Polymer Coalition (ESPC) containing sufficient evidence of dumping and of resulting material injury. The complaint was made on behalf of two Union producers, which together account for 65% of the total Union production of superabsorbent polymer.

The product, superabsorbent polymers, is composed of irregular, round-shaped or agglomerated granules, in powdered form, white in appearance and insoluble in water, resulting from a polymerization of monomer molecules with cross-linkers to form cross-linked polymer networks, with a high capacity to absorb and retain water and aqueous liquids. They are mainly used in disposable sanitary products, such as baby diapers and adult incontinence diapers, and other hygiene applications, such as feminine hygiene products and pads for breastmilk. SAP can also be used in food-related industries, such as refrigerant or freshness-keeping

agents, and in household products, such as disposable heating packs or environment fragrance. In addition, SAP can be used in agriculture for water retention.

The investigation period (IP) for dumping and injury was 1 January 2020 to 31 December 2020 and the examination of injury trends covered the period from 1 January 2017 to the end of the investigation period. Sampling was not applied in the investigation.

The Commission did not impose provisional anti-dumping duties on imports of calcium silicon originating in the People's Republic of China ranging from 31,5% to 50,6%.

### *Sampling*

The Commission selected a sample consisting of two Union producers, who accounted for more than 50% of estimated Union production and sales in the investigated period, while ensuring a good geographical spread, and representative of the Union industry. There was only one unrelated importer and one exporting producer that came forward so no sampling was necessary for those categories.

### *Dumping*

As regards normal value, the Commission found that the total sales of LG Chem of the like product on the domestic market were representative and more than 80% of profitable with a weighted average sales price that was higher than the cost of production. Therefore, for those product types the normal value was calculated as a weighted average of the prices of all domestic sales during the IP. For the product types not sold by LG Chem on its domestic market, the Commission constructed the normal value. An appropriate amount for SG&A expenses and profit was added.

LG Chem exported to the Union either directly to independent customers or indirectly through LG Chem Europe, a related importer in the Union. For sales directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union. The export price for sales made through LG Chem Europe was established on the basis of the price at which the imported product was first resold to independent customers in the Union. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and for profits. In the absence of any cooperating unrelated importer, the Commission used the profit margin from a previous proceeding concerning another chemical product manufactured by a similar industry and imported under similar circumstances - profit margin of 6,89%.

The Commission compared the normal value and the export price of the cooperating exporting producer on an ex-works basis. To ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability i.e. transport, packing expenses, credit costs, insurance, packing expenses, import charges and duty drawback, credit costs, and expenses for technical assistance.

The comparison resulted in dumping margin 13,4% for the co-operating exporting producer and 18,8% for all other companies.

### *Injury and causation*

Imports from the Republic of Korea increased from around 83 500 tonnes to around 110 900 tonnes, an increase of 33% between 2017 and the IP, significantly higher than the increase in consumption. As a result, the market share of imports of South Korean products increased from [12%-14%] to [16%-18%] over the period considered, representing an increase of 33% between 2017 and the investigation period. The average import prices from the Republic of Korea decreased by 10% over the period considered and remained significantly below the sampled Union producers' sales prices and cost of production during the period considered.

All main injury indicators showed a negative trend during the period considered. Production volume of the Union industry decreased by around 2% while sales volume decreased by 11%. This resulted in a decrease of market share of 7% during the period considered. The Union industry was unable to raise prices to the same extent as its costs of production with average prices dropping by 15% during the period considered

and, since 2018, average sales prices in the Union market were below the costs of production. Profitability of the Union industry also dropped going from -2% /-7% in 2017 to -15%/ -20% during the IP. Closing stocks increased overall by 42% during the period considered and represented 25% of production during the investigation period. Only the production capacity of the Union industry showed a positive trend during the period considered increasing by 17% between 2017 and the IP. Capacity utilisation dropped by 17% during the period considered, going from [93%-95%] in 2017 to [78%-80%] in the IP. The Commission concluded that the Union industry suffered material injury.

A comparison of the situation of imports with that of the Union industry at the beginning and the end of the period considered clearly showed a substantial increase of imports at decreasing prices from the Republic of Korea and the deterioration of the situation of the Union industry. As a result, the Republic of Korea considerably expanded its sales. The Union industry decreased their sales prices in 2020 but continued to lose important sales quantities in the market. The Commission also examined the impact of other factors such as sales volume losses and shifts for spec-in SAP or raw material price fluctuations which were found to not have contributed to the injury of the Union industry. Imports from Japan and Türkiye in turn had a limited impact on the industry. Imports from Türkiye were at similar prices to the South Korean imports but at much lower volumes. Japanese imports decreased during the period considered and only substantially increased in the IP but those imports from Japan were at a higher price level than the South Korean imports. Therefore, the Commission concluded that the injury to the Union industry was caused by the dumped imports from the Republic of Korea while other factors did not attenuate the causal link between the dumped imports and the material injury.

#### *Injury margin and level of measures*

The Commission first established the amount of duty necessary to eliminate the injury suffered by the Union industry. In this case, the injury would be eliminated if the Union industry was able to cover its costs of production and obtain a reasonable profit by selling at a target price. The Commission established a basic profit covering full costs under normal conditions of competition. During the entire period considered the Union industry incurred losses which was lower than the minimum 6% required under the basic Regulation. No claims were made that the Union industry's level of investments, research and development (R&D) and innovation during the period considered would have been higher under normal conditions of competition. Also, no claims were made concerning the future costs resulting from Multilateral Environmental Agreements, to which the Union is a party and that the Union industry would incur during the period of the application of measures.

The injury margin was determined by comparing the weighted average import price of the cooperating exporting producer with the weighted average target price of the Union industry during the IP, which resulted in margins ranging from 34,4% for the co-operating exporter and 101,2% for all others. Given these levels were higher than the dumping margins, the duties to be imposed would be at the level of the dumping margins in line with the legislation.

#### *Union interest and measures*

The Commission analysed whether it was in the Union interest to adopt anti-dumping measures. The Commission analysed the various interests involved, including those of the Union industry and users. As the product is mostly sold directly to the customer, no unrelated importers participated in the procedure.

Regarding the Union industry, the Commission concluded that the imposition of measures would improve market conditions to allow the Union producers to improve their competitive position in the market, and recover lost sales volume and market share, increase its sales prices and reach sustainable profitability.

Several users came forward in the investigation all strongly opposed to the measures. It was argued that access to all SAP suppliers, including South Korean, was vital for maintaining a multiple supply strategy with concerns expressed about the Union industry being unable to meet supply needs. The investigation showed that while there was a temporary impact of the COVID-lockdown in the period March to June 2020 on one of the European suppliers this was a temporary and exceptional situation, as supplies resumed rapidly after the lockdown. Furthermore the shortage of supply by one Union producer was partly alleviated by increased supply from other Union producers (in combination with imports from outside the EU). The Commission concluded that there was insufficient evidence during the IP to conclude that the EU industry would not be able supply users concerned under normal business circumstances. As regards the cost impact

on users of measures, the Commission concluded that measures of 14.7% on user's costs of production could be absorbed or at least passed on to consumers. The Commission concluded that there were no compelling reasons that it was not in the Union interest to impose measures on imports of SAP originating in the Republic of Korea.

The co-operating exporting producer offered an undertaking. However, the Commission found that the offer was not adequate to ensure the elimination of the injurious effects of dumping and therefore it was rejected. The Commission imposed definitive anti-dumping measures in April 2022 (based on the dumping margin) ranging from 13,4% to 18,8%.

### **Electrolytic chromium coated steel products originating in the People's Republic of China and Brazil - Anti-dumping Measures**

The Commission initiated an anti-dumping investigation on 24 September 2021, following a complaint lodged by the European Steel Association ('Eurofer') on behalf Union producers, representing 89% of the Union industry.

The product concerned is flat-rolled products of iron or non-alloy steel, plated or coated with chromium oxides or with chromium and chromium oxides ('electrolytic chromium coated steel' or 'ECCS'), originating in the PRC and Brazil. ECCS is used in a wide range of applications, typically for consumer and industrial packaging. It is most frequently used for food packaging, for example in can tops and bottoms, screw and lug caps, tabs, etc. Other types of uses include external parts for home appliances, photographic film cases, protective material for optical fibre protection or other electrical and electronic parts.

The investigation period ('IP') for dumping was 1 July 2020 to 30 June 2021 and the period for examination of injury was 1 January 2018 to the end of the IP.

In May 2022, the Commission published a Regulation imposing provisional duties with provisional duties of 52 % for Brazil and ranging from 33,2 % to 77,9 % for China.

#### *Sampling*

The Commission selected a sample of two exporting producers from China who accounted for around 53% of the imports into the EU from that country. In the case of Brazil, sampling of was not necessary as only one exporting producer came forward. As regards Union producers, there was no sampling as three Union producers came forward and were investigated. No importers came forward.

#### *Dumping – China*

The investigation was initiated in accordance with Article 2(6a) of the basic Regulation as there was evidence of the existence of significant distortions in China in the steel sector. As a result, the normal value was constructed based on undistorted prices and costs in a representative country.

Brazil was chosen as the appropriate representative country for the investigation in accordance with the basic Regulation, given it has a similar economic development level as China, has significant production of the product concerned and had data readily available.

The Commission constructed the normal value per product type on an ex-works basis, by first establishing the undistorted cost and prices for each of the factors of production in the representative country Brazil. These undistorted unit costs were then applied to the actual consumption of the individual factors of production of the cooperating exporting producers. To the costs of manufacturing, the Commission added manufacturing overheads, expressed as a percentage of the costs actually incurred for each exporting producer to establish an undistorted cost of manufacturing. Finally, publicly available SG&A and profit from 2020 of the Brazilian company CSN were applied to the undistorted manufacturing cost.

For exporters, which exported the product concerned directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation. For sales made through related companies, the export price was constructed based on the price at which the imported product was first resold to independent customers in the Union in accordance with Article 2(9) of the basic Regulation. The adjustments made related to all costs incurred between importation and resale, including SG&A expenses, and for profits.

The Commission compared the constructed normal value and the export price of the sampled exporting producers on an ex-works basis. To ensure a fair comparison, adjustments were made for differences affecting prices and price comparability, including for transport, insurance, handling and loading, credits costs, and other allowances (export credit insurance). This resulted in weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, ranging from 30,7% to 59,1% for cooperating producers and 84,2% for all others.

### *Dumping – Brazil*

As 97% of the cooperating Brazilian exporter's on the domestic market were profitable, normal value was calculated according to the normal methodology, based on domestic sales. For a small number of product types that were not sold on the domestic market or not in representative quantities, the normal value was constructed using the SG&A expenses and profit of transactions made in the ordinary course of trade on the domestic market.

As all of the exports to the Union were made directly to independent customers, the export price was therefore the price actually paid or payable for the product concerned in accordance with the basic Regulation.

The Commission compared the normal value and the export price of the cooperating exporting producer on an ex-works basis making adjustments for differences affecting prices and price comparability to ensure a fair comparison. Adjustments were made for transport, insurance, handling and loading, packing expenses, credits costs and bank charges, rebates and other allowances. The dumping margin found for the Brazilian company was 66,8%. For all other possible exporting producers in Brazil, the Commission established the dumping margin on the basis of the facts available in accordance with Article 18 of the basic Regulation. Given the high level of cooperation, the dumping margin for non-cooperating exporting producers was set at the level of the cooperating company.

### *Injury & causation*

The Union consumption of the product concerned was 541 540 tonnes during the IP and had decreased by 3% between 2018 and the IP. The market share of the Union industry increased from 64% in 2018 to 67% in the IP. This increase was mainly due to the decrease of the market share of imports from other third countries which decreased from 22,4% in 2018 to 17,8% in the IP. Imports from the countries concerned held together 15,4% of the market in the IP compared to 13% in 2018.

While the Union industry's production capacity remained stable, the capacity utilisation decreased by 7 percentage points between 2018 and the IP (i.e. from 86% to 79%). Although the Union industry gained market share between 2018 and the IP, its production volume decreased by 9% between 2018 and the IP. Union industry's sales quantity on the Union market remained overall stable with a decrease by 6% in 2020 mainly due to the COVID-19 pandemic. However, its export sales decreased by 7% in the period considered. Employment increased during the period considered by 13% while productivity decreased by 19%, which resulted in higher labour cost per unit of ECCS.

The average Union industry's sales prices remained stable during the period considered although the average cost of production increased by 9% between 2018 and the IP. This led to a decrease of the profitability of Union industry from 1,7% in 2018 to -8,6% in the IP. Union industry was not able to increase sales prices to cover the increased cost of production and remain profitable. While net investments increased by 78%, mainly due to investments in new Chromium VI free products during the period considered, the return on investment decreased from 1% to -4,5%. The cash flow also deteriorated with a decrease of nearly 200%. The economic indicators related to the financial situation of the Union industry, such as profitability, cash flow and return on investment deteriorated to a significant degree during the period considered. As a result the Commission concluded that the Union industry suffered material injury in the IP within the meaning of Article 3(1) of the basic Regulation.

As regards causation, there was a significant increase in dumped imports the import quantity from the countries concerned continued to increase during the period considered although with a decrease in the IP mainly due to the disruption of international transport and supply in 2021. These imports increased by 13,5% in the period considered while their market share increased even more: from 13,1% in 2018 to 15,4% in the

IP (i.e. an increase by 17,5% between 2018 and the IP). As a result, the Commission found that there had been a significant increase in dumped imports.

The average import price of these dumped imports from the countries concerned decreased by 6% during the period considered while the price of the main raw material (iron ore or hot-rolled strips depending on the Union producer) increased in the same period. The average import prices were significantly below the average sales prices of the Union industry on the Union market (715 EUR/tonne vs 839 EUR/tonne in the IP). The imports from the countries concerned together undercut the Union industry's prices ranging from 1,9% to 21,8%. The Commission found that the increased imports, combined with the low average sales prices had a negative impact on the Union industry's financial situation. The Union industry was unable to increase their sales prices to pass on customers the increasing cost of raw materials because it faced unfair competition from dumped imports from the countries concerned. Therefore, the Commission found a clear link between the material injury suffered by the Union industry and the dumped imports from the countries concerned.

The Commission examined whether other factors such as imports from other third countries, the COVID-19 pandemic, the export performance of the Union industry and effect of long-term contracts could have caused injury to the Union industry. However the Commission found that none of these factors attenuated the causal link between the dumped imports and the injury suffered by the Union industry.

#### *Union interest and measures*

The Commission found that effect of any potential anti-dumping measures would be positive for the Union producers allowing it to adapt its sales prices to cover the increasing cost of production. In addition, the industry would be able to reorient export volumes to the Union market, which were loss making and lower priced compared to sales on the Union market. In the absence of measures, the Union industry would continue suffering from material injury. Users and traders argued against any measures arguing that there would be a negative impact on supply chains as well as causing significant cost increase for them that they could not pass onto their customers. In this regard, concerns were raised that an increase in ECCS's prices would result in an increase of food packaging prices and ultimately in an increase of foodstuff prices. However given that ECCS is only used for food cans' endings, while tinfoil, which is more expensive, is used for the cans' body, the Commission found the potential increase of ECCS prices alone should not affect too much food packaging prices and that users would be able to absorb the possible cost increase due to the measures. The Commission concluded that there were no compelling reasons against the imposition of measures on the imports from the countries concerned.

In assessing the level of measures, the Commission found that, for one Chinese company, (Handan Jintai Packing Material Co, Ltd) the provisions of Under Article 7(2a) of the basic Regulation were met. There were significant raw material distortions found for hot-rolled coils which represented more than 17% of the cost of production and the Commission also found that it was in the Union interest to apply duties at the level of the dumping margin found for the company.

As regards the type of measures, given there was the volatility of the ECCS prices after the end of the investigation period, which almost doubled, the Commission decided on the application of a fixed duty per tonne instead of ad valorem duties. A fixed or specific duty would allow the protection of the Union industry from injurious dumped imports from the countries concerned, while being less prohibitive compared to an ad valorem duty in case of an increase of prices, as its weight is significantly reduced in such a case. The Commission therefore imposed definitive duties on imports from China and Brazil in the form of a fixed duty on 15 November 2022.

#### **Optical fibre cables from China - Anti-subsidy measures**

On 21 December 2020, the Commission initiated an anti-subsidy investigation into of optical fibre cables from originating in China following a complaint lodged by Europacable, on behalf of producers representing more than 25 % of the total Union production of OFC. The Commission had initiated a parallel anti-dumping investigation into the same product originating in China in September 2020 and imposed definitive anti-dumping measures in November 2021.

The product is single mode optical fibre cables, made up of one or more individually sheathed fibres, with protective casing, whether or not containing electric conductors. Its main use is data transmission (around 70% of sales of the Union industry is to telecom operators).

The investigation of subsidisation and injury covered the period from 1 July 2019 to 30 June 2020. The examination of trends relevant for the assessment of injury covered the period from 1 January 2017 to the end of the investigation period.

Following a request from the complainant, the Commission made imports subject to registration on 30 March 2021. However, as there were no provisional measures imposed in the anti-subsidy investigation, this had no further consequences because in the absence of provisional measures, registered imports cannot be made subject to duties at definitive stage.

### *Sampling*

In view of the large number of exporting producers, the Commission applied sampling. The sample selected comprised of two groups of exporting producers based on the export volume to the Union, covering 40% of total Chinese exports during the investigation period. The same exporters had also been selected for the sample in the anti-dumping investigation. Regarding Union producers, the Commission selected the three largest companies in terms of production and sales in the Union which represented 58% of the Union production volume. There was no sampling applied for importers.

### *Subsidisation*

The sampled exporting producers benefited from a variety of grant programmes, the majority of which were related to research and development, technological upgrading and innovation. Evidence indicated that the grants were limited to companies in key areas or technologies, such as the OFC sector.

The two groups of sampled exporting producers also received several long-term and short-term loans with preferential conditions and below-market interest rates. One of the sampled exporters, FTT, also received an entrusted loan via its parent company from a fund of the China Development Bank, only available to entities that are directly under control of the State-owned Assets Supervision and Administration Commission (SASAC). Most of the loans were provided by State-owned financial institutions. The loans with preferential conditions received by the sampled exporters were considered specific, because financial institutions were directed to provide such preferential financing only to a limited number of industries, including the OFC sector. The investigation also found that the Chinese financial institutions also provided credit lines, free of charge, at preferential conditions to each of the sampled companies. Furthermore, the sampled exporting producers also used bank acceptance drafts to address their needs for short-term financing without paying a remuneration and one of the exporting producer groups benefited from preferential financing in the form of a bond. The Commission also found that the companies benefitted from export credit insurance with premiums at below-market rates.

The Commission also found that companies within the sampled exporting producer groups qualified as high-tech companies and enjoyed reduced tax rates, income tax offset for R&D expenses, an exemption from tax of dividend income between qualified resident enterprises.

One of the companies within the sampled groups benefited from a reduction in the land use tax because it qualified as a high-tech company while some of the companies within the sampled groups had direct purchasing contracts with power generators instead of buying from the grid, thus receiving cheaper prices for their electricity. The Commission also found that land use rights were either received for free or allocated at prices below market price.

The level of subsidisation found ranged between 5,1% to 10,33%.

### *Injury and causation*

During the period considered, several indicators showed a positive trend such as production, capacity, sales volume on the Union market and employment. However, the development of these indicators did not match the increase in consumption. In fact, the Commission concluded that in normal competition conditions, those indicators should have had an even stronger positive trend, considering the Union industry would have been able to benefit fully from the growing market. Despite the increase in sales volume, the Union industry lost 10,8 percentage points of market share (from 64,3% to 53,5%), which was found to be linked to the price pressure generated by Chinese exports, with significant undercutting and, in any event, price depression

throughout the period considered. The foregoing led to financial injury in the form of lower profits and a drop in investments and on the return thereon. In addition to that, the analysis of sales through tenders indicated that the market share and price erosion was accelerating and would continue to do because of the extremely aggressive behaviour from Chinese exporting producers therein. Therefore, the Commission concluded that the Union industry suffered material injury.

Regarding causation, the Commission found that there was a clear correlation between the rise of subsidised imports from China and the material injury observed for the Union industry. The imports have increased in both absolute and relative terms. Consumption in the Union market increased 38% over the period considered, and it was evident that it had been mainly imports from China that took advantage of this growth. The deterioration in the Union industry market share throughout the period considered was simultaneous and directly connected with significant penetration of the Union market by substantial volumes of imports from China, which significantly undercut the Union industry's prices and, in any event, exercised significant price depression on Union sales. In particular, the adverse impact on profitability caused by the dumped imports and continuous price pressure did not allow the Union industry to undertake the necessary investments for the long-term survival of the industry. The Commission analysed the impact of other factors (imports from third countries, the export performance of the Union industry, captive sales, and raw material prices) in the situation of the Union industry, but found that none of the other factors explained the Union industry's negative developments in terms of loss of market share, price depression and low profitability, decreasing investments and return on investments. Thus, the Commission concluded that the injury to the Union industry was caused by the subsidised imports from China.

#### *Union interest and definitive measures*

The Commission analysed whether it was in the Union interest to adopt anti-subsidy measures. The Commission analysed the various interests involved, including those of the Union industry, importers and users. Regarding the Union industry, the investigation established that the imposition of measures would allow the Union industry to maintain a competitive position on the market and recover lost market share, while improving their profitability towards sustainable levels. In relation to importers, the Commission found that while measures were likely to have a certain negative impact thereon and might reduce their profitability, importers would be able to absorb and/or pass on some of the cost increase considering their significant profit margins (over 20 %). They also had the possibility of finding alternative sources of supply, including from other third countries and the Union industry. Therefore, it concluded that unrelated importers were not disproportionately affected by the imposition of the measures. Finally, for users, the investigation established that OFC represents only a minor share of the total rollout cost of digital networks projects - in the case of 5G being much less than 5%. The purchases of the product under investigation by the cooperating telecom operators represented a marginal percentage of company turnover, and the firm purchase a significant part of its OFC from other sources. Therefore, the Commission concluded that users and distributors would also not be disproportionately affected by the imposition of measures.

Overall, the investigation found that there was sufficient capacity in the Union and in other third countries to replace imports originating in China. Furthermore, the imposition of anti-subsidy measures as well as the previously imposed anti-dumping measures would enable the Union industry to invest in their Union production sites and new technologies to the benefit the user industry. At the same time, measures would not prevent imports from third countries (including China) from competing fairly in the Union market. Even if the demand for OFC increased in the following years as expected by market players, OFC importers and users would not run any noticeable risks of shortage of supply and the rollout of the optical fibre broadband network to homes and businesses would thus not be delayed.

Thus, the Commission concluded that definitive anti-subsidy measures ranging from 14,6% to 33,7% should be imposed on imports of Optical fibre cables originating in the People's Republic of China. The definitive anti-subsidy measures were imposed in January 2022.

#### ***Stainless steel cold-rolled flat products (SSCR) originating in India and Indonesia - Anti-subsidy measures***

On 17 February 2021, the Commission initiated an anti-subsidy investigation on stainless steel cold-rolled flat (SSCR) products originating in India and Indonesia, following a request lodged by the European Steel Association (EUROFER) representing more than 25% of the total Union production

of stainless steel cold-rolled flat products. Prior to the initiation of the anti-subsidy investigation, the Commission invited the governments of both exporting countries for consultations. However, no mutually agreed solution was reached with either government.

Stainless steel cold-rolled flat products are used by a large variety of downstream industries and in a wide range of final applications where resistance to both atmospheric and chemical corrosion is necessary and where hygiene and surface aesthetic characteristics (brilliance, surface coating and/or decoration), may also be essential.

The review investigation period (RIP) ran from 1 July 2020 to 30 June 2021 and the examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2017 to the end of the RIP. No provisional anti-subsidy measures were imposed in the investigation.

In November 2021, the Commission had imposed definitive anti-dumping duties on imports of the same product originating in India and Indonesia in an investigation that was initiated in September 2020.

### *Sampling*

Only two exporting producers in India and three in Indonesia provided the information required for sampling, so therefore the Commission invited the exporting producers that had come forward to fill in the full questionnaires. As regards Union producers, the sample consisted of three companies, representing around 70 % of the estimated total Union sales and more than 60 % of the estimated total Union production. As only one unrelated importer came forward and provided a questionnaire reply, no sampling was applied in this category.

### *Subsidisation – India*

Two Indian producers of SSCR cooperated in the investigation.

Both companies were found to benefit from two duty drawback schemes: Merchandise Exports from India Scheme ('MEIS') and Export Promotion of Capital Goods Scheme ('EPCGS'). MEIS and EPCGS are standard duty drawback schemes, which were countervailed in many previous Indian investigations. One of the companies also benefitted from additional duty drawback schemes, Advanced Authorisation Scheme ('AAS'), Duty Drawback Scheme ('DDS'). In addition, the Commission found that that company also benefitted from the provision of inputs at less than adequate remuneration ('LTAR') i.e. chromium ore. The countervailable subsidy amounts established were 4,37% and 7,56% for the two exporting producers.

### *Subsidisation – Indonesia*

The Commission investigation subsidies granted either by the Governments of the PRC and/or the Republic of Indonesia, including the following: (i) provision for nickel ore, land, gas and electricity at less than adequate remuneration (ii) preferential financing to the industry from Chinese state-owned banks (iii) direct and indirect tax exemption programmes.

The Commission found that the subsidisation in Indonesia concerned primarily Chinese companies located in the Indonesia Morowali Industrial Park ('IMIP'), a zone focused on building a fully integrated stainless steel industry, from mining of nickel ore to the final downstream stainless steel product. It was set up together by the PRC and Indonesia. The Chinese companies were financed with Chinese capital, using many input materials and equipment imported from China, and directed by Chinese managers and using Chinese know-how.

Indonesia sought to increase the domestic added value generated by its nickel ore reserves by developing the whole industrial value chain using nickel ore, namely the smelters and the stainless steel industry as the ultimate user of this raw material. This required substantial financing which the Government of Indonesia (GOID) obtained from China while pursuing specific preferential domestic policies to encourage the Chinese stainless steel industry to engage in foreign investment under China's long-standing 'going out' policy. Since 2009, in the context of the bilateral cooperation with the GOC, GOID has enacted a system of several measures intended to ensure that

nickel ore would be kept in Indonesia and that domestic prices would be kept artificially low for the benefit and development of downstream industries (including in particular the stainless steel sector).

#### *Provision of nickel ore at less than adequate remuneration*

The investigation found that the domestic miners were acting as public bodies and/or were entrusted/directed by GOID to process the nickel ore domestically, not to export it, and to sell it at a price, which was well below a normal market price. The miners had to comply with Domestic processing obligations (DPO) and an export ban. The GOID through several regulations, progressively restricted nickel ore exports, with a complete ban from 2020. In April 2020, GOID introduced a mandatory domestic pricing mechanism concerning the price of nickel ore which led to a significant discount (at least 80%) compared to the international market price. The low prices of nickel ore made it economically attractive for China to make large-scale investment necessary to develop the SSCR industry. Only large user industries of nickel ore (stainless steel, electrical batteries) could benefit. The subsidy margin found for nickel ore provided at less than adequate remuneration amounted to 14,56% for the IRNC Group.

#### *Preferential financing*

GOID used China as an intermediary to develop its smelting and downstream stainless steel industry by requiring it to finance its establishment in Indonesia and bring the necessary know-how, neither of which Indonesia had at the time. As a result of this close bilateral cooperation, the project was formally recognised by both governments, in China as a Belt&Road project and in Indonesia as a ‘National Strategic Project’. The investigation found that, in line with the various bilateral cooperation agreements between the two governments, the financing of the companies in the IRNC Group was provided almost exclusively by GOC. Financing was provided either through loans, capital injections and shareholder loans by Chinese policy and/or State-owned banks not in line with normal market lending practice using normal risk assessments. The banks were not located in Indonesia but in China with the proceeds going via the Indonesian branches of the Chinese banks providing them, acting as a local agent of the Chinese banks. Based on the various agreements found in the investigation the Commission concluded that preferential funding from Chinese banks could be attributed to Indonesia. This followed the precedent in the similar GFF and GFR cases from Egypt.

#### *Other subsidies*

The investigation also revealed that as part of the cooperation between the two governments, the GOID facilitated the procurement and acquisition of land used by the IRNC Group and acquired via its related company PT. IMIP who never paid anything for the procurement of the land. The investigation also found there were ‘tax holidays’ available to corporate taxpayers making new investments in the steel industry. The commission also found a scheme which allowed for exemptions of customs duties on the import of certain machines, goods and materials. All the machinery for the production process of the IRNC Group were imported from related companies in China, which were not the manufacturers of the equipment. These tax benefits are revenue foregone by the government and were found to be specific to certain industries, and therefore countervailable.

The total amount of subsidisation found ranged from 13,5% to 21,4%

#### Injury and causation

The investigation found that the Union consumption decreased by 17% in the period considered while at the same time imports from the countries concerned increased by 88% resulting in an increase in their joint market share from 3,0% in 2017 to 5,6% in the IP. This increase, both in volume of imports and in market share, is mainly attributable to Indonesia. While imports from India actually dropped in absolute terms this was less than the overall drop in Union consumption and thus India’s market share still increased slightly from 3,0% in 2017 to 3,4% in the IP. The market share of Union producers also increased slightly from 71% in 2017 to 73% in the IP but was made possible only because of fierce price competition which had an adverse effect on their profitability and financial indicators.

Average import prices from both India and Indonesia were consistently lower than Union producers' prices and undercut prices of the Union producers by 5,7%-13,4% and 12,5% respectively. The investigation indicated that the Union industry could only respond to the price pressure of the subsidised imports from India and Indonesia by lowering its sales prices to maintain (and even slightly increase) its market share in the period considered. The effect of the subsidised imports caused price suppression with prices of the Union industry decreasing by 3 % during the period considered. Normally under conditions of fair competition, they would have been expected to increase to keep pace with rise of the cost of production, which was 3 %.

Union producers also showed a sharp decrease in productivity and capacity utilisation in the period considered. Other financial indicators showed the injury suffered such as, a drop in profitability from 7,6 % in 2017 to 0,4 % in the IP, a drop in investments (-13 %), return on investments (-80 %) and cash flow (-52 %). As a result the Commission concluded that the Union industry suffered material injury

The subsidised imports from the countries concerned increased by more than 80% in the period considered and its market share almost doubled. The low priced subsidised imports from the countries concerned created a price pressure on the Union industry. Due to these unfair imports, the Union producers were not only unable to reflect raw material cost increases in their prices, they were forced to decrease their sales prices in order to maintain their market share. The Commission concluded there was a strong causal link between the subsidised imports from India and Indonesia and the injury suffered by the Union industry.

The Commission examined other factors which might have caused injury to the Union interest which included the effect of non-subsidised imports from Indonesia and from third countries, the decrease in consumption, and the export performance of the Union industry. Non-subsidised imports from Indonesia were found to be decreasing over the period considered and relatively small (i.e. 0,6% market share during the IP) and imports from other countries were in general more expensive than the imports from the countries concerned and the volumes of those imports were low. Despite a drop in consumption, the Union producers managed to slightly increase their market share. This was as a result of severe price competition with the unfair priced subsidised imports resulting in the deterioration of the profitability and basic financial indicators of the Union industry. The Commission found that the impact of these other factors was limited and as a result did not attenuate the causal link. Export sales of the Union producers decreased by 17% in the period considered. However, the volumes exported were limited compared to the total Union sales volumes. The Commission also examined the impact of the increase in prices of certain raw materials but found it contributed to the injury only to a very limited extent. The Commission concluded that the other factors examined, individually or collectively, did not break the causal link between the subsidised imports and the damage to the Union industry.

#### *Union interest and measures*

Given that the subsidised imports depressed the prices on the Union market, causing injury to the Union industry, the Commission concluded that the imposition of measures would be in the interest of the Union producers. One cooperating importer was against the measures expressing concerns about supply issues, increasing prices, and the fact that there would be a poorer quality of material available. The Commission found that there would remain a healthy level of competition in the Union given the number of Union producers as well as the availability of imports from other sources. In addition, the Commission concluded that importers would be able to pass-on price increases to their customers and therefore their profitability would not be adversely affected. Arguments were also put forward that Union producers would be overprotected as there are safeguard measures in force. However, the safeguard measures on steel are temporary and provide a different type of protection than countervailing measures. No users came forward. The Commission concluded that it was not against the interest of the Union to impose countervailing measures.

As a result, the Commission imposed countervailing measures on imports of stainless steel cold-rolled flat products originating in India and Indonesia in March 2022.

## *Anti-dumping measures on Aluminium flat rolled products originating in China - Lifting of the suspension*

On 11 October 2021 the Commission imposed definitive anti-dumping duties ranging from 14,3 % to 24,6 % on imports of Aluminium flat rolled products originating in China. On the same date, the Commission suspended the measures on the product concerned for a period of 9 months due to the existence of temporary and exceptional changes in market circumstances that occurred after the investigation period.

The suspension of the measures was done in accordance with Article 14 (4) the basic Anti-Dumping regulation. EU market demand for aluminium flat rolled products had increased to an extent that made the products difficult to obtain. The Commission also found that injury was not likely to recur during the period of the temporary suspension of the measures. During the period of the suspension the Commission monitored developments in the market to determine if the conditions for suspension were no longer present.

In March 2022, the Commission requested information from the European Aluminium Association, the sampled Union producers and all other interested parties to assess whether to prolong the suspension or not. Article 14(4) provides that the suspension may be extended for a further period, not exceeding 1 year. The Commission examined the market developments, the situation of the Union industry and the views of importers and users along with the likelihood of a resumption of injury if the suspension was prolonged.

### *Market developments and situation of economic operators*

During the period of analysis (PoA), Union consumption decreased by 13,5 %, in comparison with the 1st semester of 2021. Demand peaked in the 1st semester of 2021, when it increased by 27 % in comparison with the IP and declined significantly during the PoA. In the first months of 2022 according to a CRU Report, demand for rolled aluminium products in Europe remained satisfactory, driven by stockpiling following the war in Ukraine and by the construction sector, which had sustained its activity. Demand from the automotive sector, on the contrary, was weak, due to continuing shortages of semi-conductors and a shortage of wiring harnesses originating from Ukraine. As for the construction industry, the same report mentioned the risk of fewer projects due to high inflation. On the supply side, the Union industry increased its capacity after the IP (+ 20 %), but the capacity utilisation did not increase and remained around 80 % with room for the Union industry to increase production. The Commission concluded that during the PoA the imbalance between supply and demand, that characterized the first semester of 2021, was significantly reduced.

As regards the situation of the Union industry, some indicators declined during the PoA compared to the 1st semester of 2021. Sales volume in the EU decreased by 12,8 % in the PoA in comparison with the 1st semester of 2021 from 1 056 668 tonnes to 921 701 tonnes. During the same period, production volume slightly decreased by 2 % in comparison with the first semester of 2021. Other indicators improved, such as prices and profitability. Prices of the product in the Union increased by 23 % between the 1st semester of 2021 and the PoA. This resulted from an increase in demand in a post-COVID context and the increase in the prices of the raw materials (primary aluminium, magnesium) and energy. Profitability also improved and reached 2,8 % in the PoA but remained below the 3,1 % profit achieved in the reference year 2017, and was far below the minimum profit margin of 6 % provided for in the basic Regulation. Overall, the Commission concluded that the Union industry did not suffer material injury during the PoA.

Users argued in favour of the prolongation of the suspension, on the grounds that the conditions of the suspension were still valid, arguing continued lack of supply for the products. Importers and traders also cited the same issue arguing in favour of a continuation of the suspension. However, the Commission, noted the Union industry still had important spare capacity and that alternative sources of supplies exist, such as Türkiye and other third countries. Users also claimed likely financial difficulties of a number of downstream companies or production units if the duties were re-instated. However, as concluded in the investigation leading to measures, the Commission concluded that the imposition of the measures would not be against the interests of the users because the impact on the financial situation of the users would be limited. Furthermore, the Commission concluded that during the suspension period, users had time to adapt their production units to other sources of supply.

### *Likelihood of a resumption of injury if suspension was prolonged*

After the improvement of the Union industry's performance in the 1st semester of 2021 in comparison with the IP, its economic situation remained stable during the PoA, although some injury indicators deteriorated. The prospects for the Union industry after the PoA were not that positive as orders of the product concerned decreased by 12% in comparison with the 1st semester of 2021 and by 2% in comparison with the IP (when the Union industry was found to be in an injurious situation). Following the PoA, demand was not expected to pick up given the uncertainties in the car manufacturing and construction sectors, along with the expected further increase in costs of the main inputs. Furthermore, the Union industry would have less bargaining power in price setting, and its economic performance would be negatively impacted.

At the same time, Chinese imports increased during the PoA, and even further in the 2 months following the PoA, at prices that were lower than the Union industry's average prices, despite the increase in international transport costs and bottlenecks in deliveries, and the COVID-related difficulties affecting Chinese manufacturers. The rapid increase in Chinese imports was expected to continue and result in the same situation found during the original IP, if the measures continued to be suspended. The Commission concluded that it was no longer the case that injury to the Union industry was unlikely to resume in case the suspension of the anti-dumping duties was to be prolonged.

Therefore, the Commission decided not to prolong the suspension of the anti-dumping duties on imports of AFRPs originating in China and the duties were re-instated in July 2022.

### **Rejecting the suspension of anti-dumping measures on urea and ammonium nitrate originating in Russia, Trinidad and Tobago and USA**

In October 2019, the Commission imposed definitive anti-dumping duties on imports of mixtures of urea and ammonium nitrate (UAN) originating in Russia, Trinidad and Tobago and USA. In May 2021, Copa-Cogeca, an association of users of the product concerned, submitted information alleging temporary change of market conditions which occurred after the imposition of the definitive measures which would justify the suspension of the anti-dumping duties. Article 14(4) of the basic Regulation provides that, in the Union interest, anti-dumping measures may be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such suspension. In November 2021, the Commission requested information about prices, Union demand and performance of the Union industry during the third quarter of 2021 in order to examine and assess the impact, if any, of the alleged changed circumstances on the Union market and whether injury would be unlikely to resume as a result of a suspension.

#### *Changes in market conditions*

The alleged temporary changes of market conditions consisted of a scarcity of supply on the Union market as the volume of imports decreased and the Union industry reduced its production leading to a sharp increase in prices. The Commission's analysis covered two parts, i.e. first a comparison between the market conditions in the original IP and in 2021 and, second, an update on the then most recent developments in 2022 for which data were available.

The alleged temporary changes of market conditions consisted of a scarcity of supply on the Union market as the volume of imports decreased and the Union industry reduced its production leading to a sharp increase in prices. The Commission analysis covered two parts, i.e. first a comparison between the market conditions in the original IP and in 2021 and, second, an update on the most recent developments in 2022 for which data were available.

Eurostat statistics covering up to the end of 2021 showed that since the measures were imposed, UAN imports from the countries concerned decreased by 69 % compared to the original IP. As these were only partially replaced by imports from other countries, this led to an overall decline of imports of almost 60 % compared to the original IP. The market share of imports also decreased from 43 % to 19 %. As a result, there was a shortage in supply of 1,14 million tonnes, when comparing original IP and 2021. Imports increased in the first half of 2022 by over 250 % when compared to the first half of 2021 which coincided with a dramatic decrease in the Union production.

Regarding possible future developments in imports, the Commission found that the US were concentrating its UAN sales on the domestic market since 2020. However, imports from Trinidad and Tobago continued to enter the Union in significant quantities in 2021, representing 50 % of all imports to the Union. In the first

four months of 2022, Trinidad and Tobago exported 54 % more than in the same period in 2021 last year. As regards imports from Russia, it was noted that despite sanctions imports from Russia continued at very significant levels (practically without decline) in 2022. In June 2022 alone, the volume of imports from Russia was greater than throughout the entire first half of 2021. Belarus had been another source of Union imports, but this was also discontinued due to the fact that the main Belarussian producer, is on the EU's sanctions list since December 2021. Then, in March 2022, Ukraine announced a ban on exports of fertilisers – including UAN. On this basis, the Commission concluded that it could reasonably be expected that Trinidad and Tobago would remain the main source of imports of UAN in the Union.

Given the demand of UAN in the Union remained relatively stable since the original IP, the gap in supply created by the lower volume of imports was not being completely filled by the increase of Union industry's sales. The Union industry should have increased its sales by around 31 % in comparison to their sales in the original IP. However, whilst production increased substantially following the imposition of measures, the increase was not sufficient to compensate fully for the drop in imports. This led to an estimated imbalance between supply and demand of around 371 000 tonnes in 2021. As for 2022, the Union industry appears to have dramatically cut their production. The supply gap created was too large to be filled by the increase in imports in the first half of 2022. It was therefore concluded that, after the original investigation, there was a temporary imbalance between supply and demand on the Union market.

As regards UAN prices in the Union, these increased sharply in the second half of 2021 having more than doubled in these six months and were in December 2021 almost four times higher than during the original IP. The main reason for this price increase seemed to be the rise in natural gas prices (almost 400%) that account for a substantial proportion of UAN's costs of production. Import prices of UAN also showed an increase, but to a smaller extent than the Union industry. During 2021, prices from Trinidad and Tobago and Russia have consistently been lower than the published UAN market prices. In the first two quarters of 2022, this was still the case except for Trinidad and Tobago that came just slightly above published UAN market prices in the second quarter 2022. The shortage of supply together with a large increase in the raw material costs, has likely caused prices to increase which put a financial burden on users since UAN cannot be easily replaced with other nitrogen fertilisers. Therefore, the Commission concluded that there was a temporary change in market conditions since the original IP in the sense of supply not meeting the demand and higher prices.

#### *Likelihood of a resumption of injury if measures suspended*

Despite the spike in UAN prices, the parallel increase in natural gas prices had a major negative impact on the profitability of the Union industry, resulting in a lossmaking situation of - 9% on average in the third quarter of 2021. The Commission made simulations on the development of profitability of the Union industry, should the measures be suspended. This was done by using trends in natural gas prices and UAN price between the first quarter of 2021 and the second quarter of 2022. This showed that the lossmaking situation of the Union industry in the third quarter of 2021 continued in the first half of 2022. Owing to the very high natural gas prices, the Union producers were not only unable to increase production to fully compensate for the imports lost in 2021, but they had to further limit the production, including partial closures of production lines. The prices of UAN in September 2022 were unable to cover the cost of gas that is required to produce UAN. The Commission found that the Union industry was still suffering material injury. Copa-Cogeca claimed that the continuation of measures would be against the Union interest and would have a negative effect on the food production in the Union. Under Article 14(4) of the basic Regulation measures may be suspended in the Union interest only if injury would be unlikely to resume as a result of the suspension. However, given the situation of the Union industry which continued incurring financial losses in September of 2022, the Commission concluded that injury would be likely to get worse if measures were suspended. Therefore as the conditions for suspension were not met, the Commission did not evaluate the Union interest under Article 14(4) of the basic Regulation.

The examination of post-IP developments showed that the Union industry still suffered from an injurious situation so the Commission could not conclude that market conditions had temporarily changed to an extent that injury would be unlikely to resume as a result of a suspension pursuant to Article 14(4) of the basic Regulation. Therefore, in October 2022, the Commission decided not to suspend the anti-dumping duties on imports of mixture of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America imposed in October 2019.

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

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting from dumped or subsidised imports, measures not in the interest of the Union). In 2022, 1 new anti-subsidy investigation was terminated without measures – see table below.

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

<b>Product</b>	<b>Origin</b>	<b>Main reason for termination</b>
Graphite electrode systems	China	Withdrawal of the complaint

## 3.2. Review investigations

### 3.2.1. *Expiry reviews*

Article 11(2) and Article 18 respectively of the basic Regulations provide for the expiry of measures after 5 years, unless an expiry review demonstrates that in a review that the expiry would be likely to lead to a continuation or recurrence of dumping or subsidisation and related injury. In 2022, 1 anti-dumping and 1 anti-subsidy measure expired automatically. The reference for the measure is available in Annex N.

Since the expiry provision of the basic Regulations came into force in 1985, a total of 518 measures have expired automatically.

#### 3.2.1.1. Initiations

In 2022, the Commission initiated 24 expiry reviews of anti-dumping measures and 3 expiry review of anti-subsidy measures. The list of the expiry reviews initiated in 2022 are in the following table, together with the name of the complainant. Some expiry reviews may be carried out in parallel with interim reviews although this was not the case in 2022. More information can be obtained from the Official Journal to which reference is available in Annex F.

<b>Product (Type of investigation: AD or AS)</b>	<b>Origin</b>	<b>Complainant</b>
Sodium gluconate - AD	China	Jungbunzlauer S.A.
Aluminium road wheels (certain) - AD	China	Association of European Wheel Manufacturers
Tubes and pipe fittings of stainless steel (butt-welding fittings) - AD	China Taiwan	Defence Committee of the Stainless steel butt-welding Fittings industry of the European Union
Polyester yarn (High tenacity) - AD	China	CIRFS - European Man-Made Fibres Association
Heavy plate of non-alloy or other alloy steel (certain) - AD	China	European Steel Association (EUROFER)
Graphite electrode systems - AS	India	GrafTech France S.N.C., GrafTech Iberica S.L., Showa Denko Europe GmbH and Tokai Erftcarbon GmbH
Graphite electrode systems - AD	India	GrafTech France S.N.C., GrafTech Iberica S.L., Showa Denko Europe GmbH and Tokai Erftcarbon GmbH
Okoumé plywood - AD	China	European Panel Federation
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain) - AD	China	European Steel Association (EUROFER)

Glass fibres (certain continuous filament) - AD	China	European Glass Fibre Producers Association
Thermal paper (certain lightweight) - AD	Republic of Korea	European Thermal Paper Association
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain) - AD	China	The European Steel Tube Association
Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder - AD	China	Global Tungsten & Powders spol s.r.o., H.C. Starck Tungsten GmbH, Tikomet Oy, Treibacher Industrie AG, Umicore Specialty Powders France and Wolfram Bergbau und Hütten AG<
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain) – AS	China	European Steel Association (EUROFER)
Rebars - AD	Belarus	European Steel Association (Eurofer)
Coated fine paper - AS	China	Arctic Paper Grycksbo AB,Burgo Group SpA, Fedrigoni SpA, Lecta Group, Sappi Europe SA
Coated fine paper - AD	China	Arctic Paper Grycksbo AB,Burgo Group SpA, Fedrigoni SpA, Lecta Group, Sappi Europe SA
Melamine - AD	China	Borealis Agrolinz Melamine GmbH,OCI Nitrogen BV,Grupa Azoty Zaklady Azotowe Pulawy SA
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain) - AD	Brazil Iran Russian Federation Ukraine	European Steel Association (EUROFER)
Glass fibres (certain open mesh fabrics) - AD	China	Tech-Fab Europe
Ceramic tiles -AD	China	European Ceramic tile Manufacturers' Association
Hand pallet trucks - AD	China	Toyota Material Handling Europe,PR Industrial S.r.l.
Trichloroisocyanuric acid (TCCA) - AD	China	ERCROS S.A,Electroquímica de Hernani S.A.

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

In 2022, the Commission concluded 18 expiry reviews (1 concerned anti-subsidy) with a confirmation of the duties for a further period of 5 years.

The list of the measures, which were renewed during 2022, together with the results of the investigations, can be found below. More information can be obtained from the Official Journal publications to which reference is given in Annex F.

Product	Origin	Type <sup>20</sup> and level of measure
Grain oriented flat-rolled products of silicon electrical steel (GOES)	Japan China Republic of Korea Russian Federation United States of	AD: 35,9 - 39% Others 39% AD: 21,5 + 36,6% Others 36,6% AD: 22,5% Others 22,5% AD: 21,6% Others 21,6%

<sup>20</sup>

AD: anti-dumping duty; AS: countervailing duty; UT: undertaking.

	America	AD: 22% Others 22%
Tube and pipe fittings of iron or steel	China	AD: 58,6% - Others 58,6%
Acesulfame Potassium (ACE-K)	China	AD: 2,64 - 4,58% - Others 4,58%
Aluminium foil (certain)	China	AD: 6,4 - 24,2% - 30%
Ductile pipes (tubes and pipes of ductile cast iron)	India	AD: 0 - 14,1% - Others 14,1%
Ductile pipes (tubes and pipes of ductile cast iron)	India	AS: 6 - 9% - Others 9%
Ring binder mechanisms	China	AD: 51,2% - Others 78,8%
Molybdenum wires	China	AD: 64,3% - Others 64,3%
Silicon	China	AD: 16,3 Others 16,8%
Sodium cyclamate	Indonesia China	AD:€ 0,24 per KG - Others €0,27 per KG AD: €0,23 - 1,17 per KG - €0,26 per KG
Aspartame	China	AD: 55,4 - 59,4% - Others 59,4%
Cold-rolled flat steel products	China Russian Federation	AD: 19,7 - 20,5% - Others 22,1% AD: 18,7 - 34% - Others 36,1%

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

#### **Grain oriented flat-rolled products of silicon electrical steel (GOES) originating in Japan, People's Republic of China, Republic of Korea, Russian Federation and United States of America - Anti-dumping measures**

Anti-dumping measures on grain-oriented flat-rolled products of silicon-electrical steel (GOES) were imposed in 2015 for five years against imports from five countries (China, Japan, the Republic of Korea, Russia and the USA). On 30 October 2020 following a request by the European Steel Association (EUROFER), representing more than 25% of EU production of the product concerned, the Commission initiated the first expiry review. The request for review was based on the grounds that the expiry of measures would likely result in the continuation or recurrence of dumping and injury to the Union industry.

The investigation concerned imports of certain grain-oriented flat-rolled products of silicon-electrical steel of a thickness of more than 0,16 mm. The main application of the product is in the transformer business, where it is used as the core material in power and distribution transformers. GOES is produced by less than 20 producers worldwide, which are among the biggest steel producers in the world. Four GOES producing steel mills are located in the EU.

The review investigation period was from 1 July 2019 to 30 June 2020 and the examination of the trends relevant for the assessment of injury covered the period from 1 January 2017 to the end of the RIP.

### *Sampling*

Given that there are only four GOES producers in the EU, sampling of EU producers was not deemed necessary. Two exporting producers or groups of exporting producers from Japan and one group of exporting producers from China, provided the requested information and agreed to be included in the sample. A group of exporting producers from Russia initially agreed to be included in the sample, but at an early stage of the investigation stopped cooperating. Given the low number of cooperating exporting producers sampling was not necessary with respect to any of the countries concerned.

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

None of the producers in Russia, the USA and Korea cooperated in the investigation and therefore the Commission replied on facts available. One Japanese exporting producer (Nippon Steel) cooperated fully in the current investigation.

#### China

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

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions (allocation of capital, land, labour, energy and raw materials) in the steel sector in China, to which GOES belong. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in this case. Therefore, normal value was calculated on the basis of undistorted prices or benchmarks from the representative country selected in the case, i.e. Brazil. To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Brazil per product type. To this, the Commission added an appropriate percentage amount for manufacturing overheads and finally applied the SG&A and profit in Brazil which amounted to 13,5% and 7,06% respectively.

As the Baoshan Group exported the product under review to the Union through several related companies acting as an importer, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, with adjustments to the price for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing. The normal value and the export price were compared on an ex-works basis which showed no dumping. The Commission therefore examined if dumping was likely to recur in the future should measures be allowed to lapse. An analysis of China's exports to third countries, the production and spare capacity in China, and the attractiveness of the Union market (where price levels are generally significantly higher than the export prices of the Chinese producers to third countries), led to the conclusion that if measures were to lapse China would in all likelihood resume dumping in the EU.

#### Russia

Given the lack of cooperation from Russian exporters, the likelihood of a continuation or recurrence of dumping was assessed by using the information contained in the expiry review request, combined with Eurostat data and the export statistics contained in GTA. Export prices to the Union were established on the basis of Eurostat data. The normal value and the export price were compared on an ex-works basis which established that the dumping margin of Russia exports to the Union was in the region of 80%, expressed as a percentage of the export price. The Commission therefore concluded that dumping continued during the review investigation period. The Commission therefore concluded that dumping continued during the review investigation period. The Commission also examined if Russian exporters were likely to continue dumping if measures were allowed to lapse. Based on the dumped price levels of GOES to the Union during the RIP, the

large spare capacity in Russia of around 58 000 tonnes, representing more than [16-22] % of the Union consumption of GOES and the attractiveness and size of the Union market, the Commission also concluded that significant quantities of GOES from Russia would likely enter the Union market at dumped price levels, should measures be allowed to lapse.

## USA

Given the lack of cooperation from US exporters, the likelihood of a continuation or recurrence of dumping was assessed by using the information contained in the expiry review request, combined with Eurostat data and the export statistics contained in GTA. Export prices to the Union were established on the basis of Eurostat data. The normal value and the export price were compared on an ex-works basis which established that the dumping margin of US exports to the Union was 21 %, expressed as a percentage of the export price. The Commission therefore concluded that dumping continued during the review investigation period. Based on the dumped price levels of GOES to the Union during the RIP, the large spare capacity in the USA and the attractiveness of the Union market, the Commission also concluded that significant quantities of GOES from the USA would likely enter the Union market at dumped price levels, should measures be allowed to lapse.

## Japan

For Nippon steel, normal value was based on the weighted average of the prices of all domestic sales of the products during the investigation period as these were found to be representative and profitable. For JFE Steel the Commission used facts available and established a constructed normal value using the methodology and values contained in the expiry review request.

Given that Nippon Steel exported to the Union through related traders only, the export price was constructed on the basis of the price at which the imported products were first resold to an independent buyer. Adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing. JFE Steel exported directly to the EU and as a result its export price was the price actually paid or payable for the product under review when sold for export to the Union. The Commission compared the normal value and the export price as established above on an ex-works basis adjusting the normal value and/or the export price for differences affecting prices and price comparability. The adjustments were made for transport, insurance, handling, loading and ancillary costs, packaging, credit costs and bank charges by the cooperating exporting producer where applicable.

The dumping margins found for Nippon Steel was 31 %, while for JFE Steel it was 19 % so the Commission concluded that dumping continued during the review investigation period.

## *Injury*

The investigation showed that the imposition of the measures in 2015 initially had a positive effect on the economic situation of the Union industry, in particular in 2017 when the Union industry started to recover. However, the economic situation started to deteriorate thereafter, resulting in losses of -8,4 % , -11,7 % , -18,6 % in 2018, 2019 and the review investigation period respectively. Sales volumes on the Union market decreased by 4 %, combined with a slight decrease in sales unit prices by 2 %. Production decreased by 15 %, and the production capacity utilisation went down by 10 %. Losses reached a level which was not sustainable. The Commission found that other indicators such as return on investment followed the same downward trend as the profitability indicator. The Commission concluded that all the main indicators showed that the Union industry suffered material injury.

The Commission also examined whether there was likelihood of continuation of injury, by examining spare capacity in the countries concerned, the attractiveness of the Union market, and the potential quantities and price levels of imports from these countries should the measures lapse and their impact on the Union industry's situation. The investigation showed that the spare production capacity in the countries concerned represented more than three times the total Union consumption. Taking into account the price levels of exports from the four countries concerned to third countries and the actual injurious situation of the Union industry, the Commission concluded that it would be likely that the exporting producers of the four countries concerned would, in the absence of anti-

dumping measures, start exporting to the Union at similar price levels that they apply to their third markets i.e. at injurious price levels. Given the injurious situation of the Union industry, the Commission concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from the countries concerned at injurious prices, leading to even higher losses for the Union producers.

#### *Union interest and measures*

The Commission concluded that a continuation of the measures would be in the interest of the Union industry and would allow the industry to return gradually to profitability and make further investments necessary to manufacture and develop the quality grades needed to meet the increased demand of high permeability GOES products. If the measures were lapse, it would lead to a price reduction across all types of GOES, whereby the Union industry would need to further lower its selling prices in order to remain attractive. The users associations argued that the maintenance of the measures would reduce the competitiveness of the European transformer manufacturers' vis-à-vis transformer manufacturers located outside the Union. The Commission considered that the continuation of the measures would only have a limited impact on the prices of transformers and the employment in the user's industry with the likely effect that the cost of the input material, accounting for around 7 %-17 %, would remain unchanged at the same levels since the imposition of the measures in the form of the MIPs in 2015. The Commission concluded that the competitiveness of the user industry would possibly be negatively affected by the continuation of the measures, albeit with a lesser impact on costs than alleged. The Commission recalled that the objective of anti-dumping duties was not to close off the Union market from all imports and by extending the measures in the form of MIPs, a secure and diverse supply from different sources, including from exporting and Union producers could be achieved. The Commission concluded that there were no compelling Union interest reasons against the continuation of the existing measures on imports of GOES originating in the countries concerned.

The measures in place on imports of certain grain-oriented flat-rolled products of silicon-electrical steel originating in the China, Japan, Korea, Russia and the USA, in the form of a MIP, were continued in January 2022 for a further period of five years.

#### **Silicon originating in the People's Republic of China (extended to the Republic of Korea and Taiwan) – Anti-dumping measures**

On 2 July 2021, the Commission initiated an expiry review of the anti-dumping measures imposed on imports of Silicon originating in the People's Republic of China following a request lodged by Euroalliances representing more than 25 % of the total Union production of the product concerned. The product under review is silicon. Silicon is used primarily by the chemical industry for the production of methylchlorosilanes or trichlorosilanes and tetrachlorosilicon and the Aluminium industries for the production of aluminium alloys (primary and secondary smelters) intended for the production of castings alloys for different industries and in particular automotive.

The review investigation period (RIP) ran from 1 July 2020 to 30 June 2021. The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2018 to the end of the RIP ('the period considered').

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

During the RIP, imports of silicon into the Union from China continued but at a lower market share than during the review investigation period of the previous review investigation. Owing to a lack of cooperation by the China producers, the findings were based on facts available.

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions (allocation of capital, land, labour, energy and raw materials) in the metallurgical sector in China. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in this case. Therefore, normal value was calculated on the basis of undistorted prices or benchmarks from the

representative country selected in the case, i.e. Malaysia. To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Malaysia per product type. To this, the Commission added an appropriate percentage amount for manufacturing overheads and finally applied the SG&A and profit in Malaysia which amounted to 17,7% and 5,05% respectively.

This normal value was compared to the export price which was determined on the basis of CIF Eurostat data corrected to ex-works level by adjusting for sea freight and insurance costs and domestic transport cost in China. On that basis, the weighted average dumping margin, expressed as a percentage of the CIF Union frontier price, duty unpaid, was 26,9%.

The Commission also examined the likelihood of the continuation of dumping if the measures were discontinued with reference to production capacity and spare capacity in China and the attractiveness of the Union market. The Commission found that there was significant spare capacity in China - production capacity in China was between 6 and 8 million tonnes per year – generally accepted to be higher than total world consumption. In addition, the applicant had estimated the Chinese capacity utilisation was between 20 % and 40 % in 2020. The Commission concluded that China would have spare capacity of around 3,6 million tonnes, around seven times the entire Union consumption. Continued imports into the Union, despite the measures in force, would suggest that the Union market continues to be attractive, and that if measures were to allowed to lapse, imports at dumped prices would continue. The Commission found that prices of silicon to three other markets for Chinese silicon: Japan, the Republic of Korea and India were lower than the process to the EU making the latter a more attractive market. The investigation found that Chinese import prices including the anti-dumping duties still undercut those of the Union producers by 9,2 % during the RIP. Without the duties, undercutting would amount to 14,6 %. The Commission also noted that anti-circumvention measures in force on imports consigned from the Republic of Korea and Taiwan indicated the continued attractiveness of the Union market for Chinese exporting producers. In addition, the fact that the US, Australia, and Canada have anti-dumping or anti-subsidy measures against imports of silicon from China further increased the attractiveness of the Union market. As a result, the Commission concluded that there was a strong likelihood that the expiry of the anti-dumping measures would result in an increase of dumped exports from China.

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

All injury indicators, apart from the stock levels, showed a negative pattern during the period considered. While there was a decrease in demand by 16 %, both sales and production in the EU fell by more, 29 %. This led to a similar decrease in capacity (17 %) and employment (12 %). Capacity utilisation and productivity also fell during the period considered as did the average unit prices (decreased 13 %). As a result, despite a decrease of the cost of production (5 %), the profitability fell by 88 %. In addition, cash flow and return on investment fell significantly over the period considered. The Commission concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

As regards the causal link, imports from China decreased from 14 % in 2018 to 7 % in the RIP. These imports were at prices levels which undercut Union sales prices by 9,2 %, when considering the anti-dumping duties or 14,6 % when not considering the duties. This kept exerting pressure on the Union industry whose profitability remained very low throughout the period considered and even reached negative levels at times. Imports from other countries, such as Norway and Malaysia, increased and were sold at prices lower or close than those of Chinese imports with duties included, thereby also contributing to the injurious situation of the Union industry. This attenuated to some extent the causal link between the injury and the dumped imports from China.

This Commission also examined the likelihood of the recurrence of injury. Given the continuation of dumping, the overcapacities in China along with the attractiveness of the EU market, the Commission concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from China at injurious prices and material injury would be likely to recur. This would cause an even greater deterioration of the profitability of the Union industry. The Commission concluded that in all likelihood injury would therefore recur if the measures were allowed to lapse. On Union interest, in response to concerns by users, the Commission concluded that other sources of supplies and the spare capacity in the Union represent a diversified variety of options for the Union users of silicon.

On 12 August 2022, the Commission extended the measures in place on imports of silicon from China for another five-year period.

### **Cold-rolled flat steel products originating in China and Russia**

On 3 August 2021, the Commission initiated an expiry review with regard to imports of cold-rolled flat steel products (CRF) originating in China and Russia, following a request lodged by the European Steel Association (EUROFER) representing more than 25% of the total Union production of stainless steel cold-rolled flat products.

The product under review is the same as in the original investigation namely flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel. The products can be delivered in coils, cut lengths or narrow strips and are an industrial input purchased by end-users for a variety of applications, mainly in manufacturing (general industry, packaging, automotive, etc.) but also in construction.

The review investigation period (RIP) ran from 1 July 2020 to 30 June 2021 and the examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2017 to the end of the RIP.

#### *Sampling*

The Commission selected a sample of three Union producers accounting for more than 30% of the estimated total Union production and around 20% of the estimated total Union sales volume of the product under review. Sampling was not necessary for unrelated importers as none came forward in the investigation. No producers from China came forward and while three Russian producers signalled their intent to cooperate in the investigation, they only provided limited information and therefore the Commission applied Article 18 of the basic Regulation basing its findings on facts available.

Due to the continued impact of the COVID-19 pandemic, the Commission was unable to carry out on-spot verification visits but instead performed remote cross-checks ('RCCs') of the information provided by the sampled companies.

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

##### *China*

Imports of cold-rolled flat steel products from China continued at much lower levels than in the original investigation dropping from 732 000 tonnes to 32 000 tonnes in the review investigation period. This accounted for about 1 % of the Union market share compared to 10,3% in the original investigation.

As regards China, given the lack of cooperation by exporting producers, the Commission relied on facts available in accordance with the basic regulation. The Commission findings on the likelihood of continuation or recurrence of dumping was based on information contained in the expiry review request, submissions by interested parties as well as other sources such as trade statistics on imports and exports (Eurostat, the Global Trade Atlas and OECD and independent providers of financial data, such as Global Financials published by Dunn & Bradstreet.

The Commission conducted the investigation in accordance with the provisions of Article 2(6a) of the basic Regulation as the request contained sufficient evidence of the existence of significant distortions in China. The evidence available showed distortions arising from factors such as, a substantial degree of ownership by the GOC in the steel sector, the State's presence and intervention in the financial markets, as well as in the provision of raw materials and inputs including land use rights, the distortive effects of the 13th and 14th Five Year Steel Plans for the steel industry, and other planning and strategic policies which foresee support to the steel sector, such as Made in China 2025. As a result, the Commission concluded that it was not possible to use domestic prices and costs to establish normal value in this case. Therefore, normal value was calculated on the basis of undistorted prices/benchmarks from the representative country selected in the case, i.e. Brazil.

To construct normal value, the Commission used the information provided by the Union industry on the consumption of each factor of production multiplied by the undistorted costs per unit established in Brazil (materials, electricity, natural gas and labour). In the absence of cooperation by the exporting producers, the Commission relied on the information provided by the applicant in the review request on the usage of each factor for the production of the product under review. To this, the Commission added an appropriate percentage amount for manufacturing overheads, SG&A and profit. Manufacturing overheads were based on data provided by the applicant while SG&A and profit were based on the financial data of three Brazilian companies (ArcelorMittal Brazil, CSN, and Usiminas). This resulted in 18,5% for SG&A and other costs and profits of 14,7% being added.

The Commission compared the constructed normal value with the export price based on CIF Eurostat data which was reduced by the sea and domestic freight and unloading charges, amounting to €140,44 tonne on the export price in order to bring it to ex-works price. However, as the volume of imports in question was very limited (less than 0,5 % of total imports into the Union and less than 1% market share) the prices were considered unrepresentative and not a sufficient basis to conclude about the continuation of dumping. Therefore, the Commission investigated the likelihood of recurrence of dumping.

To determine the likelihood of a recurrence of dumping, the Commission also analysed production and spare capacity in China, the attractiveness of the Union market and the relation between export prices to third countries and the price level in the Union. The spare capacity in China was estimated at 20 million tonnes in 2020, which significantly exceeded the total Union consumption (about 9,7 million tonnes) in the review investigation period. The Commission also found that some main markets such as the USA and India were protected by anti-dumping measures on the product thereby reducing access of the Chinese exporting producers to those markets. In addition the weighted average unit sales prices of the sampled Union producers to unrelated customers on the free market in the Union amounted to EUR/tonne 622 during the review investigation period, higher than the average export price from China adjusted to an ex-works price amounting to EUR/tonne 585. Given these factors, the Commission concluded that the Union market is an attractive market for Chinese producers of the product concerned and that it was likely they would direct exports towards the Union if the measures lapsed.

### *Russia*

According to Eurostat, imports of cold rolled flat products from Russia dropped from 700 000 tonnes in the original investigation period to 3 000 tonnes in the RIP representing a market share of 0% of the Union market. In the original investigation the market share of imports from Russia was 9,8%.

To establish the normal value, due to the non-cooperation from Russian exporting producers, the Commission used facts available. The Commission used data provided in the review request based on Global Steel Prices, Indexes & Forecasts MEPS International on domestic prices for cold rolled flat products in Russia in the Volga region. The normal value established was €702,97 tonne during the review investigation period. The export price was determined based on CIF Eurostat data and was €755,65 tonne.

The Commission compared the normal value and the export price of the product under review on an ex-works basis. Adjustments were made, based on information provided by the applicant, for sea and domestic freight, and unloading charges in order to bring it to ex-works level. The comparison between export price and normal value expressed as a percentage of the CIF value, showed dumping of 10 %. However, as was the case from China, the volume of imports from Russia was very limited, accounting for less than 1 % of total imports into the Union and close to 0 % of the share of the Union market. Therefore, the Commission considered the export prices as unrepresentative and not a sufficient basis to conclude about the continuation of dumping and hence investigated the likelihood of recurrence of dumping.

To determine the likelihood of a recurrence of dumping, the Commission also analysed Russian exports to third countries, the production capacity and spare capacity in that country as well as the attractiveness of the Union market for Russian exporters. The export price was established on the basis of export prices of the product from Russia to other third countries. The Commission used the GTA database and established that the average CIF export price to third countries was €536 tonne in the review investigation period. This was reduced to ex-works level by deducting the freight and insurance costs and domestic transport cost in Russia (€127,84 tonne) resulting in an adjusted ex-works export price to third countries of €408,72 tonne. When compared to the normal value, the price of Russian exports of the product under review to third countries, expressed as a percentage of the CIF value, was 55 % lower.

The production capacity and spare capacity in Russia were based on the information provided by the applicant. The total production capacity in Russia exceeded 12 000 000 tonnes in the review investigation period with an estimated spare capacity of around 2 000 000 tonnes that cannot be absorbed by the Russian domestic market. In addition, the applicant submitted that the Russian producers increased the production capacity for cold-rolled steel by approximately 1 150 000 tonnes between 2016 and 2021. This spare capacity represented approx. 21 % of the total Union consumption in the review investigation period. The Commission also established that the Russian exporting producers exported the product under review to third markets at prices around 14 % lower than the average sales prices of the Union producers on the Union market. This would make exporting to the Union potentially more attractive for Russian exporters than exporting to all other countries. The Commission also established that the volume of exports by Russia to third countries was 580 000 tonnes in the review investigation period, which represented 6 % of the free Union market consumption. This, in addition to the spare production capacity, was additional volume of CRF which could be diverted to the Union market given its attractiveness should the measures expire.

The Commission noted that after the initiation of the investigation, due to the military aggression by Russia against Ukraine, the Union imposed successive packages of sanctions against Russia which included an import ban on CRF from 16 March 2022. However, given that the sanctions are linked to the military aggression and the underlying geopolitical situation, their scope, modulation, and/or duration are unpredictable. Furthermore, anti-dumping measures have a lifetime of five years. Considering the uncertainties and the fact that the Council may further amend the precise scope and duration of sanctions at any moment, the Commission found that the sanctions could not impact its conclusions in the case.

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

Total Union production during the review investigation period was established at around 30,5 million tonnes. As the Union industry is mostly vertically integrated and cold-rolled flat steel products are regarded as a primary material for the production of various value added downstream products, the captive and free market consumption were analysed separately in the injury analysis. The reason being that products destined for captive use are not exposed to direct competition from imports, while production destined for the free market is in direct competition with imports of the product concerned, and prices are free market prices. The Commission found that around 78 % of the total Union producers' production was destined for captive use. The Commission examined economic indicators relating to the Union industry on the basis of data for the free market only.

All macroeconomic indicators showed a negative trend over the period considered such as production, capacity utilization, sales volume on the Union market (both the captive and the free market), market share, employment and productivity. Similarly, most microeconomic indicators showed a negative trend over the period considered such as sales prices on the Union free market, cost of production, profitability, closing stocks, cash flow and return on investments. Only investments showed a positive trend. Despite increasing prices in the review investigation period, the Union industry still had a negative profit margin of -3,1% in the period. The cash flow and return on investments also deteriorated, making it more difficult for the Union industry to raise capital and grow. The Commission concluded that until 2018 the Union industry had recovered from past material injury caused by dumped imports from China and Russia. However, during the period considered, the injury picture deteriorated and the Union industry was back in an economically fragile and injurious situation during the review investigation period.

However, due to the negligible levels of imports from the countries concerned throughout the period considered, the Commission concluded that imports from China and Russia could not have caused the injury suffered by the Union industry. Therefore, the Commission examined the likelihood of recurrence of injury originally caused by dumped imports from China and Russia if the measures were repealed. In this context, the Commission examined the production capacity and spare capacity in the countries concerned, the relation between export prices to third countries and the price level in the Union and the impact of potential imports and price levels of such imports from China and Russia on the Union industry's situation should the measures be allowed to lapse. On the basis of that information, the Commission concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from China and Russia at injurious prices, which would likely lead to a recurrence of material injury.

#### *Union interest*

Despite contacting all known unrelated importers and users, none of them replied to the questionnaire or cooperated in the expiry review. There were claims of a negative impact of continuing measures on supply as well as the impact of the safeguard measures. However, the Commission concluded that safeguard measures have a different rationale and objective than that of anti-dumping measures and that they are not sufficient to protect the Union market against imports in significant quantities at dumped prices. Furthermore, the Union industry's capacity utilisation was only at 68 % during the period, while their sales prices were at a relatively low level thus indicating that there was ample room for increased production at competitive prices.

#### *Claim for a suspension of measures*

Three Russian exporting producers and one user claimed that the current measures should be suspended. Article 14(4) of the basic Regulation provides that, in the Union interest, anti-dumping measures may be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such suspension. The arguments provided by the different parties referred to the alleged high price increase in the Union since the end of 2020, the diminishing imports of CRF from the countries concerned and an alleged imbalance between demand and supply. The limited evidence and data provided to support the arguments related almost entirely to a period of time covered by the RIP and no data was provided on the period following the review investigation period or future forecast data to support their arguments. The Commission found that the Union industry was still in a fragile situation during the RIP and that, in any event, there was a strong likelihood that material injury originally caused by dumped imports from China and Russia at injurious prices would recur if the measures expire. Furthermore the Commission found no compelling reasons of Union interest against maintaining the measures. Therefore, the Commission rejected the claim while reserving its right to further examine the need for suspending measures in accordance with the basic Regulation in due course.

The Commission decided to continue the measures in place on CRF from China and Russia for a further period of five years in October 2022.

#### 3.2.1.4. Expiry reviews concluded by termination

In 2022, the Commission did not conclude any expiry review by terminating the measures in force.

#### 3.2.2. *Interim reviews*

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

During 2022, the Commission initiated four interim reviews (all anti-dumping measures). Three interim reviews were concluded in the year with an amendment of the duty. Two other interim reviews were terminated without amending the duty. More information can be obtained from the Official Journal publications to which reference is given in Annex G.

#### 3.2.3. *New exporter reviews*

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

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

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter. However, its imports become subject to registration under Article 14(5) of the basic AD Regulation in order to ensure that, should the review result in a determination of dumping for that exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

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

In 2022, the Commission initiated two ‘new exporter’ reviews (Annex I). In 2022, four such reviews were completed.

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

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

In 2022, one anti-absorption investigation was initiated on AD measures and one such investigation was completed with an increase in the level of the measures (Annex J).

#### 3.2.5. *Anti-circumvention investigations*

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

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

In 2022, the Commission initiated two anti-circumvention investigations on anti-dumping measures. Two such reviews were concluded with an extension of duty to other exporting countries. No anti-circumvention investigation was concluded without extending the measures.

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

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

#### **Glass fibre fabrics from China and Egypt – measures extended to Morocco**

In 2020, the Commission imposed a definitive anti-dumping duty and a definitive countervailing duty on imports of certain woven and/or stitched glass fibre fabrics (‘GFF’) originating in China and Egypt.

In May 2021, the Commission initiated an investigation following a complaint by the Union industry that these measures on imports of GFF were being circumvented through minor procession operations in Morocco.

Only one (Chinese owned) company that had set up a plant in Morocco came forward in the investigation and requested an exemption. This company, which accounted for the totality of imports of GFF into the Union from Morocco, was part of a Chinese owned group of companies involved in the production and sales of GFF, related products and the main input material, glass fibre rovings. Its Chinese parent company was subject to an anti-dumping duty of 37.6 % and an anti-subsidy duty of 17 %.

### *Change in the pattern of trade*

The total volume of imports of GFF from Morocco into the Union increased from 277 tonnes in 2019 to 2 809 tonnes in 2020. At the same time, imports from China and Egypt to the Union also increased. In parallel, imports from the parent company in China decreased significantly since the imposition of measures and were largely replaced by imports from Morocco. The significant increase of the total volume of imports of GFF from Morocco into the Union in 2020 compared to 2019 coincided in time with the start of the production in April 2020 of the company in Morocco.

In parallel with the increase in imports of GFF from Morocco to the Union, there was an increase in exports of the main input material (glass fibre rovings), used to produce GFF, from the PRC and Egypt to Morocco. It was found that the company in Morocco sourced 100 % of their glass fibre rovings from the PRC to produce GFF.

The increase of exports of GFF from Morocco to the Union, together with the increase in Chinese and Egyptian exports of glass fibre rovings to Morocco over the same period, constitute a change in the pattern of trade between the three countries (China, Egypt and Morocco) and the Union within the meaning of Article 13(1) of the basic anti-dumping Regulation and Article 23(3) of the basic anti-subsidy Regulation.

### *Practice to avoid the duties*

The circumvention practices consisted of the following: The company imported the input materials from its parent company in the PRC and performed only some minor further processing operations in Morocco, before shipping the GFF to the Union.

The company was set up on 2 October 2019, around seven months after the initiation of the initial anti-dumping and anti-subsidy investigations, and began production in April 2020, the same month the definite anti-dumping duties were imposed. 100 % of the main input material (glass fibre rovings) used in the production of GFF were sourced from China, in particular from the parent company. It was found that the added value to the parts brought in was below 25 % of the manufacturing cost.

The investigation has not revealed any evidence of due cause or economic justification for the increase of exports from Morocco of GFF to the Union, other than avoiding the payment of the anti-dumping and anti-subsidy duty levied on the imports of the product concerned from China. Rather the contrary, as the parent company stated itself in its 2019 Annual report that the avoidance of paying any anti-dumping duties was the determining reason for setting up a plant in Morocco.

### *Undermining the remedial effect of the measures, dumping and subsidisation*

The GFF imports from Morocco were found to enter the Union market at dumped prices. As regards subsidisation, in the original investigations, the Chinese and Egyptian exporting producers were found to benefit from a number of subsidy schemes granted by the Government of China and Egypt. There was no evidence suggesting that such schemes are no longer in place. The Moroccan company benefitted, via its parent company in China, from the subsidies found in China. It was therefore concluded that the imports of GFF from Morocco into the Union benefitted from the subsidy schemes.

The quantities of GFF that were exported into the Union from Morocco increased significantly in absolute volumes and represented more than 2% of the Union consumption during the RP. In terms of prices, these imports also undermined the remedial effect of the measures. The undercutting margin was 14 % and the underselling margin was 42 %. The circumvention practices undermined therefore the remedial effects of the anti-dumping and anti-subsidy measures both in terms of quantities and in terms of prices.

### *Extension of the measures*

Based on the above findings, it was established that circumvention of the anti-dumping measures and countervailing measures imposed on GFF from China took place through minor processing operations in Morocco. No evidence was found concerning the circumvention of measures on GFF from Egypt. Therefore, in February 2022 the anti-dumping and countervailing measures against imports of GFF from China were extended to Morocco.

### **Glass fibre fabrics from China and Egypt – measures extended to Türkiye**

In June 2020, the Commission imposed anti-dumping duty and countervailing measures on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in China and Egypt.

In December 2012, the Commission initiated an investigation following a complaint by the Union industry that these measures on imports of GFF were being circumvented through minor procession operations in Türkiye.

One company in Türkiye ('TC') that came forward and requested an exemption was Chinese-owned and part of a Chinese owned group of companies involved in the production and sales of GFF, of its related products and of its main input material, glass fibre rovings. Its related Chinese and Egyptian companies are subject to an anti-dumping duty of respectively 69 % and 20 %, as well as an anti-subsidy duty of respectively 30,7 % and 10,9 %

Apart from the Chinese owned company TC, three other Turkish companies submitted exemption claim forms. TC sold both domestically and to the EU more than the three other co-operating producers taken together.

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

The total volume of imports of GFF from Türkiye increased from 1 279 tonnes in 2019 over 2 516 tonnes in 2020 to 6 286 tonnes in the investigation period. At the same time, imports from Egypt to the Union also increased, whereas the imports from China to the Union decreased from 25 171 tonnes in 2019 to 14 538 tonnes.

The significant increase of the total volume of imports of GFF from Türkiye into the Union coincided in time with the start of the sales in May 2020 by TC to its main European customer. In parallel with the increase in imports of GFF from Türkiye to the Union, there was an increase in exports of the main input material (glass fibre rovings), used to produce GFF, from the PRC and Egypt to Türkiye. The investigation confirmed that TC sourced 100 % of their glass fibre rovings from the PRC and Egypt to produce GFF.

The increase of exports of GFF from Türkiye to the Union, together with the increase in Chinese and Egyptian exports of glass fibre rovings to Türkiye over the same period, constituted a change in the pattern of trade between the three countries (China, Egypt and Türkiye) and the Union within the meaning of Article 13(1) of the basic anti-dumping Regulation and Article 23(3) of the basic anti-subsidy Regulation.

#### *Practice to avoid the duties*

TC imported the input materials from its related companies in China and Egypt and performed (minor) further processing operations in Türkiye, before shipping the GFF to the Union.

TC was set up on 1 June 2018, about 9 months before the initiation of the original anti-dumping investigation and about 1 year before the initiation of the anti-subsidy investigation on imports of GFF against China and Egypt.

TC started production in March 2019 and started supplying its main domestic customer in June 2019. It sold during the RP domestically more than the three other co-operating Turkish producers. Since the start of its production, it has always sold more domestically, but the gap between domestic sales and export sales got smaller over the years. It only started to supply its main customer in the EU about one year later, in May 2020.

Therefore, it was demonstrated that the operation started or substantially increased since, or just prior to, the initiation of the anti-dumping investigation and that the parts concerned are from the countries subject to measures. Indeed, the investigation revealed that almost all parts, and in particular 100 % of its main input material (glass fibre rovings), used in the production of GFF were sourced from China and Egypt. The value added to the parts brought in from China and Egypt was calculated at 17%.

Even though there were other reasons to set up the company in Türkiye than the measures in place, i.e. to supply the Turkish domestic market, other elements pointed to a change in the pattern of trade in connection with the imposition of the duties. In particular, the company was established on 1 June 2018 but started to produce in March 2019. The date of the start of the production coincided with the date of the initiation of the initial anti-dumping investigation on imports of GFF from China and Egypt. The operation substantially increased since, or just prior to, the initiation of the initial anti-dumping investigation. In the investigation period TC exported to the EU more than the three other co-operating Turkish producers together. Turkiz Composite thus could export to the EU without paying anti-dumping or countervailing duties as of May 2020.

In light of all these elements, it was concluded that, while there may have been due cause or another economic justification for establishing a production site in Türkiye, other than the avoidance of the measures in place on imports from China and Egypt the change in the pattern of trade was a result of the fact that the

operation substantially increased after the original measures were imposed in order to export to the Union without payment of any duties.

#### *Undermining the remedial effect of the duties, dumping and subsidization*

The investigation revealed that the GFF imports from Türkiye entered the Union market at dumped prices. As regards subsidisation, Chinese and Egyptian exporting producers were found to benefit from a number of subsidy schemes granted by the Government of the PRC and Egypt. There was no evidence suggesting that such schemes are no longer in place. TC, as sourcing from a related company in China, benefitted from the subsidies found in China and Egypt. It was therefore concluded that the imports of GFF from Türkiye benefitted from the subsidy schemes.

The quantities of GFF that were exported into the Union from Türkiye increased significantly in absolute volumes and represented more than 5 % of the Union consumption in the investigation period. Also in terms of prices, the imports were found to undermine the remedial effect of the measures.

#### *Extension of the measures*

The investigation established that circumvention of the measures imposed against imports of GFF from China and Egypt took place through processing operations in Türkiye. Therefore, in September 2022 the existing anti-dumping and countervailing measures against imports of GFF from China were extended to Türkiye. As three of the four Turkish producers that came forward were found to be genuine Turkish producers not engaged in circumvention activities, these companies were exempted from the extended measures.

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

These investigations fall outside Article 11(3) or Article 19 of the basic Regulations and focus on the implementation of court rulings. In 2022, the Commission initiated five such investigations (2 AD and 3 AS) and concluded four other reviews by amending the measures as appropriate. A list of the cases concerned is given in Annex H. More information can be obtained from the Official Journal publications to which reference is given in that Annex.

### **3.3. Safeguard investigations**

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

Not all safeguard measures adopted by the EU constitute safeguards within the meaning of the WTO Agreement on Safeguards. Some of these measures are called ‘safeguards’ under particular regimes, such as bilateral safeguards or the safeguard investigations under the Generalised Scheme of Preferences (GSP). Bilateral safeguard measures imposed in 2019 on imports of Indica rice from Cambodia and Myanmar, under the Generalised Scheme of Preferences (GSP) expired in January 2022.

There were no new safeguard investigations initiated in 2022 although there were reviews and adjustments made to the steel safeguard measure which the Commission originally introduced in 2019.

In terms of casework, in 2022, the EU concluded review investigations of its safeguard measure on certain steel products details below.

#### *3.3.1. Details on steel safeguard reviews*

In 2022, the steel safeguard measure underwent several amendments.

First, on 15 March 2022, by Commission Implementing Regulation (EU) 2022/43421 the Commission amended the steel safeguard measure in order to cater for the import ban on steel products that the European Union had imposed on Russia<sup>22</sup> and Belarus<sup>23</sup> respectively.

In practical terms, the Commission adapted the safeguard measure as follows. In each product category where Belarus and Russia had country-specific tariff rate quotas (CSTRQs), the Commission proportionally redistributed those volumes among other exporting countries subject to the safeguard measure based on the most recent data available, namely their share of overall imports in 2021. Such data was also relevant in order to ensure sufficient supplies of steel products into the Union market, since Belarus and Russia mostly exhausted their CSTRQs in 2021. To establish the level of overall imports, the Commission did not take into account the volumes from Belarus and Russia, nor it took import volumes from countries currently excluded from the measure, as including them would reduce the proportion of all the other countries, rendering the exercise ineffective. In addition, for each product category affected the Commission established a share of imports for countries having a CSTRQ and a share of imports for countries falling under the residual quota respectively. This approach ensured a fair treatment of the different origins, allowing that Union steel users make effective use of the volumes that originally were subject to the CSTRQs attributed to Belarus and Russia, thereby avoiding any risk of potential shortage of supply in the Union market resulting from the import bans on these two countries.

Second, on 21 April 2022, by Commission Implementing Regulation (EU) 2022/66424 and following the expiry of a provision in the Economic Partnership Agreement ('EPA') between the European Union and certain countries of the Southern African Development Community, the Commission made imports of these countries subject to the steel safeguard measure as of 1 May 2022.

The Commission confirmed that, after the inclusion of imports from certain EPA countries, there had been an increase of imports, both in absolute and relative terms for the product concerned in the period considered. In fact, this increase in imports is even larger than the one established by the Commission in the Definitive Safeguard Regulation. Thus, the Commission confirmed the findings of the definitive measure that an increase in imports of the product concerned took place, and that finding was further corroborated by the supplementary analysis undertaken at the level of each of the three product families. The Commission's analysis also confirmed the findings regarding unforeseen developments of the Definitive Safeguard Regulation. Lastly, the addition of certain EPA countries' imports into the analysis in any event showed that the level of increased imports was even larger than in their absence. Therefore, the findings with regard to threat of serious injury, causation and Union interest made in the Definitive Safeguard Regulation remained valid.

By including imports from certain EPA countries under the measure, the level of TRQs for each product category and allocation of TRQs (where appropriate) needs to be revised in line with the principle of parallelism, so that the volumes of quotas available correspond to the historical volumes of imports from the countries subject to the measure. In terms of the methodology used, the Commission followed the same approach underpinning the calculation and allocation of quotas in the Definitive Safeguard Regulation, only updating the figures resulting from the addition of imports from certain EPA countries.

Regarding the allocation of quotas, and in order to determine whether any of the certain EPA countries qualified for a country-specific quota the Commission assessed, for each of these countries, whether their level of imports was least 5% of total imports in the reference period (in each product category). Only South Africa exceeded the relevant thresholds of Article 18 of Regulation (EU) 2015/478 and it would therefore not benefit from the developing country exemption. The Commission thus assessed the situation of South Africa in the three product categories where it is subject to the measure, as follows: Category 8 is administered globally. Therefore, South Africa was part of the global quota. The proportional share of its

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<sup>21</sup> Commission Implementing Regulation (EU) 2022/434 of 15 March 2022 amending Regulation (EU) 2019/159 imposing a definitive safeguard measure against imports of certain steel products (OJ L 88, 16.3.22, p. 181).

<sup>22</sup> Council Regulation (EU) 2022/428 of 15 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 87 I, 15.3.2022, p. 13).

<sup>23</sup> Council Regulation (EU) 2022/355 of 2 March 2022 amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus (OJ L 67, 2.3.2022, p. 1).

<sup>24</sup> Commission Implementing Regulation (EU) 2022/664 of 21 April 2022 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure against imports of certain steel products (OJ L 121, 22.4.22, p. 12).

historical import volumes was added to the global quota volumes in this category. For categories 9 and 10, South Africa received country-specific quotas in line with its historical import volumes.

Third, on 23 June 2022, by Commission Implementing Regulation (EU) 2022/978,<sup>25</sup> and following the third functioning review, the Commission amended some aspects of the functioning of the safeguard measure.

### *1. Globalisation of product categories 7 and 17*

In these two product categories, Ukraine was historically an important exporter (representing around 33% of total quotas in each of these categories) and it has consistently used its quotas at rather high levels. However, the Commission observed that since the unprovoked and unjustified military aggression of Russia against Ukraine, there had been virtually no imports of these two categories from Ukraine into the Union. This suggested that Ukraine was unable to produce and/or export these product categories in any meaningful volumes to the Union market. Under these circumstances, and having analysed the quota use by other exporting countries subject to the measure, the Commission considered that there would be a risk of potential shortage of supply for Union users in these categories if it did not take any action. Accordingly, the Commission globalised the administration of these TRQs.

### *2. Update of crowding out assessment*

The Commission considered, having examined the submissions received and the functioning of the measure, that the current system continued to be the most appropriate insofar as it ensured that users maximise their chances of using up the residual quota, but also that traditional trade flows in terms of origins are respected (which is equally in the interest of users). The system of allowing access to the residual quota was the rule in all product categories but four. In the functioning review, the Commission assessed whether crowding out effects had taken place. To do so the Commission, based on the same type of analysis undertaken in the second review, updated the different regimes based on the data available since then. This means that the Commission analysed import data and quota use per origin and category from 1 April 2020 until 31 March 2022. As a result, the access regimes per product category were updated.

### *3. Update of the list of developing countries subject to/excluded from the measure*

To adapt the list of developing countries subject to, and excluded from, the measure the Commission re-ran the calculations based on the most recently available consolidated import data, i.e. year 2021 import statistics. The changes were included in Annex I of Regulation (EU) 2022/664.

### *4. Increase of the level of liberalisation*

The safeguard instrument is intended to be of a temporary nature. As of 1 July 2022, the measure would enter into its fifth year of application. The objective of liberalisation (which is a legal obligation under WTO and EU rules) is to progressively allow more import competition into the market while the domestic industry is adjusting to the increased level of imports. This is to avoid a measure that would not incentivise adjustments for domestic industry while it is in place, and which would create problems of competitiveness when the domestic industry will be exposed to greater foreign competition in a post-safeguard measure scenario. With this logic in mind, the Commission considered that at that point in time (after four years of measure) a slightly higher level of liberalisation year-on-year should be envisaged in order to encourage the domestic industry to continue its adjustments, while being mindful not to undermine the effectiveness of the measure. The Commission considered that setting the yearly level of liberalisation at 4% as of 1 July 2022 was appropriate.

Fourth, on 12 January 2023, by Commission Implementing Regulation (EU) 2023/10426, the Commission implemented a report adopted by the World Trade Organization's Dispute Settlement Body ('DSB') in the dispute brought by Türkiye (European Union – Safeguard Measures on Certain Steel Products – DS595)<sup>27</sup>.

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<sup>25</sup> Commission Implementing Regulation (EU) 2022/978 of 23 June 2022 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure on imports of certain steel products (OJ L 167, 24.6.22, p.58).

<sup>26</sup> Commission Implementing Regulation (EU) 2023/104 of 12 January 2023 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure on imports of certain steel products following a report adopted by the World Trade Organization's Dispute Settlement Body (OJ L 12, 13.1.23, p.7).

<sup>27</sup> WT/DS595/R European Union – Safeguard Measures on Certain Steel Products, 29 April 2022.

In this regulation, the Commission provided with detailed explanations and reasoning on those few points where the DSB Report had found inconsistencies with WTO rules. They pertained to the increased in imports as a result of unforeseen developments, the finding of a threat of serious injury and the obligations whose effects resulted in the increase in imports. Consultations with certain WTO members took place in December 2022 before the Commission's proposal was adopted.

By means of this regulation, the Commission thus brought its safeguard measure into full conformity with WTO rules.

### **3.4. Verification activities**

Based on Articles 16 and 26 of the respective basic AD and AS Regulations, in the course of investigations, the Commission normally carries out visits to examine the records of companies or associations with the aim of verifying the information provided during the proceedings. However, because of the COVID-19 outbreak in 2020, the European Commission adapted its practice regarding verification of data by carrying out Remote Cross-Checking (RCC) process by videoconference. The Commission had published a Notice<sup>28</sup> on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations in 2020. In 2022 the Commission increased its pre-pandemic methods of working as regards verification visits as travel restrictions were reduced.

In 2022, the Commission verified data from 178 companies. Of these, 129 involved on-spot visits while data from 49 companies was verified by remote crosschecking. This is a significant change from 2021 where there were only 12 on-spot visits, signalling a welcome return to pre-pandemic practice. Verification visits took place at 88 companies within the EU and at 41 companies in third countries. Remote cross checking was still done for 28 companies within the EU and 21 outside.

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

During 2022, the Commission continued to ensure that measures imposed were effective and not undermined by practices by economic operators designed to evade duties. In this context, there was continued cooperation between the TDI services and enforcement-oriented services (OLAF, DG TAXUD and customs authorities in Member States).

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

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

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

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

Monitoring of undertakings forms part of the enforcement activities, given that undertakings are a form of AD or AS measures. The Commission accepts such undertakings if it is satisfied that they can effectively eliminate the injurious effects of dumping or subsidisation.

During 2022, 10 price undertakings in force were scrutinised which showed that the exporting producers were complying in full. Any undertakings offered in investigations concluded in 2022 were not accepted as the Commission considered they were not enforceable and unworkable and would not therefore eliminate injurious dumping. No offer was rejected on the grounds of inadequate social and environmental standards in the exporting country. More information is available in Annexes M and Q.

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<sup>28</sup> OJ C 86, 16.3.2020, p.6

### **4.3. OLAF activity**

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

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

The Commission and OLAF react whenever they have indications of any of the above practices. These manifest themselves through 1/ subsequent to the imposition of measures, a significant decrease in imports from the country concerned into the EU could be noted, which was entirely or partially offset by an increase in imports of: products from another third country, or products classified under a product code outside measures, or parts of the product which are not subject to measures; 2/ subsequent to the imposition of measures, imports from the country concerned into the EU were coming from a company with a low or a zero duty at the expense of imports from a company with a higher duty; or 3/ where a low amount of duties was collected by Member States' customs authorities.

When the Commission receives complaints from Union industry regarding the circumvention of measures, it informs OLAF. The Commission stayed also in regular contact on these matters with Member States' customs authorities. In 2022 investigations into alleged improprieties by Union based companies benefitting from exemptions from the duties applicable to certain bicycle parts were completed by the Commission. However, given that investigations by OLAF into the practices above are confidential no further information can be given. OLAF publishes an annual report presenting its activities of the previous year, as well as statistics of its investigative performance and examples of cases.

## **5. REFUNDS**

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

63 new refund requests were submitted during 2022. At the end of that year, 5 refund investigations were still on-going, covering 78 requests. Moreover, the Commission adopted 11 Implementing Decisions granting partial refund requests and 4 Implementing Decisions rejecting refund requests. More details on these decisions and on the status of refund investigations can be found here.

More details on these decisions and on the status of refund investigations can be found at:  
[http://trade.ec.europa.eu/tdi/refunds.cfm?sta=1&en=20&page=1&c\\_order=number&c\\_order\\_dir=Down](http://trade.ec.europa.eu/tdi/refunds.cfm?sta=1&en=20&page=1&c_order=number&c_order_dir=Down)

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

Explaining the legislation and practice of the EU's trade defence activity and exchanging views on third country practices continues to be an important part of the work of the TDI services.

The eighth meeting of the Working group with Korea on Trade remedy measures was held on line on 19 May 2022. The meeting was co-chaired by the Director of the Trade Remedy Policy Division and the Director of the Trade Legal Affairs and Planning Division for the Republic Korea, and on the EU side by the Head of Unit for Relations with third countries for trade defence matters at the European Commission Directorate-General for Trade. The parties had a fruitful exchange regarding developments in their respective TDI legislation and practice and discussed topics of particular interest such as safeguard policy, anti-subsidy investigations or the challenges of the post-Covid trading environment.

In November 2022, The Commission participated in both open and closed sessions of the Trade Remedy Webinar 2022 hosted by the Ministry of Economy, Trade and Industry (METI), Japan. There were participants from other investigating authorities including Australia, Brazil, India, Japan, USA, as well as

experts from the WTO Secretariat. The topics covered included recent trends in trade defence, issues relating to circumvention, as well as standards for complaints particularly for anti-subsidy investigations.

During 2022, there were meetings held with business representative organisations such as Business Europe, AEGIS Europe and other sector specific representative organisations to exchange views on trade defence related matters. There was also a presentation on trade defence made in the context of Civil Society Dialogue.

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

### **7.1. Overview of the judicial reviews in 2022**

In 2022, the General Court (GC) and the Court of Justice (CJ) rendered 44 judgments and orders in TDI cases. The GC handed down 35 rulings whereas the CJ decided on nine appeals. 16 new TDI cases were lodged in 2022 - 9 before the GC and 5 appeals and 2 requests for a preliminary ruling before the CJ.

### **7.2. Cases pending**

At the end of 2022, 27 cases were pending before the GC and 11 before the CJ. A list of the cases is given in Annex S.

### **7.3. New cases**

In 2022, 16 new court cases were lodged in the field of trade defence. Nine of these were lodged before the GC with five appeals and two requests for preliminary ruling before the CJ.

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

#### *7.4.1 Court decisions concerning implementation of judgements*

In 2022 the European Courts delivered several judgements clarifying the applicable rules for the implementation of court judgements. In particular, the courts confirmed that when a regulation imposing anti-dumping duties has been annulled as far as the applicant is concerned and as long as the irregularity which led to the annulment did not render unlawful the entire proceeding, the Commission can reopen the investigation, cure the errors and reimpose the duties as of the entry into force of the annulled regulation. In *T-479/20 Eurobolt*, the General Court clarified that procedural infringements<sup>29</sup> are no exception and can be remedied by resuming the proceeding as long as the irregularity found has not vitiated the entire proceeding. Furthermore, the principle of non-retroactivity does not prevent the re-imposition of duties on imports that were made during the period of application of the regulation which was declared invalid. Moreover, the Commission was entitled to prohibit the customs authorities from repaying the anti-dumping duties paid on the basis of a regulation declared invalid and to order them to collect the repayments. In *C-507/21P Puma*, the European Court of Justice confirmed that the three-year limitation rule contained in the Customs Code<sup>30</sup> for the collection of customs liabilities cannot prevent the adoption by the Commission of a regulation imposing or reimposing anti-dumping duties. Following the ECJ judgement in this case, several other actions against the same regulation were withdrawn.

In *T-687/20 Jindal Meide*, the General Court confirmed that the Commission was entitled to register the imports during the re-opening investigation. The General Court clarified that the registration of imports is not limited only to the situations explicitly referred to in the basic regulation. The registration in case of re-opening following a judgment as in the present case is justified since it is based on the need to ensure the effectiveness of trade defence measures and, to that end, to ensure, as far as possible, that imports are subject to the correct amount of definitive anti-dumping duty, without interruption, from the date of entry into force of the initial regulation until the reimposition of the corrected duty, where appropriate. In *Jinan Meide*, the General Court clarified that any previous practice on the part of the Commission according to which unlawfully imposed duties had to be repaid in full cannot constitute a source of legitimate expectations, since it does not constitute precise, unconditional and consistent assurances in relation to the applicants' specific

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<sup>29</sup> The reason entailing the invalidity of the regulation in Eurobolt case was that the Commission failed to send a document to the Anti-dumping committee in time thereby breaching essential procedural requirements set in Article 15(2) of the basic regulation valid at the time.

<sup>30</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1)

situation. Furthermore, the lawfulness of the imposition per se of definitive anti-dumping duties by a regulation cannot be called into question by reference to the principle of proportionality.

#### *7.4.2 Judgements rendered by the General Court and the Court of Justice regarding price effects analysis in the injury assessment*

The European Courts delivered the judgment in seven cases (five judgements) dealing with several aspects of the price effects analysis, in particular undercutting, as well as the underselling. The Courts confirmed that it is within the Commission's discretion to decide the point for the comparison between the export price and EU prices and, therefore, it may apply Article 2(9) of the basic anti-dumping regulation by analogy in order to get a reliable export price at the EU border. Yet, the Commission must ensure that the prices of the sampled Union producers are established at an equivalent level (fairness). Article 2(9) provides that, for the purpose of the dumping calculation, when sales are done indirectly using a related importer, the export price may be constructed based on the price at which the imported product is (re)sold to the first independent customer. In practice this means that the actual related importer's SG&A and a notional profit will be deducted from the price to the first independent customer to arrive at the export price at the point of importation. This price then is compared to the exporting producer's normal value. The European Courts found in these recent judgements that the Commission may conduct the same "adjustment" when comparing the export price to the Union producers' price when conducting its price analysis, in particular the undercutting and/or underselling. This was a very important conclusion, which confirmed the legality of this longstanding Commission's practice, bringing certainty to all interested parties. The judgments also reinforce the importance of the Commission's practice of conducting its price effect analysis using multiple methodologies for complex factual situations, whose conclusions can be mutually confirmed and supported.

In the joined Cases *T-30/19 CRIA and CCCMC* (anti-dumping) and *T-72/19 CRIA and CCCMC* (anti-subsidy), regarding fairness in the calculation of the undercutting, the General Court found that the Commission conducted an unfair comparison when it made an adjustment to the export price - the so-called 2(9) adjustment by analogy mentioned above - when sales were made through a related trader. The Court noted that part of the Union producers' sales was also made via related entities, and their sales prices were not adjusted. The Court found that the errors had an impact on the overall injury and causality findings and, therefore, the regulation had to be completely annulled.

Similarly, the General Court annulled both the anti-dumping and anti-subsidy regulations imposing measures against imports of electric bicycles (e-bikes) from China in Cases *T-242/19 Giant* (anti-dumping) and *T-243/19 Giant* (anti-subsidy). The General Court agreed with the applicant, who claimed that the 2(9) adjustment by analogy changed the level of trade of its export sales, which resulted in the comparison of its export price at the level of an importer (distributor) while the Union prices were at retailers' level. This in turn led to an unfair comparison (as the same adjustment was not made on the sales of Union producers). Because of the importance the Commission attached to the existence of price undercutting in its causation analysis, the Court found that the error in the calculation of price undercutting was sufficient to invalidate the Commission's analysis of the causal link, existence of which is an essential element for the imposition of measures.

The judgements of both tyres and e-bikes are currently being implemented by the Commission.

In Case *C-260/20 P Hansol*, the Court of Justice found that, contrary to the General Court decision in first instance, the Commission might apply Article 2(9) of the basic Regulation by analogy to identify the import price for the purpose of the undercutting calculations. That means that, instead of taking the resales prices charged by related importers for comparison with the Union industry prices, the Commission may use a constructed import price corresponding to the resales prices minus SGA and profit of the related importer (similarly to what is done for the determination of the export price for the dumping calculation).

Finally, in the judgements in Cases *T-744/19 Methanol Holdings* and *T-865/19 Nevinnomysky "Azot" and NAK "Azot"*, the General Court endorsed the Commission's approach in its (multiple) price effects analysis. The Commission, taking into account the existing jurisprudence, calculated the undercutting using several methodologies, all of which confirmed the existence of undercutting. These calculations were also supplemented by a price depression/suppression analysis. The General Court found that regardless the methodology the Commission demonstrated that dumped imports had a negative price effect on the Union industry's prices. Both judgements have been appealed and the cases (*C-688/22 P* and *C-725/22 P*) are still pending.

#### 7.4.3 Judgements and orders rendered by the General Court regarding admissibility of actions brought by unrelated importers and their associations

In 2022, the General Court rendered several important decisions clarifying the rules on admissibility of direct actions brought by unrelated importers and their associations seeking annulment of regulations imposing anti-dumping duties. For these categories of applicants, the threshold to have access to a direct action remains high. In *T-788/21 TDK Foil Italy SpA* the General Court noted that the finding of inadmissibility is consistent with the system of remedies provided for by EU law, since importers may, under the rules of national law, contest before the national courts individual measures taken by the national authorities in application of an anti-dumping regulation. Thus, the main route available to them remains preliminary rulings. Some of these decisions are currently under appeal.

According to the jurisprudence, importers may have standing to bring proceedings against regulations imposing anti-dumping measures either if the regulation does not entail further implementing measures or if it is of direct and individual concern to the importer.

Both in *T-328/21 Airoidi Metalli SpA v European Commission* and in *T-1/22 Airoidi Metalli SpA v Commission*, the General Court concluded that the a regulation imposing anti-dumping duties entails implementing measures with regard to the applicant (importer), because it can have effect only after the importer makes a customs declaration which is itself necessarily followed by a measure adopted by the national customs authorities. Even where the national authorities' involvement is limited to an electronic communication, the fact remains that a measure is adopted by those authorities. The absence of control of the applicant's goods and the national authorities' lack of discretion is irrelevant.

Whereas direct concern of importers is normally not problematic, in case *T-769/21, European Association of Non-Integrated Metal Importers* the Court found that an association of importers cannot be directly concerned by a regulation imposing anti-dumping duties. The imposition of anti-dumping duties has not altered the association's legal position individually since, in particular, it did not impose any obligation on the association, given that that association is not required to pay that duty individually.

As to the individual concern, in all cases decided last year the Court concluded after examination of the applicants' situations that they were not individually concerned by the anti-dumping measures as these do not affect them by reason of certain attributes which are peculiar to them nor by reason of circumstances in which it is differentiated from all other persons. In the light of the settled case-law, in order to be regarded as individually concerned an unrelated importer would have to put forward evidence to show that its imports are significantly affected by the contested regulation to the point of distinguishing it from other importers of the product concerned.

In *T-328/21 Airoidi Metalli SpA v European Commission* the General Court recalled that importers may have access to a direct action under certain circumstances that is when they show that due to particular circumstances, such as their association with the exporting producers, their data form the basis either for the finding that dumping has taken place or for the calculation of the anti-dumping duty itself, so as to distinguish them. However, to be legally relevant for the determination of individual concern such association would have to presuppose the existence of an arrangement between the importer and the exporter concerned such as to enable the associated importer to influence the export price. In this case Airoidi could not be considered as associated to an exporter from whom it allegedly imported 53% of its business because it did not allege or demonstrate that it could influence the export price.

Furthermore, in several cases the Court reiterated that the applicant's participation in the investigation is not sufficient to justify its individual concern. The same applies to the reference in a regulation imposing anti-dumping duties. Nor is it sufficient that the applicant's participation may be considered to have affected the outcome of proceedings, because such an effect would not reflect

attributes which are peculiar to the applicant. For example, in *T-328/21 Airoidi Metalli SpA v European Commission* the applicant claimed that its participation have affected the outcome of the proceeding as regards the determination of the product concerned and the fact that the effects of Brexit were taken into account. Similarly, in *T-788/21 TDK Foil Italy SpA* the fact that, subsequent to the adoption of the provisional regulation, the applicant, like many other parties, challenged the definition of the product concerned in the procedure that led to the adoption of the contested regulation, and the fact that it had claimed, in that regard, that the raw aluminium foil should be excluded from the scope of the anti-dumping duty, do not support the conclusion that the contested regulation is of individual concern to the applicant. Although the Commission responded, in the contested regulation, to the applicant's arguments concerning the definition of the product concerned, it was in the interest of a more comprehensive statement of reasons for the contested regulation and not due to a particular quality of the applicant. If the Commission had decided to exclude the raw aluminium foil from the definition of the product concerned, that exclusion would indeed have benefited any producer-exporter from the People's Republic of China or importer of that foil into the European Union.

To the contrary, what could be of importance for the existence of the individual concern, is if the applicant can be considered as the largest importer. Another possibility would be if the importer proved that the data relating to its commercial activities were taken into account for calculating anti-dumping duties. However, this was not the case for any of the applicants whose actions the Court rejected last year. For example in *T-1/22 Airoidi Metalli SpA v Commission* the applicant claimed that 53% of its business depended on the exports covered by the contested regulation. The General Court noted that, even if the dependence alleged and the highly damaging impact of the contested regulation on the applicant's business were proved, the applicant did not claim, still less prove, that that situation is sufficient to differentiate it from all other operators importing the product concerned. In particular, the possibility that other importers might import quantities comparable to, or even greater than, those of the applicant or are just as concerned as, or more concerned than, the applicant is in no way ruled out. Therefore, the Court concluded that the applicant's action is inadmissible.

#### *7.4.4 Judgements rendered by the General Court on Anti-subsidy measures on Biodiesel from Indonesia*

*Cases T-111/20 PT Wilmar Bioenergi Indonesia & Others; T-138/20 PT Ciliandra Perkasa; and T-143/20 PT Pelita Agung Agrindustri and PT Permata Hijau Palm Oleo*

On 14 December 2022, the General Court dismissed the actions brought by several exporting producers of biodiesel in Indonesia, seeking the annulment of Commission Implementing Regulation (EU) 2019/2092 of 28 November 2019 imposing a definitive countervailing duty on imports of biodiesel originating in Indonesia.

In dismissing their action, the General Court clarified the scope of several concepts in the Basic Anti-subsidy; in particular the concept of financial contributions by a government within the meaning of Article 3(1)(a)(i). The General Court also clarified the analysis of price undercutting of imports subject to anti-subsidy investigations. In addition, it examined the impact of imports of biodiesel from Argentina on the causal link between imports of biodiesel originating in Indonesia and the threat of material injury to Union industry.

The General Court rejected the allegations made by the complainants concerning the payments made by the Oil Palm Plantation Fund, a public body, to Indonesian biodiesel producers. According to the findings of the Commission, the payments constituted a 'financial contribution' by a government in the form of a direct transfer of funds, in accordance with Article 3(1)(a)(i) of the Basic Anti-Subsidy Regulation. The General Court confirmed that the disbursements by the Oil Palm Plantation Fund constituted a subsidy irrespective of the origin of the funds and how they were collected. Furthermore, the General Court established that the concept of 'financial

contribution by a government’ within the meaning of that provision contains no details as to the origin of the funds transferred and thus covers all the financial means a government may actually use.

In addition, the General Court also confirmed that the government of Indonesia “entrusted” or “directed” the producers of crude palm oil (‘CPO’, a raw material for producing biodiesel) to supply it for less than adequate remuneration in order to benefit the exporting producers who process the CPO into biodiesel. The Government of Indonesia achieved this objective by means of a system comprising a variable rate export tax, an export levy and a price-setting mechanism. In that regard, the General Court clarified that ‘entrusting’ must be understood as including any action of the government which amounts, directly or indirectly, to conferring on a private body the responsibility of performing a function of the type referred to in Article 3(1)(a)(i) to (iii) of the Basic Anti-subsidy Regulation, and ‘directing’ must be understood as including any act of the government which consists, directly or indirectly, in exercising its powers over a private body so that that body performs such a function. That was the situation in the present case, since the export restrictions at issue had been designed by the government with the express aim of benefiting the Indonesian biodiesel industry by keeping domestic CPO prices artificially low.

Concerning the question whether there had been significant price undercutting by the imports of biodiesel from Indonesia as compared with the price of biodiesel originating in the European Union, the General Court rejected the arguments provided by the applicants. In particular, the applicants claimed an obligation on the part of the Commission to establish undercutting for the ‘product under consideration’ as a whole based on an application by analogy of the conclusions drawn from the judgment of 5 April 2017, *Changshu City Standard Parts Factory and Ningbo Jinding Fastener v Council (C-376/15 P and C-377/15 P, EU:C:2017:269, paragraph 60)*. The General Court noted that the conclusions drawn from that judgment, which concerns the determination of the dumping margin, are not applicable to the analysis of the impact of dumped or subsidised imports on Union industry prices. The General Court clarified that there is a fundamental difference between the determination of the dumping margin and the analysis, for the purposes of determining injury, of the impact of the dumped imports on the Union industry prices due to the fact that that analysis entails a comparison of sales not of the same undertaking, as is the case with the determination of the dumping margin which is calculated on the basis of the data of the exporting producer concerned, but of several undertakings, namely the sampled exporting producers and the undertakings forming part of Union industry included in the sample. The General Court concluded that the applicants failed to establish that the Commission’s analysis was flawed.

The applicants also alleged that the Commission erred in finding that there was a threat of material injury to the Union industry, inasmuch as it concluded that there was a causal link between the imports from Indonesia and the threat of material injury to the Union industry, without taking into account the impact of imports of biodiesel originating in Argentina. The General Court rejected the arguments of the complainants and clarified that the persistence of a threat of injury linked to imports of biodiesel from Argentina does not preclude the existence of another threat of injury caused by imports of biodiesel from Indonesia. Furthermore, since the imports from Argentina had already been the subject of countervailing measures, they were not capable of breaking the causal link between imports from Indonesia and the threat of injury to the Union industry. The General Court therefore confirmed the Commission’s conclusion that, during the investigation period, imports from Indonesia had constituted a threat of material injury to the Union industry, in accordance with Article 8(8) of the Basic Anti-Subsidy Regulation.

#### *7.4.5 Other selected judgements rendered by the General Court*

##### *T-586/14 RENV II Xinyi PV Products (Anhui) Holdings Ltd*

In 2014 the Commission by Implementing Regulation (EU) No 470/2014 imposed a definitive anti-dumping duty on imports of solar glass originating in China. This regulation was attacked in Court

and was the basis of the following litigation which is important because while referring to the previous regime applicable to non-market economies, the Court of Justice's interpretation of the notion of "*significant distortion*" is also relevant in the context of the application of the Significant Distortions Dumping Methodology adopted in 2017.

In a first judgement in this case of 16 March 2016, the General Court decided that the Commission has wrongly denied Market Economy Treatment (MET) to the company Xinyi and annulled regulation No 470/2014. The Commission has successfully appealed this judgement and on 28 February 2018 the Court of Justice in case C-301/16P held that the General Court erred in law and that the Commission was entitled to presume that the tax incentives, implementing five year plans, and received by Xinyi had been "*carried over from the former non-market economy system*" and was right to refuse on that basis MET to that company. The case was then referred back to the General Court to decide on the remaining pleas raised by Xinyi in the first instance. By a judgement of 24 September 2019 in case T-586/14 RENV, the General Court considered that distortions carried over from the former non-market economy system are not sufficient to refuse an MET claim and the Commission should also determine whether those distortions are "*significant*". The General Court annulled again Regulation 470/2014. After a successful appeal of the Commission and by a second judgement of the Court of Justice of 2 December 2021 in joined cases C-884/19P and C-888/19P this decision of the General Court was set aside. The Court of Justice noted that "*Even supposing that, from now on, the Chinese five-year plans no longer lay down, for all sectors of the economy, defined production objectives, contrary to what was the case when China was still a State-trading country, it is nevertheless well known that those plans still play, even after the reforms which the Chinese economic system has known, a fundamental role in the organisation of that economy, in so far as they contain, for a great number of sectors, precise objectives which are binding on all levels of government*". The case was again referred back to the General Court for a ruling on the claims that had not been addressed in first instance.

On 14 December 2022, in case *T-586/14 RENV II*, the General Court dismissed the action brought by Xinyi PV Products (Anhui) Holdings Ltd (the applicant) seeking the annulment of Commission Implementing Regulation (EU) No 470/2014.

The General Court looked at the three remaining pleas after the first plea had been rejected by the Court of Justice on appeal and the case was sent back to the lower court.

Two of the pleas concerned the legality of adjustments made to the export price and Articles 2(9) and (10) of the basic Regulation. The General Court concluded that the adjustment to the export price had been made under Article 2(10) of the basic regulation. Then, it found that it was apparent from both the wording and the scheme of Article 2(10) that an adjustment to the export price or the normal value may be made only to take account of differences in factors that affect the prices and therefore their comparability.

Article 2(10)(i) of the basic Regulation is related to adjustments made for differences in commissions paid for sales. The "commissions" include the mark-up received by a trader of the product if the functions of such a trader are similar to those of an agent working on a commission basis. The Court found that it is not necessary for the purposes of Article 2(10)(i) for there to be an actual agency contract. Rather, it is necessary, from an economic standpoint, that duties 'similar to those of an agent working on a commission basis' are carried out, which was the case here.

By its last plea, the applicant claimed that by failing to disclose to it, or even to its lawyers, information used to calculate the injury margin, the normal value and price comparability because this information contained confidential data, the Commission did not allow it to verify the accuracy of the methodology and of the calculations and as a consequence breached the applicant's rights of defence and failed to fulfil its obligation to state reasons for the contested regulation.

Concerning rights of defence and in particular the access to confidential documents, the Court stated the Commission's duty to supply information in order to respect the rights of defence had to

be reconciled with the prohibition on disclosing confidential information flowing from Article 19 of the basic Regulation. The decision whether it is appropriate to disclose confidential information is made on a case-by-case basis, taking into account all the relevant factors in the case. The General Court looked at each instance where the applicant felt it had not been given sufficient information and concluded that the Commission had struck the right balance between confidentiality and right of defence - for example, in the form of summaries and ranges, or that the information in the open file showed that the Commission had in its possession sufficient technical information to support its findings.

Interestingly, the General Court noted that the applicant had not requested the intervention of the Hearing Officer, even though the Commission had informed the applicant that it could address itself to the Hearing Officer in relation to all the issues relating to rights of defence generally and access to the file in particular.

With regard to the insufficient statement of reasons, since, for reasons of confidentiality, the Commission was entitled not to disclose certain individual data, the details on which it based its decision were not, of themselves, such as to prevent the applicant from understanding the reasons why the Commission imposed an anti-dumping duty.

#### *T-144/20 Guangxi Xin Fu Yuan*

On 8 June 2022, the General Court dismissed the action brought by Guangxi Xin Fu Yuan, a Chinese exporting producer of ceramic tableware, seeking the annulment of Commission Implementing Regulation (EU) 2019/2131 of 28 November 2019 amending Commission Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China following an anti-circumvention investigation.

The applicant was one of over 400 cooperating producers in the original investigation that led to the imposition of anti-dumping duties on tableware and kitchenware from China in 2013. The Commission opened an anti-circumvention investigation in 2018 focusing on 50 of the cooperating companies/TARIC codes, which had inter alia shown a triple increase in their exports. Those companies were suspected of exporting the production of companies, which had not cooperated in the original investigation and are hence subject to higher duties ("channelling"). Although the applicant was not among the 50 companies listed in the annex to regulation initiating in the anti-circumvention investigation its preferential cooperating duty was revoked by the contested regulation because it was found to be related to two of the 50 companies for which a finding of channelling had been made and its own exports had increased.

The General Court rejected all pleas brought forward by the applicant.

In particular, the General Court ruled that the Commission did not fail to comply with its procedural obligations when initiating the anti-circumvention without notifying the applicant. The GC first clarified that Article 5(10) and (11) BADR which govern procedure for initiation applied by analogy to initiation of anti-circumvention investigations. Article 5(11) BADR requires the Commission to advise all exporters known to it to be concerned of the initiation. However, the Court recognised specificities of anti-circumvention investigations which examine specific practices, listed in Article 13 BADR and may not involve a country as a whole but target known companies suspected of participating therein. Therefore, the General Court concluded that the fact that the Commission did not notify other companies of the notice of initiation in a particular way and that it also did not confine its anti-circumvention investigation to the 50 companies mentioned in the list in the annex to the initiating regulation cannot be regarded as an infringement of Article 5(11) BADR. Also, the General Court stressed that having to confine the anti-circumvention investigation to the 50 companies mentioned in the list annexes to the initiating regulation would have undermined the purpose of the anti-circumvention investigation.

Finally, the General Court rejected applicant's claims that its rights of defence were breached and concluded that the Applicant could not be unaware that, although it was not one of the companies whose TARIC additional codes were mentioned in the annex to the initiating regulation, it was, at the very least, an interested party and could take part in the investigation provided that it made itself known to the Commission in time.

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

This section describes the main developments and trends in the area of third country actions in 2022 (see also the Annual Report, as well as annex U (A - F) below for detailed figures).

The most frequent users of the trade defence instrument against EU exports remain the United States with 38 measures in force, China, and Türkiye with 18, followed by Brazil with 11, as well as Canada and Indonesia with 9 measures in force. Completing the list of regular users of trade defence instruments are Australia, India, and South Africa, as each had 7 measures in place affecting EU exports.

The following section sets out trends from some of the main users along with details of important cases.

### **United States**

#### *Overall trends*

In 2022, the US launched one new trade defence investigation affecting EU exports. This confirms the slowdown in the trend of new investigations in 2021 where only two investigations were initiated (as opposed to eight investigations in 2020). One investigation was terminated (acrylonitrile-butadiene rubber) without any measures imposed.

At the end of 2022, the US had 38 measures in force affecting EU imports (31 AD, 5 AS and 2 SFG). In the course of 2022, no new measures were imposed.

#### *Main cases*

##### *Preserved mushrooms AD*

This investigation was initiated on 31 March 2022. It concerns imports of preserved mushrooms from Spain, France, the Netherlands and Poland. The Commission has been very active in this investigation in support of the exporters concerned. Despite the EU's intervention, the final weighted average dumping margins proposed on 28 November 2022 for French producers were very high, ranging between 224,68 and 360,88% ad valorem. The International Trade Commission (ITC) final determination on 12 January 2023 confirmed the proposed level of duties for France. The final determination for the remaining three countries is expected in March 2023 by the Department of Commerce (DOC) and May 2023 by the ITC.

##### *Acrylonitrile-butadiene rubber AD*

On 27 July 2021, the US authorities initiated an antidumping investigation on imports of acrylonitrile-butadiene rubber from France, South Korea and Mexico. The economic interest in this case is EUR 37 million. The Commission has actively monitored the case. On 24 June 2022, the US Department of Commerce determined a dumping margin of 81.86%. However, on 11 July 2022, the US International Trade Commission determined that imports of AB rubber from these countries did not injure the US industry. The investigation was terminated without any measure imposed.

##### *Ripe olives AD and AS*

On 11 October 2022, the US DOC launched the fourth administrative review of the AS duties against ripe olives from Spain, while the third administrative review is still ongoing (final report expected in March 2023). The US initially imposed the AS (up to 27 %) and AD measures (up to 25.5%) on 1 August 2018 and they have been in force since then.

The EU economic interest, before the imposition of measures, was EUR 67 million. The AS measures target support measures under the EU Common Agricultural Policy (CAP), which the EU considers as “green box”,

i.e. they comply with the WTO Agreement on Agriculture. The Commission challenged these duties before the WTO and on 20 December 2021, the WTO Dispute Settlement Body adopted the final panel report declaring these duties inconsistent with WTO rules. Despite the favourable panel report, measures remain in place. In July 2022, the US started a procedure for implementing the WTO Panel ruling. The agreed period to implement the WTO ruling has expired on 14 January 2023.

## **China**

### *Overall trends*

In 2022, China's Trade defence activity towards the EU continued to be rather limited. The total number of measures in force against the EU at the end of 2022 was 18 (17 AD, 1 AS), one less than in 2021. China did not initiate any new investigations in 2022 or impose any new measures. One AD measure (Caprolactam) expired on 22 October 2022.

### *Main cases*

#### *Potato starch AS*

In September 2022, China initiated a second expiry review of the AS measures regarding imports of potato starch from the EU. The initial measures were imposed in 2011 and extended a first time in 2017. The Commission participated in the pre-initiation consultations and filed a written submission, arguing that following the reform of the EU's common agricultural policy (CAP) the subsidies subject to the measure are not specific, not actionable and fully compliant with the WTO Agreement on Agriculture and the WTO Agreement on Subsidies and Countervailing Measures. The Commission will continue to intervene as appropriate during the ongoing investigation.

## **Türkiye**

### *Overall trends*

At the end of 2022, Türkiye had 18 measures in force that affected the EU (12 AD and 6 SFG). No new investigation was initiated, which in comparison with 4 initiations in 2021 and 4 initiations in 2020, shows a considerable decline. There were 2 new AD measures (AC PU leather and hot rolled steel) and 1 new SFG measure imposed in 2022 (grinding balls).

### *Main cases*

#### *Hot rolled steel AD*

This investigation was initiated in January 2021, very soon after the imposition of measures by the EU on the same product. The Commission intervened on several occasions in close cooperation with the EU industry. The investigation was extended in December 2021 and finally concluded on 7 July 2022. The ad valorem duties imposed range between 7 and 12,8% on several EU companies. Economic interest around EUR 820 million.

#### *PU leather AC*

This investigation concerning the exports of PU leather from Greece was initiated in March 2021. The Commission intervened on several occasions. The investigation was concluded on 15 June 2022 and measures in the form of specific duties ranging between 1 and 2,2 USD/kg depending on the code were extended to Greece.

#### *Grinding balls SFG*

This investigation was initiated in October 2021. The Commission intervened on several occasions in support of EU businesses and Member States concerned (Germany, Spain, France, Netherlands, Bulgaria). The investigation was concluded on 27 July 2022 with the imposition of specific duties (1st year: 200 USD/T 2nd: 195 USD/T 3rd: 190 USD/T). Economic interest EUR 1 million.

## **Brazil**

### Overall trends

Despite the steady decline in the number of measures since 2019, Brazil remains one of the regular users of TDI against the EU. At the end of 2022, there were 11 AD measures in force against EU exports (one less than in 2021). No new investigation was initiated (one in 2021), however one new anti-dumping duty was imposed in 2022 (ethylene glycol monobutyl ether).

## **Canada**

### Overall trends

In 2022, the number of measures in force has decreased, nevertheless, Canada remains one of the significant users of TDI against the EU. At the end of 2022, Canada had 9 measures in force (8 AD, 1 AS) three less than in 2021. Canada did not initiate any new investigation and has not imposed any new measures in 2022. However, Canada has initiated one expiry review on imports of rebars from Spain and Portugal and notified its intention to initiate a review concerning imports of fabricated industrial steel components (FISC) from, inter alia, Spain. The Commission has successfully argued against the initiation of this expiry review and the measures expired as scheduled in May 2022.

### *Interim review investigation on refined sugar AD and AS*

On 6 August 2021, Canada initiated a combined AD (DE, NL, UK, BE) and AS (EU) re-investigation to recalculate subsidy amounts and dumping duties applied to imports of refined sugar from the EU. Measures are in place since 1995 and EU exports since the imposition of measures were very low (EUR 3 million in 2019).

The result of the re-investigation was positive. Thanks to the intervention of the Commission (DG AGRI, TRADE and COMP) and most of the sugar producing Member States, it was demonstrated that there had been significant changes in the EU sugar market following the end of the EU sugar regime in 2017. Therefore, on 30 March 2022, Canada lowered the AS duty to 3,97 EUR/100 kg, thus reflecting more accurately the current low level of subsidisation. This amounts to an AS duty of around 9,5% (as compared to 58% previously, based on the December 2021 EU sugar price). Moreover, Canada confirmed its determination of the previous re-investigation of 2014 that CAP decoupled direct payments are not specific and not actionable.

## **Indonesia**

### Overall trends

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

At the end of 2022, the number of measures imposed by Indonesia decreased to 9 from to 11 in 2021. However, Indonesia is increasingly imposing safeguard measures for a longer period and routinely extend them. Against this backdrop, Indonesia initiated 4 safeguard reviews in 2022 on imports of curtains (including drapes), evaporators, fabrics and yarn (other than sewing thread) with a total EU economic interest of approximately EUR 18 million. Shortly after these initiations, the Indonesian Safeguard Committee (KPPI) also issued recommendations for the extension of measures in all four cases, though the Ministry of Finance has not yet officially prolonged the measures. In comparison, in 2021 Indonesia initiated two safeguard reviews (ceramic tiles and other alloy steel). In both cases, the measures were extended.

## **Australia**

### Overall trends

Australia has been increasing the use of trade defence instruments against the EU since 2013 and currently has 7 AD measures in place, compared to 6 in 2021.

In 2022, the Australian Anti-dumping Commission initiated one expiry review investigation on imports of steel reinforcing bars exported from Greece and Spain as well as one new AD investigation concerning ammonium nitrate exported from Lithuania, Chile and Vietnam.

### Main cases

#### *Ammonium nitrate AD*

The investigation, which was initiated on 8 June 2022, had a direct impact on one of the biggest EU producers of fertilizers located in Lithuania. Therefore, the Lithuanian Ministry of Foreign Affairs requested an intervention at Commission level to defend the EU industry. The Commission submitted written arguments immediately following the initiation.

The investigation is still ongoing after the Australian investigating authority extended the due date for publishing the Essential Facts and Final Report twice. The Commission intends to intervene as appropriate in all further steps.

## **India**

### Overall trends

The total number of trade defence measures against the EU by India, has been steadily declining since 2019. In 2022, India had 7 measures in force on imports from the EU (compared to 12 in 2021 and 18 in 2019) with no new measures imposed in 2022. Even though India terminated four AD investigations in 2022, namely on imports of colour coated, pre-painted flat products of alloy or non-alloy steel, melamine, certain rubber chemicals (TDQ, SBS) and styrene butadiene rubber (total EU economic interest of almost EUR 90 million), it remains one of the notable users of the TDI against the EU.

India initiated one safeguard (PVC suspension resins), one new AD investigation (vitamin A palmitate) and one expiry review (styrene butadiene rubber) last year, compared to two new investigations in 2021.

### Main cases

#### *Expiry review investigation on styrene butadiene rubber (SBR) AD*

On 2 February 2022, the Indian authorities initiated a sunset review investigation on imports of styrene butadiene rubber (SBR) originating in or exported from the EU, Korea RP and Thailand (economic interest around EUR 47 million). The Commission intervened in the case from the beginning and has filed a written submission and participated in a public hearing. The Indian investigating authority recommended the continuance of the anti-dumping duty on 29 July 2022; however, on 3 November 2022, the Ministry of Finance decided not to accept the recommendations made by the Designated Authority and has terminated the investigation without imposing any measure.

#### *Expiry review investigation on colour-coated, pre-painted flat products of alloy or non-alloy steel AD*

India imposed anti-dumping duties on imports of colour-coated steel from the EU and China in 2017 and initiated an expiry review on 26 June 2021 (economic interest around EUR 21 million). The Commission intervened strongly since the initiation. Despite strong arguments against the extension of the anti-dumping duties, reiterated during the public hearing, the Indian investigating authority recommended the continuance of measures. However, on 13 January 2022, the Ministry of Finance issued the official notification terminating the investigation without extending the measures.

#### *Investigation on certain rubber chemicals (TDQ, CBS) AD*

On 31 March 2021, the Indian authorities initiated an anti-dumping investigation on imports of certain rubber chemicals (2,2,4-trimethyl-1,2-dihydroquinoline or "TDQ" and N-cyclohexyl-2-benzothiazole sulfenamide or "CBS") exported from China, the EU and Russia. The Commission firmly defended the EU exports amounting to EUR 16,5 million and filed several written submissions and participated in a public hearing. In March 2022, the Indian investigating authority terminated the investigation with respect to CBS imports from the EU while recommending the imposition of anti-dumping duties on the imports of TDQ. However, on 23 June 2022, the Ministry of Finance rejected the recommendation made by the investigating authority and terminated the investigation without imposing anti-dumping duties on TDQ.

## *PVC suspension resins SFG*

India initiated a safeguard investigation on 16 September 2022. The Commission intervened and filed a written submission, argued the case during the oral hearing and intends to intervene as appropriate in all further steps.

## *Vitamin-A palmitate AD*

The ongoing investigation concerning exports of vitamin-A palmitate exported from the EU, Switzerland and China was initiated on 29 December 2022. The Commission filed a written submission at initiation and will continue to closely monitor the investigation.

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

### *Overall trends*

At the end of 2022 there were 7 measures in force, 4 AD (frozen chicken, frozen bone-in portion, ropes and cables and 1 provisional measure on frozen potato chips) and 3 SFG (bolts, screws and threaded fasteners).

In addition to that, definitive AD measures were imposed on frozen chicken from Denmark, Ireland, Spain and Poland, in August 2022, but this measure was immediately suspended for a duration of one year.

No new investigation was initiated in 2022 (against 2 in 2021). A long-term trade irritant, the bilateral SFG measure on frozen chicken expired in March 2022. The Panel in the bilateral dispute settlement proceeding concerning this case, issued its final report in summer 2022, largely in favour of the EU claims (please see also below).

At the end of 2022, the Southern African Customs Union had 1 AD measure in force (pasta).

### *Main cases*

#### *Frozen potato chips AD*

The investigation was initiated based on a complaint made by McCain Foods, on 19 November 2021 following the termination of the previous AD measures. In the previous investigation, the investigating authority ITAC was not able to finish the first expiry review within the legal deadlines.

The EU has been very active in this investigation, including by a number of submissions (submission at initiation in December 2021, submission on preliminary determination in July 2022 and submission on Essential Facts in October 2022). Despite numerous interventions, provisional measures were imposed on 15 July 2022, i.e. an ad valorem duty ranging from 9,23% to 181,05%. Final measures, if any, would be imposed by summer 2023.

#### *Frozen chicken AD and bilateral SFG*

Following an expiry review of the AD measures originally imposed in 2015, the original duty levels for imports from the Netherlands and Germany were upheld and prolonged until 2026.

Regarding the bilateral safeguard measures, originally imposed in 2018 for a duration of 3,5 years, a panel was finally established in late 2021 and issued its final report after the lapse of the duties (11 March 2022) in summer 2022. It ruled in favour of the EU's claims, in particular it found that the safeguard measure was not proportionate and went beyond what was needed to remedy or prevent any serious injury or disturbances. Moreover, the delay between the investigation and the adoption of the safeguard measure was excessive and not in line with the EU-SADC EPA. The ruling sets a strong precedent for the imposition of similar safeguards under the EU SADC agreement in the future. While safeguard measures can legally be adopted in exceptional circumstances to temporarily counter surging imports that threaten the domestic industry, these must at all times comply with the legal requirements set out in the agreement.

In addition, the ‘new’ frozen poultry AD investigation initiated on 24 February 2021, was concluded by imposition of definitive measures in August 2022. The ad valorem duties range between 3 and 96%, depending on the cut and the country. This measure, however, was immediately suspended due to the difficulties of the local population in having access to a cheap source of protein, and thus indirectly acknowledging the EU’s arguments regarding any possible measures not being in the public interest, which were presented in the context of this investigation. The Commission has intervened in all appropriate fora in support of the already heavily hampered frozen poultry sector and will continue to do so.

## **Ukraine**

### *Overall trends*

2022 was a difficult year for Ukraine, following the Russian invasion in 24 February 2022. On 27 February 2022, all ongoing TDI investigations were put on hold. These concerned, at the time the safeguard investigations regarding imports of sodium hypochlorite, PVC profiles, cheese, and tricone drilling bits.

All four safeguard investigations were eventually terminated in the course of 2022. In particular, the safeguard investigation regarding imports of sodium hypochlorite was terminated on 24 August 2022, the 2 safeguard investigations regarding imports of cheese and tricone drilling bits were terminated on 3 September 2022, while the safeguard investigation concerning imports of PVC profile was terminated on 5 November 2022.

At the end of 2022 three measures remain in force: an AD measure on rubber plugs, in force since 2019 for a duration of 5 years, and 2 safeguard measures on sulphuric acid and oleum, extended in 2021 for a duration of 3 years and fresh cut roses, imposed in 2021 for a duration of 3 years. In addition to that, one safeguard measure in force on polymeric materials, imposed in 2020 for a duration of 3 years, was suspended on 20 November 2022.

Understandably, there was no new investigation initiated in 2022. Previously, the number of ongoing investigations by Ukraine was relatively high, which changed completely following the war. In comparison, there were 4 new safeguard investigations initiated in 2021 (sodium hypochlorite, PVC profiles, tricone drilling bits and certain types of cheese), which represented 100% increase in comparison to 2020. Before the war, the Commission had been very active in all Ukrainian investigations in order to make them reconsider their extensive use of the safeguard instrument.

## **Egypt**

### *Overall trends*

At the end of 2022, there were 1 safeguard and 1 AD measure in force (safeguard measure on raw aluminium and iron/steel bars and AD on Edam and Gouda cheese).

### *Main cases*

#### *Edam and Gouda cheese SFG*

The investigation was initiated on 29 December 2020 against imports of Edam and Gouda cheese from the Netherlands. Definitive measures were imposed on 10 January 2022, for a period of five years. The Commission made several written submissions, in close contact with the Dutch authorities, to coordinate our interventions.

## **Gulf Cooperation Council – GCC countries**

### *Overall trends*

At the end of 2022, there was 1 AD measure (uncoated paper or paperboard in rolls or sheets) in force. The Commission actively intervened in three ongoing investigations initiated in 2021 including at political level, and in various bilateral fora.

### *Main cases*

### *Investigation on electric accumulators (vehicle batteries) AD*

In April 2021, the Gulf Cooperation Council (GCC) initiated an AD investigation against imports of electric accumulators (vehicle batteries) from Spain. Considering the EU export value was around EUR 36 million, the Commission was in close contact with the Spanish producer, who decided to cooperate with the investigation. The Commission intervened with written submissions and participation in hearings, in close cooperation with the EU Delegation, Spain and the EU industry.

Finally, in August 2022 the GCC Ministerial decided to exclude Spanish imports from the scope of the investigation, as its dumping margin was less than 2%, de minimis.

### *Semi-chemical fluting paper AD*

In August 2021, an AD investigation on imports of semi-chemical fluting paper from Germany and France was initiated (export value around EUR 29 million). The Commission intervened in cooperation with the industry throughout the investigation and made an additional submission on 10 November 2022 on the Essential fact reports, which proposes definitive duties. At the time of writing the present report a final decision has not yet been taken.

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

In November 2021 the GCC initiated an anti-dumping investigation concerning imports of super absorbent polymer imported by the Kingdom of Saudi Arabia from Belgium, France, China, Japan, Singapore and South Korea. The Commission intervened in several rounds of written submissions and hearings. .

On 28 November 2022, the GCC issued the Final Report, which recommends excluding imports from Japan due to their small volume while it determines the existence of dumping by imports from China, Belgium, Singapore, the Republic of Korea and France, with dumping margins ranging from 2% to 124%. At the time of writing the present report a final decision has not yet been taken.

## **Morocco**

### *Overall trends*

Morocco continues to be a moderate user of the instruments. At the end of 2022 a total of 6 measures are in force against EU exports (1 AD and 5 SFG). During 2022, Morocco initiated 1 new SFG investigation (inner tubes for bicycles, velocipedes, motorcycles and scooters) and reviewed 1 AD (PVC); and 2 SFG measures already in force were extended (wire rod and rebar; cold rolled steel sheets and plated or coated sheets).

### *Main cases*

#### *Inner tubes for bicycles, velocipedes, motorcycles and scooters SFG*

The investigation was initiated on 3 October 2022. EU export value is around EUR 2 million. The Commission made a submission at initiation and will continue to monitor.

#### *Wire rod and rebar SFG expiry review*

In August 2021, Morocco initiated a third expiry review of the SFG measure on imports of wire rod and rebar. The Commission made a submission in cooperation with the EU industry. The investigation was finalised in December 2021 with the prolongation of measures as of 1 January 2022 until 15 October 2023.

## **Tunisia**

### *Overall trends*

At the end of 2022 there were 2 SFG investigations ongoing in Tunisia (on wire of iron or non-alloy steel for springs and on minibuses). Traditionally not a frequent user, in 2021 and 2022, Tunisia started to be active

and initiated 2 new SFG investigations. The Commission intervened in both these cases with written submissions in view of the systemic concerns, even if there is very small economic interest.

### Main cases

#### *Wire of iron or non-alloy steel for springs.*

In July 2022, an SFG investigation on imports of wire of iron or non-alloy steel for springs was initiated (export value less than EUR 1 million). We intervened nevertheless with a written submission.

### **AD cases on EU exports of frozen fries by three different investigating authorities**

In 2022, there were three on-going AD investigations against exports of frozen fries from different EU countries. The combined value of EU exports covered by these investigations was close to EUR 130 million. The investigating countries were Colombia, South Africa, and Brazil.

In 2022, Colombia concluded the expiry review initiated in 2020, with the continuation of measures for five more years. South Africa continued with the investigation initiated in 2021 and imposed provisional measures in June 2022. Brazil initiated an expiry review of measures imposed in 2017. Brazil and South Africa had not yet concluded their investigations at the end of 2022.

The Commission intervened strongly in all the above cases in close cooperation with the EU industry and Member States affected.

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

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

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

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

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

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

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

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

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

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

The EU continues its efforts to find, together with the WTO Membership, a lasting solution to this situation. Pending a solution, the EU, together with certain other WTO Members, created a workaround arrangement to apply as long as the appointments to the AB remain blocked. Known as the ‘MPIA’, the Multi-party interim appeal arbitration arrangement allows its participating WTO Members to bring appeals and solve disputes within the framework of the DSU despite the current paralysis of the AB. It achieves this through the conclusion of agreements between participating WTO Members to have appeals in disputes between them dealt with by way of arbitration within the framework of the DSU. In this way, the MPIA provides a functioning, binding, two-tier and independent dispute settlement system in the disputes that it covers. It mirrors the usual WTO appeal rules and, for as long as the AB remains unable to function fully, can be used between any Members of the WTO that join the MPIA.

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

On 24 July 2020, the panel circulated to all WTO Members its final report in DS494 European Union – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia. Both parties appealed the report. However, with the ongoing difficulties in the WTO Dispute Settlement, there was no progress in 2022.

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

The case dates back to January 2017, when the Russian Federation requested consultations with the European Union concerning anti-dumping measures imposed by the European Union on imports of certain cold-rolled flat steel products from the Russian Federation. Consultations with Russia took place on 8 June 2017. Almost two years later, on 13 March 2019, the Russian Federation requested the establishment of a panel. The panel was established on 16 March 2020. Written procedure took place during the summer 2020 whereas the first substantive meeting planned for the autumn was postponed due to COVID-19 related travel restrictions. In March 2022, the Chair of the panel informed the DSB that it had granted the Russian Federation's request of 18 March 2022, that the panel suspend its work pursuant to Article 12.12 of the DSU for an indeterminate period of time. The EU had no comment on this suspension request and had chosen to also suspend its offensive dispute settlement cases after the full scale Russian invasion of Ukraine at the end of February 2022. The Chair indicated that the suspension of the proceedings was effective from 28 March 2022. The Chair noted that pursuant to Article 12.12 if the work of the panel had been suspended for more than 12 months, the authority for establishment of the panel shall lapse. On 9 March 2023, the Russian Federation requested to resume the panel proceedings in the dispute. The panel subsequently communicated to the Parties that it had resumed its work on 22 March 2023.

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

In the dispute settlement proceeding regarding the AD measures on frozen fries against Colombia, the Panel issued its final report. On 6 October 2022, Colombia appealed the report to the Multi-Party Interim Appeal Arbitration Arrangement (MPIA). On 21 December 2022, arbitrators ruled in substance in favour of the EU. The final binding award confirmed that the AD duties imposed by Colombia on frozen fries from Belgium, the Netherlands and Germany breached the WTO rules and improperly restricted access to the Colombian market. Colombia must bring itself into compliance with the ruling, either immediately or within a time limit agreed with the EU or set by a WTO arbitrator. If Colombia does not comply, the EU can obtain a WTO authorisation to adopt countermeasures. This was the first ruling of the MPIA, which was completed efficiently before the 90 days deadline. Apart from safeguarding the prospect of a binding resolution of disputes between MPIA participants, the MPIA signals commitment to a rules-based international trading system, with properly functioning WTO dispute resolution at its heart.

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

Every year, the WTO holds meetings of the Subsidies and Countervailing, Anti-dumping and Safeguards Committees in spring and autumn. In addition, in the context of the Anti-dumping Committee, there are also meetings of the Working Group on Implementation. Though the meetings were in hybrid format in April and October, the majority of delegates attended in person.

The work of these Committees is important in reviewing the functioning of the various Agreements allowing WTO members to exchange views and information of a general nature, as well as highlighting individual trade defence cases of concern.

In the WTO Safeguards Committees the EU was very active defending its safeguard measures against criticisms from Brazil, Japan, China, Türkiye, Japan, Switzerland, India, Korea and Russia. Many claimed that the measures should have been terminated after the Panel report in the dispute; European Union — Safeguard Measures on Certain Steel Products was issued. The EU was also very active in highlighting its concerns with regard to the safeguard practices of other Members including Indonesian investigations on cigarette paper and apparel and clothing, Morocco's investigation on coated wood panels, Türkiye's investigations on yarn of nylon and Grinding balls and similar articles for mills and US investigation on silicon photovoltaic cells

In the AD Committee, the EU continued to express concerns about investigations on imports of frozen fries from Belgium, Netherlands and Germany and on frozen poultry from Poland, Spain, Ireland and Denmark by the South African Customs Union (SACU). The EU also defended its investigations into grain oriented electrical steels, fatty acids, aluminium wheels and fasteners from criticisms by Japan, Indonesia, Morocco and China respectively.

In the Special Committee on Subsidies and Countervailing measures, review of the Subsidy notifications made in 2021, continued. The overall track record on notifications remains low with 95 out of the 164 WTO members not having made a notification under the last notification exercise in 2021. The EU strongly encouraged greater compliance with transparency obligations under the ASCM, as this is crucial to understand the impact of subsidies in global trade.

In the regular Committee on Subsidies and Countervailing measures, the EU responded to complaints from both China and Indonesia, by explaining the justification for countervailing financial support provided by China to companies located in Indonesia. The EU raised concerns on China's potato starch anti-subsidy case against the EU as well as the US' countervailing measures on olives from Spain, particularly the implementation of the WTO panel report. Discussions continued on the impact of subsidies creating overcapacities and the IMF, OECD, World Bank and WTO presented a report on Subsidies, Trade and International cooperation<sup>31</sup>.

The EU participated in informative exchanges in the Anti-dumping Working Group on Implementation where the participants discussed issues including; the determination of the viability of domestic sales in dumping margin calculations; the treatment of affiliated parties for duty assessment, defining the product under investigation and like products; product comparisons in dumping margin calculations and sunset review investigations. These discussions contribute to a greater understanding of the practices of other investigating authorities.

The new WTO Agreement on Fisheries Subsidies was concluded at the 12th Ministerial conference in June 2022 to end unsustainable fisheries subsidies in line with UN Sustainable Development Goal 14.6<sup>32</sup>. The WTO negotiations will continue on the outstanding issues to achieve a comprehensive agreement. Also in 2022, the WTO co-sponsor members started subsidies related work under the Ministerial Statements on Fossil Fuel Subsidy Reform initiative<sup>33</sup> and on Trade and Environmental Sustainability Structured Discussions<sup>34</sup>.

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<sup>31</sup> [Subsidies-Trade-and-International-Cooperation-April-19-ci.pdf \(worldbank.org\)](https://www.worldbank.org/publications/subsidies-trade-and-international-cooperation-april-19-ci.pdf)

<sup>32</sup> [https://www.wto.org/english/tratop\\_e/rulesneg\\_e/fish\\_e/fish\\_e.htm](https://www.wto.org/english/tratop_e/rulesneg_e/fish_e/fish_e.htm)

<sup>33</sup> [https://www.wto.org/english/tratop\\_e/envir\\_e/fossil\\_fuel\\_e.htm](https://www.wto.org/english/tratop_e/envir_e/fossil_fuel_e.htm)

<sup>34</sup> [https://www.wto.org/english/tratop\\_e/tessd\\_e/tessd\\_e.htm](https://www.wto.org/english/tratop_e/tessd_e/tessd_e.htm)

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## **ANNEX A**

### **New investigations initiated during the period 1 January - 31 December 2022**

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Stainless steel refillable kegs	People's Republic of China	13.05.2022 C195/24 [AD689]
Polyester yarn (High tenacity)	People's Republic of China	30.06.2022 C 248/107 [AD690]
Bulb flat	People's Republic of China Türkiye	14.11.2022 C 431/11 [AD691]

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Fatty Acid	Indonesia	13.05.2022 C195/11 [AS688]

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## ANNEX B

### **A) New investigations initiated by product sector during the period 2018 - 2022 (31 December)**

Product sector	2018	2019	2020	2021	2022
Chemical and allied	5	1	2	3	1
Electronics			2		
Iron and Steel	4	7	6	6	3
Other	1	7		4	1
Other mechanical engineering				1	
Other metals			4		
Wood and paper		1	1		
<b>Grand Total</b>	<b>10</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>5</b>
Of which anti-dumping	8	11	12	11	4
anti-subsidy	2	5	3	3	1

**B) New investigations initiated by country of export during the period 2018 - 2022 (31 December)**

Country of origin	2018	2019	2020	2021	2022 (Dec.)
Argentina	1	-	-	-	-
Bahrain	-	1	-	-	-
Brazil	-	-	-	1	-
Egypt	-	4	-	-	-
India	-	-	1	2	-
Indonesia	1	2	1	2	1
Malaysia	1	-	-	-	-
Morocco	-	-	-	1	-
North Macedonia	1	-	-	-	-
People's Republic of China	1	7	8	4	3
Republic of Korea	-	1	-	1	-
Russian Federation	2	-	1	1	-
Saudi Arabia	-	-	1	-	-
Taiwan	-	1	-	-	-
Trinidad and Tobago	1	-	-	-	-
Türkiye	1	-	2	2	1
United States of America	1	-	1	-	-
	10	16	15	14	5

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**ANNEX C**

**New investigations concluded by the imposition of provisional duties  
during the period 1 January - 31 December 2022**

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Electrolytic chromium coated steel (ECCS)	Brazil People's Republic of China	23.05.2022 L143/11 [AD683]
Aluminium road wheels	Morocco	15.07.2022 L 188/114 [AD686]

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

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

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## ANNEX D

### **New investigations concluded by the imposition of definitive duties during the period 1 January - 31 December 2022**

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Iron or steel fasteners	People's Republic of China	17.02.2022 L36/1 [AD676]
Calcium silicon	People's Republic of China	24.03.2022 L 96/9 [AD679]
Superabsorbent polymers	Republic of Korea	06.04.2022 L 107/27 [AD681]
Graphite Electrode Systems	People's Republic of China	07.04.2022 L108/20 [AD680]
Corrosion resistant steels	Russian Federation Türkiye	12.08.2022 L 211/127 [AD682]
Electrolytic chromium coated steel (ECCS)	People's Republic of China  Brazil	16.11.2022  L 295/7 [AD683]

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
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<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Optical fibre cables (OFC)	People's Republic of China	19.01.2022 L12/34 [AS677]
Stainless steel cold-rolled flat products	India Indonesia	16.03.2022 L88/24 [AS678]

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**ANNEX E**

**New investigations terminated without the imposition of measures  
during the period 1 January - 31 December 2022**

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

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

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Graphite electrode systems	-	20.07.2022 L 191/81 [AS685]

## **ANNEX F**

**Expiry reviews initiated or concluded  
during the period 1 January - 31 December 2022  
(chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Sodium gluconate	People's Republic of China	18.01.2022 C25/8 [R754]
Aluminium road wheels (certain)	People's Republic of China	20.01.2022 C29/34 [R759]
Tubes and pipe fittings of stainless steel (butt-welding fittings)	People's Republic of China Taiwan	26.01.2022 C 40/1 [R758]
Polyester yarn (High tenacity)	People's Republic of China	23.02.2022 C 87/2 [R760]
Heavy plate of non-alloy or other alloy steel (certain)	People's Republic of China	25.02.2022 C 89/3 [R761]
Graphite electrode systems	India	09.03.2022 C 113/13 [R763]
Graphite electrode systems	India	09.03.2022 C 113/3 [R762]
Okoumé plywood	People's Republic of China	05.04.2022 C 150/16 [R764]
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	05.04.2022 C 150/3 [R765]
Glass fibre products (certain continuous filament)	People's Republic of China	21.04.2022 C 167/20 [R767]
Thermal paper (certain lightweight)	Republic of Korea	03.05.2022 C180/4

Initiated		
Product	Country of origin	OJ Reference
		[R768]
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel) (certain)	People's Republic of China	12.05.2022 C193/5 [R769]
Tungsten carbide, fused tungsten carbide and tungsten carbide simply mixed with metallic powder	People's Republic of China	01.06.2022 C217/17 [R772]
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	People's Republic of China	08.06.2022 C223/37 [R770]
Rebars	Belarus	15.06.2022 C 231/21 [R773]
Coated fine paper	People's Republic of China	30.06.2022 C 248/119 [R776]
Coated fine paper	People's Republic of China	30.06.2022 C 248/130 [R775]
Melamine	People's Republic of China	01.07.2022 C 252/6 [R774]
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Brazil Iran Russian Federation Ukraine	05.10.2022 C 384/3 [R780]
Glass fibres (certain open mesh fabrics)	People's Republic of China	04.11.2022 C421/54 [R781]
Ceramic tiles	People's Republic of China	22.11.2022 C 442/3 [R782]
Hand pallet trucks	People's Republic of China	29.11.2022 C 452/26 [R783]
Trichloroisocyanuric acid (TCCA)	People's Republic of China	05.12.2022 C462/10 [R786]

## Concluded: confirmation of duty

Product	Country of origin	Regulation / Decision N°	OJ Reference
Grain oriented flat-rolled products of silicon electrical steel (GOES)	Japan People's Republic of China Republic of Korea Russian Federation United States of America		17.01.2022 L10/17 [R728]
Tube and pipe fittings of iron or steel	People's Republic of China		25.01.2022 L 16/36 [R726]
Acesulfame Potassium (ACE-K)	People's Republic of China		28.01.2022 L 19/22 [R727]
Aluminium foil (certain)	People's Republic of China		10.03.2022 L 83/7 [R730]
Ductile pipes (tubes and pipes of ductile cast iron)	India		16.06.2022 L161/1 [R736]
Ductile pipes (tubes and pipes of ductile cast iron)	India		16.06.2022 L161/28 [R737]
Ring binder mechanisms	People's Republic of China		28.06.2022 L170/38 [R738]
Molybdenum wires	People's Republic of China		26.07.2022 L195/75 [R744]
Silicon	People's Republic of China		12.08.2022 L 211/86 [R743]
Sodium cyclamate	Indonesia People's Republic of China		11.10.2022 l264/12 [R741]
Aspartame	People's Republic of China		24.10.2022 L274/24 [R742]
Cold-rolled flat steel products	People's Republic of China Russian		27.10.2022 L277/149 [R745]

**Concluded: confirmation of duty**

<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
	Federation		

**Concluded: termination and repeal of the measures**

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

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## **ANNEX G**

### **Interim reviews initiated or concluded during the period 1 January - 31 December 2022 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Monosodium Glutamate	People's Republic of China	24.01.2022 C 35/12 [R757]
Polyester yarn (High tenacity)	People's Republic of China	30.06.2022 C 248/142 [R771]
Ductile pipes (tubes and pipes of ductile cast iron)	India	22.09.2022 C 363/9 [R779]
Malleable tube fittings (MTF)	People's Republic of China	18.11.2022 C 438/7 [R784]

<b>Concluded: amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Monosodium Glutamate	People's Republic of China	-	07.07.2022 L 181/14 [R757]
Steel ropes and cables	Republic of Korea		21.09.2022

<b>Concluded: amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
			L 244/8 [R750]
Rainbow trout	Türkiye	2022/2390	08.12.2022 L 316/52 [R749]

<b>Concluded by termination without amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Hot-rolled flat steel products (HRFS)	People's Republic of China	-	13.04.2022 L 115/185[R734]
Trout (Rainbow)	Türkiye		10.03.2022 L 83/60 [R735]

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

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**Concluded: termination and repeal of measures**

<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>

## **ANNEX H**

**Other reviews initiated or concluded  
during the period 1 January - 31 December 2022  
(chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Thermal paper (certain lightweight) [Re-opening]	Republic of Korea	30.06.2022 C 248/152 [AD629a]
Bicycles (electric) [Re-opening]	People's Republic of China	06.07.2022 C 260/5 [AD643a]
Bicycles (electric) [Re-opening]	People's Republic of China	06.07.2022 C 260/5 [AS646a]
Tyres for buses or lorries (new and retreaded) [Re-opening]	People's Republic of China	08.07.2022 C 263/15 [AD640a]
Tyres for buses or lorries (new and retreaded) [Re-opening]	People's Republic of China	08.07.2022 C 263/15 [AS641a]

<b>Concluded: confirmation/amendment of duty</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Glass fibre fabrics (certain woven and/or stitched) [Re-opening]	Egypt People's Republic of China	24.05.2022 L145/20 [AD653a]
Glass fibre fabrics (certain woven and/or stitched) [Re-opening]	Egypt People's Republic of China	24.05.2022 L145/20 [AS656a]

<b>Concluded: confirmation/amendment of duty</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>

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

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## **ANNEX I**

**New exporter reviews initiated or concluded  
during the period 1 January - 31 December 2022  
(chronological by date of publication)**

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>		<b>OJ Reference</b>
Bicycles	People's Republic of China		03.03.2022 L68/9 [R714]
Glass fibres (certain open mesh fabrics)	People's Republic of China India (ext)		21.04.2022 L 119/68 [R766]

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Biodiesel	USA		13.05.2022 L 136/3 [R723 and R724]

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Glass fibres (certain open mesh fabrics)	India (ext)		15.12.2022 L 321/5 [R766]

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Trichloroisocyanuric acid	People's Republic of China	-	13.04.2022 L 115/66 [R746 – R747 – R748]
Bicycles	People's Republic of China		21.11.2022 L 300/6 [R714]

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## ANNEX J

### **Anti-absorption investigations initiated or concluded during the period 1 January - 31 December 2022 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Optical fibre cables (OFC)	People's Republic of China	08.12.2022 C467/36 [R785]

<b>Concluded with increase of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N<sup>o</sup></b>	<b>OJ Reference</b>
Glass fibre fabrics (certain woven and/or stitched)	Egypt	-	<a href="#">L 190;</a> <a href="#">19.07.2022, p.70</a> [R753]

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

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**Concluded without increase of duty / termination**

<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>

## **ANNEX K**

### **Anti-circumvention investigations initiated or concluded during the period 1 January - 31 December 2022 (chronological by date of publication)**

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Stainless steel tube and pipe butt-welding fittings, whether or not finished (Certain)	People's Republic of China Taiwan Malaysia (ext)		08.06.2022 L155/36 [R777]
Stainless steel hot-rolled flat products (SSHR)	Indonesia Türkiye (ext)		27.07.2022 OJL198/8 [R778]

<b>Concluded with extension of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Glass fibre fabrics (certain woven and/or stitched)	People's Republic of China - Morocco (ext)		25.02.2022 L 46/49 [R739]
Glass fibre fabrics (certain woven and/or stitched)	People's Republic of China - Morocco (ext)		25.02.2022 L 46/31 [R740]
Glass fibre fabrics (certain woven	People's Republic of China and		08.09.2022 L233/1

<b>Concluded with extension of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
and/or stitched)	Egypt - Türkiye (ext)		[R755]
Glass fibre fabrics (certain woven and/or stitched)	People's Republic of China and Egypt -Türkiye (ext)		08.09.2022 L233/18 [R756]

<b>Concluded without extension of duty / termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Woven and/or stitched glass fibre fabrics, certain	Egypt	-	25.02.2022 L 46/31 (R740) and 49 (R739)

<b>Exemptions granted and/or rejected</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>

<b>Exemptions granted and/or rejected</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None	-	-	-

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## **ANNEX L**

### **Safeguard investigations initiated or concluded during the period 1 January - 31 December 2022 (chronological by date of publication)**

<b>investigations initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Steel products (certain) review	Erga Omnes (ext)	02.12.2022 C 459/6 [Safe009R6]

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

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

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<b>Safeguard measures which expired</b>		
<b>Product</b>	<b>Country of origin</b>	<b>Date of expiry</b>
None	-	-

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**ANNEX M**

**Undertakings accepted or repealed  
during the period 1 January - 31 December 2022  
(chronological by date of publication)**

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

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

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

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<b>Undertakings which expired/lapsed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Original measure(s) &amp; OJ Reference</b>	<b>OJ Reference</b>

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**ANNEX N**

**Measures which expired / lapsed  
during the period 1 January - 31 December 2022  
(chronological by date of publication)**

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

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>OJ Reference</b>
Barium carbonate	The People's Republic of China	Commission Implementing Regulation (EU) 2017/1759 of 27 September 2017 imposing a definitive anti-dumping duty on imports of barium carbonate originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 250, 28.9.2017, p. 34	27.09.2022 C 369/6 [R649]

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

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>OJ Reference</b>
Stainless steel bars and rods (certain)	India	Commission Implementing Regulation (EU) 2017/1141 of 27 June 2017 imposing a definitive countervailing duty on imports of certain stainless steel bars and rods originating in India following an expiry review under	28.06.2022 C 245/18 [R649]

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<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>OJ Reference</b>
		Article 18 of Regulation (EU) 2016/1037 of the European Parliament and the Council (OJ L 165, 28.6.2017, p. 2)	

**ANNEX O**

**Definitive anti-dumping measures in force on 31 December 2022**

A. Ranked by product (alphabetical)

Cases	Country	Extension	Regulation
Acesulfame potassium (ACE-K)	P.R. China		L 125, 21.05.2015, p. 15 L 287, 31.10.2015, p. 52 L 19; 28.01.2022, p.22
Aluminium converter foil	P.R. China		L 216; 18.06.2021, p.142 L 438; 08.12.2021, p.46
Aluminium extrusions	P.R. China		L 336; 13.10.2020, p.8 L 109; 30.03.2021, p.1
Aluminium flat-rolled products	P.R. China		L 124; 12.04.2021, p.40 L 359; 11.10.2021, p.6 L 359; 11.10.2021, p.105 L 183; 08.07.2022, p.71

Aluminium foil	P.R. China		L332;18.12.2015, p.63 Extension (circum.) L 40; 17.02.2017, p.51 L 83; 10.03.2022, p.7
Aluminium foil (jumbo rolls)	P.R. China	Thailand	L 325; 15.09.2021, p.6
Aluminium foil (small rolls)	P.R. China		L 251, 18.09.2012, p.29 L 69, 13.03.2013, p.11 L 146; 05.06.2019, p.63
Aluminium foil in rolls	P.R. China	Thailand	L 325; 15.09.2021, p.24
Aluminium radiators	P.R. China		L 124, 11.05.2012, p.17 L 310, 09.11.2012, p.1 L 12; 15.01.2019, p.22
Aluminium road wheels	P.R. China		L 18; 24.01.2017, p.1
Ammonium nitrate	Russia		L 280, 24.09.2014, p.19 L41;

				18.02.2016, p.13 L 425; 16.12.2020, p.21
Aspartame		P.R. China		L 50; 26.02.2016, p.4 L 204; 29.07.2016, p.92 L 274; 24.10.2022, p.24
Bicycles		P.R. China		Amendment ((partial) interim review) L 153, 05.06.2013, p. 17 Amendment L 47; 24.02.2017, p.13 L 225; 29.08.2019, p.1
Bicycles		P.R. China	Indone sia	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles		P.R. China	Malaysi a	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles		P.R. China	Sri Lanka	Extension (circum.) L 153, 05.06.2013, p. 1 L 248;

31.07.2020, p.5

Bicycles	P.R. China	Tunisia	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles	P.R. China	Cambo dia	Extension (circum.) L 122, 19.05.2015, p. 4
Bicycles	P.R. China	Pakista n	Extension (circum.) L 122, 19.05.2015, p. 4
Bicycles	P.R. China	Philippi nes	Extension (circum.) L 122, 19.05.2015, p. 4
Bicycles (electric)	P.R. China		L 181; 18.07.2018, p.7 L 16; 18.01.2019, p.108
Bicycles (parts)	P.R. China	China (bicycle parts)	C 299, 05.09.2014, p. 7 L 132, 29.05.2015, p. 32 Amendment L 331, 17.12.2015, p.30
Biodiesel	USA		L 239, 15.09.2015, p. 69 Amendment L 116;

			30.04.2016, p.31 L 277; 02.08.2021, p.34
Biodiesel	USA	Canada	L 122; 05.05.2011, p.1
Birch plywood		Russia	L 205; 11.06.2021, p.47 L 394; 09.11.2021, p.7
Calcium silicon		P.R. China	L 366; 15.10.2021, p.17 L 96; 24.03.2022, p.9
Cast iron articles		P.R. China	L 211; 17.08.2017, p.14 L 25; 30.01.2018, p.6
Ceramic tiles		P.R. China	Amendment ((partial) interim review) L 67, 12.03.2015, p. 23 L 307; 23.11.2017, p.25
Chamois leather		P.R. China	L 334, 06.12.2012, p. 31 L 50; 21.02.2019, p.5

Citric acid	P.R. China	Malaysia	L 10; 15.01.2016, p.3 L 129; 15.04.2021, p.73
Citric acid	P.R. China		L 15, 22.01.2015, p. 15 L 129; 15.04.2021, p.73
Citrus fruits	P.R. China		Reopening L 49, 22.02.2013, p. 29 L 354, 11.12.2014, p. 17 L 351; 22.10.2020, p.2
Coated fine paper	P.R. China		L 299; 16.11.2010, p.7 L 128; 06.05.2011, p.1 L 171; 04.07.2017, p.168
cold-rolled flat steel products	P.R. China		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1 L 277; 27.10.2022, p.149
cold-rolled flat steel products	Russia		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1

		L 277; 27.10.2022, p.149
Corrosion resistant steel (CRS)	P.R. China	L 207; 10.08.2017, p.1 L 34; 08.02.2018, p.16 Extension (circum.) L 255; 05.08.2020, p.36
Corrosion resistant steels	Russia	L 211; 12.08.2022, p.127
Corrosion resistant steels	Türkiye	L 211; 12.08.2022, p.127
Ductile pipes (tubes and pipes of ductile cast iron)	India	L 244, 19.09.2015, p. 25 L 73; 18.03.2016, p.53 L 118; 16.04.2020, p.14 L 161; 16.06.2022, p.1
Electrolytic chromium coated steel (ECCS)	Brazil	L 143; 23.05.2022, p.11 L 295; 16.11.2022, p.7
Electrolytic chromium coated steel (ECCS)	P.R. China	L 143; 23.05.2022,

			p.11 L 295; 16.11.2022, p.7
Ferro-silicon	P.R. China		L 107, 10.04.2014, p. 13 L 208; 01.07.2020, p.2
Ferro-silicon	Russia		L 107, 10.04.2014, p. 13 L 208; 01.07.2020, p.2
Glass fibre fabrics (certain woven and/or stitched)	Egypt	Türkiye	L 233; 08.09.2022, p.1
Glass fibre fabrics (certain woven and/or stitched)	Egypt		L 108; 06.04.2020, p.1 L 190; 19.07.2022, p.70
Glass fibre fabrics (certain woven and/or stitched)	P.R. China	Türkiye	L 233; 08.09.2022, p.1
Glass fibre fabrics (certain woven and/or stitched)	P.R. China	Morocco	L 46; 25.02.2022, p.49
Glass fibre fabrics (certain woven and/or stitched)	P.R. China		L 108; 06.04.2020, p.1
Glass fibre open mesh fabrics	P.R. China	Taiwan	Extension (circum.) L 11, 16.01.2013, p. 1
Glass fibre open mesh fabrics	P.R. China	Thailand	Extension (circum.) L 11, 16.01.2013, p. 1

Glass fibre products (certain continuous filament)	P.R. China		L 243; 16.09.2010, p.40 L 67; 15.03.2011, p.1 L 107; 25.04.2017, p.4
Glass fibres (certain open mesh fabrics of glass fibres)	P.R. China	Malaysi a	Extension (circum.) L 196, 24.07.2012, p. 1
Glass fibres (certain open mesh fabrics of)	P.R. China	India	Extension (circum.) L 346, 20.12.2013, p. 20 Extension (circum.) L 236, 10.09.2015, p. 1
Glass fibres (certain open mesh fabrics of)	P.R. China	Indone sia	L 346, 20.12.2013, p. 20
Glass fibres (certain open mesh fabrics)	P.R. China		L 204; 09.08.2011, p.1 Expiry review L 288; 07.11.2017, p.4
Grain oriented flat-rolled products of silicon-electrical steel	Japan		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17

Grain oriented flat-rolled products of silicon-electrical steel	Rep. Of Korea	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
Grain oriented flat-rolled products of silicon-electrical steel	P.R. China	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
Grain oriented flat-rolled products of silicon-electrical steel	Russia	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
Grain oriented flat-rolled products of silicon-electrical steel	USA	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
Graphite electrode systems	India	L 64; 10.03.2017,

			p.46
Graphite electrodes system (GES)(certain)	P.R. China		L 366; 15.10.2021, p.62 L 108; 07.04.2022, p.20
Hand pallet trucks and their essential parts	P.R. China	Thailand	L 151; 11.06.2009, p.1
Hand pallet trucks and their essential parts	P.R. China		Amendment ((partial) interim review) L 112, 24.04.2013, p. 1 Amendment (newcomer) L 265, 05.09.2014, p. 7 Extension (circum.) L 214; 09.08.2016, p.1
heavy plate of non-alloy or other alloy steel	P.R. China		L 50; 28.02.2017, p.18
Hot rolled flat products (HRFS)	P.R. China		L 272; 07.10.2016, p.33 L 92; 06.04.2017, p.68
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Brazil		L 258; 06.10.2017, p.24
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Iran		L 258; 06.10.2017,

		p.24
Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	Russia	L 258; 06.10.2017, p.24
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	Türkiye	L 3; 07.01.2021, p.4 L 238; 06.07.2021, p.32
Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	Ukraine	L 258; 06.10.2017, p.24
Iron or steel fasteners	P.R. China	L 36; 17.02.2022, p.1
Ironing boards	P.R. China	L 338; 20.12.2010, p.22 L 252; 02.10.2019, p.1
Ironing boards	P.R. China	Reopening L 297, 26.10.2012, p. 5 L 198, 23.07.2013, p. 1
Lever arch mechanisms	P.R. China	L 238, 04.09.2012, p.5 L 279; 09.11.2018, p.17
Malleable tube fittings (threaded, of cast iron)(MTF)	P.R. China	L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1 L 197;

			25.07.2019, p.2
Malleable tube fittings (threaded, of cast iron)(MTF)	Thailand		L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1 L 197; 25.07.2019, p.2
Melamine	P.R. China		L 298; 15.11.2010, p.10 L 124; 10.05.2011, p.2 L 170; 01.07.2017, p.62
Molybdenum wires	P.R. China	Malaysia	Extension (circum.) L8, 12.01.2012, p. 22
Molybdenum wires	P.R. China		Extension (circum.) L 243, 12.09.2013, P. 2 Extension (circum.) L 284, 30.10.2015, p. 100 L 170; 29.06.2016, p.19 L 197; 26.07.2022, p.75
Mono Ethylene Glycol (MEG)	Saudi		L 205; 11.06.2021, p.4

	Arabia	L 402; 15.11.2021, p.17
Mono Ethylene Glycol (MEG)	USA	L 205; 11.06.2021, p.4 L 402; 15.11.2021, p.17
Monosodium glutamate (MSG)	Indonesia	L 246, 21.08.2014, p. 1 L 15, 22.01.2015, p. 54 L 132; 19.04.2021, p.63
Monosodium glutamate (MSG)	P.R. China	L 15, 22.01.2015, p. 31 Anti-circ L 336; 13.10.2020, p.8 L 132; 19.04.2021, p.63
Okoumé plywood	P.R. China	L 181; 17.05.2004, p.5 L 336; 02.11.2004, p.4 L 92; 06.04.2017, p.48
Optical fibre cables (OFC)	P.R. China	L 410; 18.11.2021, p.51
Organic coated steel	P.R. China	L 252, 19.09.2012, p.

		33 L 73, 15.03.2013, p. 1 L 116; 03.05.2019, p. 5
Oxalic acid	India	L 106, 18.04.2012, p. 1 L 165; 02.07.2018, p.13
Oxalic acid	P.R. China	L 106, 18.04.2012, p. 1 L 321; 29.11.2016, p.48 L 165; 02.07.2018, p.13
Peroxosulphates (persulphates)	P.R. China	L 338, 17.12.2013, p. 11 L 13; 17.01.2020, p.18
Polyester yarn (high tenacity)	P.R. China	L 49; 25.02.2017, p.6
Polyvinyl alcohol (certain) (PVA)	P.R. China	L 315; 29.09.2020, p.1
PSC wires and strands	P.R. China	Amendment ((partial) interim review) L 297, 26.10.2012, p.1 L 139, 05.06.2015, p. 12 L 309;

			02.09.2021, p.8
Rebars (certain concrete reinforcement bars and rods)	Belarus		L 345; 20.12.2016; p.4 L 155; 17.06.2017, p.6
Ring binder mechanisms	P.R. China	Laos	L 7; 12.01.2006, p.1 L 170; 28.06.2022, p.38
Ring binder mechanisms	P.R. China	Vietna m	L 232; 28.06.2004, p.1 L 170; 28.06.2022, p.38
Ring binder mechanisms	P.R. China		L 122; 12.05.2016, p.1 L 170; 28.06.2022, p.38
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), or circular cross section...(certain)	P.R. China		L 305; 12.11.2016, p.1 L 121; 12.05.2017, p.3
Seamless pipes and tubes of iron or steel	Russia		L 174, 04.07.2012, p. 5 L 357, 28.12.2012, p. 1
Seamless pipes and tubes of iron or steel	Ukraine		L 174, 04.07.2012, p. 5 Amendment ((partial) interim review) L 238,

			04.09.2012, p. 1
Seamless pipes and tubes of stainless steel	P.R. China		L 169; 27.06.2011, p.1 L 336; 14.12.2011, p.6 L 63, 06.03.2018, p. 15
Silicon metal (silicon)	P.R. China	Taiwan	Extension (circum.) L 95, 05.04.2013, p. 1 L 211; 12.08.2022, p.86
Silicon metal (silicon)	P.R. China	Korea (Rep. of)	L 13; 15.01.2007, p.1 L 211; 12.08.2022, p.86
Silicon metal (silicon)	P.R. China		L 179; 05.07.2016, p.1 L 211; 12.08.2022, p.86
Sodium cyclamate	Indones ia		L 192; 16.07.2016, p.49 L 264; 11.10.2022, p.12
Sodium cyclamate	P.R. China		L 192; 16.07.2016, p.23

Sodium cyclamate	P.R. China	Amendment ((partial) interim review) L 124, 11.05.2012, p. 1 L 192; 16.07.2016, p.49 L 264; 11.10.2022, p.12
Sodium gluconate	P.R. China	L 16; 20.01.2017, p.3
Solar glass	P.R. China	L 316, 27.11.2013, p. 8 L 142, 14.05.2014, p. 1 Amendment L 98, 15.04.2015, p. 6 Amendment (absorption reinvestigation) L 215, 14.08.2015, p. 42 L 238; 23.07.2020, p.1
stainless steel cold-rolled flat products	India	C 322; 30.09.2020, p.17 L 188; 28.05.2021, p.61 L 410; 18.11.2021, p.153

stainless steel cold-rolled flat products	Indonesia	C 322; 30.09.2020, p.17 L 188; 28.05.2021, p.61 L 410; 18.11.2021, p.153
Stainless steel cold-rolled flat products	P.R. China	L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10 L 327; 16.09.2021, p.1
Stainless steel cold-rolled flat products	Taiwan	L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10 L 327; 16.09.2021, p.1
Stainless steel hot-rolled flat products (SSHR)	Indonesia	L 110; 08.04.2020, p.3 L 325; 07.10.2020, p.26
Stainless steel hot-rolled flat products (SSHR)	P.R. China	L 110; 08.04.2020, p.3 L 325; 07.10.2020, p.26
Stainless steel hot-rolled flat products (SSHR)	Taiwan	L 110; 08.04.2020, p.3 L 325; 07.10.2020,

			p.26
Steel road wheels	P.R. China		L 259; 10.10.2019, p.15 L 65; 04.03.2020, p.9
Steel wind towers	P.R. China		L 450; 16.12.2021, p.59
Steel wire ropes and cables	P.R. China	Korea (Rep. of)	L36, 09.02.2012; p. 1 Amendment (newcomer) L 138, 13.05.2014, p. 80 Amendment L 139, 14.05.2014, p.7
Steel wire ropes and cables	P.R. China	Morocco	L36, 09.02.2012; p. 1
Steel wire ropes and cables	P.R. China		L36, 09.02.2012; p. 1 L 101; 20.04.2018, p.40
Sulphanilic acid	P.R. China		L 363, 18.02.2014, p. 82 L 85; 12.03.2021, p.154
superabsorbent polymers	Rep. Of Korea		L 107; 06.04.2022, p.27

Sweet corn (prepared or preserved in kernels)	Thailand	L 244, 13.09.2013, p. 1 Amendment ((partial) interim review) L 91, 27.03.2014, p. 1 L 310; 02.12.2019, p.6
Tableware and kitchenware (ceramic)	P.R. China	L 318, 15.11.2012, p. 28 L 131, 15.05.2013, p. 1 Amendment L 314; 30.11.2017, p.31 L 189; 15.07.2019, p.8
Tartaric Acid	P.R. China	Amendment ((partial) interim review) L 108, 20.04.2012, p. 1 L 110, 24.04.2012, p. 3 Amendment ((partial) interim review) L 182, 13.07.2012, p. 1 L 164; 29.06.2018, p.14
Thermal paper (certain heavyweight)	Rep. Of Korea	L 164; 27.05.2020, p.28 L 346; 20.10.2020,

			p.19
Thermal paper (certain lightweight )	Rep. Of Korea		L 310; 17.11.2016, p.1 L 114; 03.05.2017, p.3
Trichloroisocyanuric acid (TCCA)	P.R. China		Amendment (newcomer) L 157, 27.05.2014, p. 80 L 319; 05.12.2017, p.10
Tube and pipe fitting, of iron or steel	Rep. Of Korea		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38 L 99; 10.04.2019, p.9
Tube and pipe fitting, of iron or steel	Malaysi a		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38 L 99; 10.04.2019, p.9
Tube and pipe fitting, of iron or steel	P.R. China	Indone sia	L 335; 22.11.2004, p.4

Tube and pipe fitting, of iron or steel	P.R. China	Taiwan	L 94; 14.04.2000, p.1
Tube and pipe fitting, of iron or steel	P.R. China		L 282, 28.10.2015, p. 14 L 16; 25.01.2022, p.36
Tube and pipe fittings(certain)	P.R. China	Philippi nes	L 116; 27.04.2006, p.1
Tube and pipe fittings(certain)	P.R. China	Sri Lanka	L 355; 22.11.2004, p.9
Tube and pipe fittings(certain)	Russia		L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1 L 99; 10.04.2019, p.9
Tubes and pipe fittings of stainless steel (butt-welding fittings)	P.R. China		L 22; 27.01.2017, p.14
Tubes and pipe fittings of stainless steel (butt-welding fittings)	Taiwan		L 22; 27.01.2017, p.14
Tungsten carbide and fused tungsten carbide	P.R. China		Initiation C 322; 15.12.1988, p.7 L 395; 31.12.2004, p.56 L 78; 24.03.2011, p.1 L 142; 02.06.2017, p.53

Tungsten electrodes	P.R. China	Thailand	L 290; 04.09.2020, p.1
Tungsten electrodes	P.R. China	Laos	L 290; 04.09.2020, p.1
Tungsten electrodes	P.R. China		L 150, 04.06.2013, p. 1 L 200; 29.07.2019, p. 4
Tyres for buses or lorries (new and retreaded)	P.R. China		L 116; 07.05.2018, p.8 L 263; 22.10.2018, p.3
Urea and ammonium nitrate (UAN)	Russia		L 100; 11.04.2019, p.7 L 258; 09.10.2019, p.21
Urea and ammonium nitrate (UAN)	Trinidad and Tobago		L 100; 11.04.2019, p.7 L 258; 09.10.2019, p.21
Urea and ammonium nitrate (UAN)	USA		L 100; 11.04.2019, p.7 L 258; 09.10.2019, p.21
Welded pipes and tubes (WPT)	Belarus		L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.14 5
Welded pipes and tubes (WPT)	P.R. China		L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.14

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Welded pipes and tubes (WPT)		Russia	L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.14 5
Wire rods		P.R. China	L 268, 15.10.2015, p. 9 L 364; 13.10.2021, p.14

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

Country	Extension	Cases	Regulation
Belarus		Rebars (certain concrete reinforcement bars and rods)	L 345; 20.12.2016; p.4 L 155; 17.06.2017, p.6
Belarus		Welded pipes and tubes (WPT)	L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.145
Brazil		Electrolytic chromium coated steel (ECCS)	L 143; 23.05.2022, p.11 L 295; 16.11.2022, p.7
Brazil		Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	L 258; 06.10.2017, p.24
Egypt	Türkiye	Glass fibre fabrics (certain woven and/or stitched)	L 233; 08.09.2022, p.1

Egypt	Glass fibre fabrics (certain woven and/or stitched)	L 108; 06.04.2020, p.1 L 190; 19.07.2022, p.70
India	Ductile pipes (tubes and pipes of ductile cast iron)	L 244, 19.09.2015, p. 25 L 73; 18.03.2016, p.53 L 118; 16.04.2020, p.14 L 161; 16.06.2022, p.1
India	Graphite electrode systems	L 64; 10.03.2017, p.46
India	Oxalic acid	L 106, 18.04.2012, p. 1 L 165; 02.07.2018, p.13
India	stainless steel cold-rolled flat products	C 322; 30.09.2020, p.17 L 188; 28.05.2021, p.61 L 410; 18.11.2021, p.153
Indonesia	Monosodium glutamate (MSG)	L 246, 21.08.2014, p. 1 L 15, 22.01.2015, p. 54 L 132; 19.04.2021, p.63

Indonesia	Sodium cyclamate	L 192; 16.07.2016, p.49 L 264; 11.10.2022, p.12
Indonesia	stainless steel cold-rolled flat products	C 322; 30.09.2020, p.17 L 188; 28.05.2021, p.61 L 410; 18.11.2021, p.153
Indonesia	Stainless steel hot-rolled flat products (SSHR)	L 110; 08.04.2020, p.3 L 325; 07.10.2020, p.26
Iran	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	L 258; 06.10.2017, p.24
Japan	Grain oriented flat-rolled products of silicon-electrical steel	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17

Malaysia	Tube and pipe fitting, of iron or steel	L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38 L 99; 10.04.2019, p.9
P.R. China	Acesulfame potassium (ACE-K)	L 125, 21.05.2015, p. 15 L 287, 31.10.2015, p. 52 L 19; 28.01.2022, p.22
P.R. China	Aluminium converter foil	L 216; 18.06.2021, p.142 L 438; 08.12.2021, p.46
P.R. China	Aluminium extrusions	L 336; 13.10.2020, p.8 L 109; 30.03.2021, p.1
P.R. China	Aluminium flat-rolled products	L 124; 12.04.2021, p.40 L 359; 11.10.2021, p.6 L 359; 11.10.2021, p.105 L 183; 08.07.2022, p.71

P.R. China		Aluminium foil	L332; 18.12.2015, p.63 Extension (circum.) L 40; 17.02.2017, p.51 L 83; 10.03.2022, p.7
P.R. China	Thailand	Aluminium foil (jumbo rolls)	L 325; 15.09.2021, p.6
P.R. China		Aluminium foil (small rolls)	L 251, 18.09.2012, p.29 L 69, 13.03.2013, p.11 L 146; 05.06.2019, p.63
P.R. China	Thailand	Aluminium foil in rolls	L 325; 15.09.2021, p.24
P.R. China		Aluminium radiators	L 124, 11.05.2012, p.17 L 310, 09.11.2012, p.1 L 12; 15.01.2019, p.22
P.R. China		Aluminium road wheels	L 18; 24.01.2017, p.1
P.R. China		Aspartame	L 50; 26.02.2016, p.4 L 204; 29.07.2016, p.92 L 274; 24.10.2022, p.24

P.R. China		Bicycles	Amendment ((partial) interim review) L 153, 05.06.2013, p. 17 Amendment L 47; 24.02.2017, p.13 L 225; 29.08.2019, p.1
P.R. China	Indonesia	Bicycles	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Malaysia	Bicycles	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Sri Lanka	Bicycles	Extension (circum.) L 153, 05.06.2013, p. 1 L 248; 31.07.2020, p.5
P.R. China	Tunisia	Bicycles	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Cambodia	Bicycles	Extension (circum.) L 122, 19.05.2015, p. 4

P.R. China	Pakistan	Bicycles	Extension (circum.) L 122, 19.05.2015, p. 4
P.R. China	Philippines	Bicycles	Extension (circum.) L 122, 19.05.2015, p. 4
P.R. China		Bicycles (electric)	L 181; 18.07.2018, p.7 L 16; 18.01.2019, p.108
P.R. China	China (bicycle parts)	Bicycles (parts)	C 299, 05.09.2014, p. 7 L 132, 29.05.2015, p. 32 Amendment L 331, 17.12.2015, p.30
P.R. China		Calcium silicon	L 366; 15.10.2021, p.17 L 96; 24.03.2022, p.9
P.R. China		Cast iron articles	L 211; 17.08.2017, p.14 L 25; 30.01.2018, p.6

P.R. China			Amendment ((partial) interim review) L 67, 12.03.2015, p. 23 L 307; 23.11.2017, p.25
P.R. China		Ceramic tiles	
P.R. China		Chamois leather	L 334, 06.12.2012, p. 31 L 50; 21.02.2019, p.5
P.R. China	Malaysia	Citric acid	L 10; 15.01.2016, p.3 L 129; 15.04.2021, p.73
P.R. China		Citric acid	L 15, 22.01.2015, p. 15 L 129; 15.04.2021, p.73
P.R. China		Citrus fruits	Reopening L 49, 22.02.2013, p. 29 L 354, 11.12.2014, p. 17 L 351; 22.10.2020, p.2

P.R. China			L 299; 16.11.2010, p.7 L 128; 06.05.2011, p.1 L 171; 04.07.2017, p.168
P.R. China		cold-rolled flat steel products	L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1 L 277; 27.10.2022, p.149
P.R. China		Corrosion resistant steel (CRS)	L 207; 10.08.2017, p.1 L 34; 08.02.2018, p.16 Extension (circum.) L 255; 05.08.2020, p.36
P.R. China		Electrolytic chromium coated steel (ECCS)	L 143; 23.05.2022, p.11 L 295; 16.11.2022, p.7
P.R. China		Ferro-silicon	L 107, 10.04.2014, p. 13 L 208; 01.07.2020, p.2
P.R. China	Türkiye	Glass fibre fabrics (certain woven and/or stitched)	L 233; 08.09.2022, p.1
P.R. China	Morocco	Glass fibre fabrics (certain woven and/or stitched)	L 46; 25.02.2022, p.49

P.R. China		Glass fibre fabrics (certain woven and/or stitched)	L 108; 06.04.2020, p.1
P.R. China	Taiwan	Glass fibre open mesh fabrics	Extension (circum.) L 11, 16.01.2013, p. 1
P.R. China	Thailand	Glass fibre open mesh fabrics	Extension (circum.) L 11, 16.01.2013, p. 1
P.R. China		Glass fibre products (certain continuous filament)	L 243; 16.09.2010, p.40 L 67; 15.03.2011, p.1 L 107; 25.04.2017, p.4
P.R. China	Malaysia	Glass fibres (certain open mesh fabrics of glass fibres)	Extension (circum.) L 196, 24.07.2012, p. 1
P.R. China	India	Glass fibres (certain open mesh fabrics of)	Extension (circum.) L 346, 20.12.2013, p. 20 Extension (circum.) L 236, 10.09.2015, p. 1
P.R. China	Indonesia	Glass fibres (certain open mesh fabrics of)	L 346, 20.12.2013, p. 20

P.R. China		Glass fibres (certain open mesh fabrics)	L 204; 09.08.2011, p.1 Expiry review L 288; 07.11.2017, p.4
P.R. China		Grain oriented flat-rolled products of silicon-electrical steel	L 120, 13.05.2015, p.10 L 284, 30.10.2015, p.109 L 10; 17.01.2022, p.17
P.R. China		Graphite electrodes system (GES)(certain)	L 366; 15.10.2021, p.62 L 108; 07.04.2022, p.20
P.R. China	Thailand	Hand pallet trucks and their essential parts	L 151; 11.06.2009, p.1
P.R. China		Hand pallet trucks and their essential parts	Amendment ((partial) interim review) L 112, 24.04.2013, p.1 Amendment (newcomer) L 265, 05.09.2014, p.7 Extension (circum.) L 214; 09.08.2016, p.1

P.R. China	heavy plate of non-alloy or other alloy steel	L 50; 28.02.2017, p.18
P.R. China	Hot rolled flat products (HRFS)	L 272; 07.10.2016, p.33 L 92; 06.04.2017, p.68
P.R. China	Iron or steel fasteners	L 36; 17.02.2022, p.1
P.R. China	Ironing boards	L 338; 20.12.2010, p.22 L 252; 02.10.2019, p.1
P.R. China	Ironing boards	Reopening L 297, 26.10.2012, p. 5 L 198, 23.07.2013, p. 1
P.R. China	Lever arch mechanisms	L 238, 04.09.2012, p.5 L 279; 09.11.2018, p.17
P.R. China	Malleable tube fittings (threaded, of cast iron)(MTF)	L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1 L 197; 25.07.2019, p.2

P.R. China		Melamine	L 298; 15.11.2010, p.10 L 124; 10.05.2011, p.2 L 170; 01.07.2017, p.62
P.R. China	Malaysia	Molybdenum wires	Extension (circum.) L8, 12.01.2012, p. 22
P.R. China		Molybdenum wires	Extension (circum.) L 243, 12.09.2013, P. 2 Extension (circum.) L 284, 30.10.2015, p. 100 L 170; 29.06.2016, p.19 L 197; 26.07.2022, p.75
P.R. China		Monosodium glutamate (MSG)	L 15, 22.01.2015, p. 31 Anti-circ L 336; 13.10.2020, p.8 L 132; 19.04.2021, p.63

P.R. China	Okoumé plywood	L 181; 17.05.2004, p.5 L 336; 02.11.2004, p.4 L 92; 06.04.2017, p.48
P.R. China	Optical fibre cables (OFC)	L 410; 18.11.2021, p.51
P.R. China	Organic coated steel	L 252, 19.09.2012, p. 33 L 73, 15.03.2013, p. 1 L 116; 03.05.2019, p. 5
P.R. China	Oxalic acid	L 106, 18.04.2012, p. 1 L 321; 29.11.2016, p.48 L 165; 02.07.2018, p.13
P.R. China	Peroxosulphates (persulphates)	L 338, 17.12.2013, p. 11 L 13; 17.01.2020, p.18
P.R. China	Polyester yarn (high tenacity)	L 49; 25.02.2017, p.6
P.R. China	Polyvinyl alcohol (certain) (PVA)	L 315; 29.09.2020, p.1

P.R. China		PSC wires and strands	Amendment ((partial) interim review) L 297, 26.10.2012, p.1 L 139, 05.06.2015, p.12 L 309; 02.09.2021, p.8
P.R. China	Laos	Ring binder mechanisms	L 7; 12.01.2006, p.1 L 170; 28.06.2022, p.38
P.R. China	Vietnam	Ring binder mechanisms	L 232; 28.06.2004, p.1 L 170; 28.06.2022, p.38
P.R. China		Ring binder mechanisms	L 122; 12.05.2016, p.1 L 170; 28.06.2022, p.38
P.R. China		Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), or circular cross section...(certain)	L 305; 12.11.2016, p.1 L 121; 12.05.2017, p.3
P.R. China		Seamless pipes and tubes of stainless steel	L 169; 27.06.2011, p.1 L 336; 14.12.2011, p.6 L 63, 06.03.2018, p.15

P.R. China	Taiwan	Silicon metal (silicon)	Extension (circum.) L 95, 05.04.2013, p. 1 L 211; 12.08.2022, p.86
P.R. China	Korea (Rep. of)	Silicon metal (silicon)	L 13; 15.01.2007, p.1 L 211; 12.08.2022, p.86
P.R. China		Silicon metal (silicon)	L 179; 05.07.2016, p.1 L 211; 12.08.2022, p.86
P.R. China		Sodium cyclamate	L 192; 16.07.2016, p.23
P.R. China		Sodium cyclamate	Amendment ((partial) interim review) L 124, 11.05.2012, p. 1 L 192; 16.07.2016, p.49 L 264; 11.10.2022, p.12
P.R. China		Sodium gluconate	L 16; 20.01.2017, p.3

P.R. China	Solar glass	L 316, 27.11.2013, p. 8 L 142, 14.05.2014, p. 1 Amendment L 98, 15.04.2015, p. 6 Amendment (absorption reinvestigation) L 215, 14.08.2015, p. 42 L 238; 23.07.2020, p.1
P.R. China	Stainless steel cold-rolled flat products	L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10 L 327; 16.09.2021, p.1
P.R. China	Stainless steel hot-rolled flat products (SSHR)	L 110; 08.04.2020, p.3 L 325; 07.10.2020, p.26
P.R. China	Steel road wheels	L 259; 10.10.2019, p.15 L 65; 04.03.2020, p.9
P.R. China	Steel wind towers	L 450; 16.12.2021, p.59

P.R. China	Korea (Rep. of)	Steel wire ropes and cables	L36, 09.02.2012; p. 1 Amendment (newcomer) L 138, 13.05.2014, p. 80 Amendment L 139, 14.05.2014, p.7
P.R. China	Morocco	Steel wire ropes and cables	L36, 09.02.2012; p. 1
P.R. China		Steel wire ropes and cables	L36, 09.02.2012; p. 1 L 101; 20.04.2018, p.40
P.R. China		Sulphanilic acid	L 363, 18.02.2014, p. 82 L 85; 12.03.2021, p.154
P.R. China		Tableware and kitchenware (ceramic)	L 318, 15.11.2012, p. 28 L 131, 15.05.2013, p. 1 Amendment L 314; 30.11.2017, p.31 L 189; 15.07.2019, p.8

P.R. China			Amendment ((partial) interim review) L 108, 20.04.2012, p. 1 L 110, 24.04.2012, p. 3 Amendment ((partial) interim review) L 182, 13.07.2012, p. 1 L 164; 29.06.2018, p.14
P.R. China		Trichloroisocyanuric acid (TCCA)	Amendment (newcomer) L 157, 27.05.2014, p. 80 L 319; 05.12.2017, p.10
P.R. China	Indonesia	Tube and pipe fitting, of iron or steel	L 335; 22.11.2004, p.4
P.R. China	Taiwan	Tube and pipe fitting, of iron or steel	L 94; 14.04.2000, p.1
P.R. China		Tube and pipe fitting, of iron or steel	L 282, 28.10.2015, p. 14 L 16; 25.01.2022, p.36
P.R. China	Philippines	Tube and pipe fittings(certain)	L 116; 27.04.2006, p.1

P.R. China	Sri Lanka	Tube and pipe fittings(certain)	L 355; 22.11.2004, p.9
P.R. China		Tubes and pipe fittings of stainless steel (butt-welding fittings)	L 22; 27.01.2017, p.14
P.R. China		Tungsten carbide and fused tungsten carbide	Initiation C 322; 15.12.1988, p.7 L 395; 31.12.2004, p.56 L 78; 24.03.2011, p.1 L 142; 02.06.2017, p.53
P.R. China	Thailand	Tungsten electrodes	L 290; 04.09.2020, p.1
P.R. China	Laos	Tungsten electrodes	L 290; 04.09.2020, p.1
P.R. China		Tungsten electrodes	L 150, 04.06.2013, p.1 L 200; 29.07.2019, p.4
P.R. China		Tyres for buses or lorries (new and retreaded)	L 116; 07.05.2018, p.8 L 263; 22.10.2018, p.3
P.R. China		Welded pipes and tubes (WPT)	L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.145

P.R. China	Wire rods	L 268, 15.10.2015, p. 9 L 364; 13.10.2021, p.14
Rep. Of Korea	Grain oriented flat-rolled products of silicon-electrical steel	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
Rep. Of Korea	superabsorbent polymers	L 107; 06.04.2022, p.27
Rep. Of Korea	Thermal paper (certain heavyweight)	L 164; 27.05.2020, p.28 L 346; 20.10.2020, p.19
Rep. Of Korea	Thermal paper (certain lightweight )	L 310; 17.11.2016, p.1 L 114; 03.05.2017, p.3
Rep. Of Korea	Tube and pipe fitting, of iron or steel	L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38 L 99; 10.04.2019, p.9

Russia	Ammonium nitrate	L 280, 24.09.2014, p.19 L41; 18.02.2016, p.13 L 425; 16.12.2020, p.21
Russia	Birch plywood	L 205; 11.06.2021, p.47 L 394; 09.11.2021, p.7
Russia	cold-rolled flat steel products	L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1 L 277; 27.10.2022, p.149
Russia	Corrosion resistant steels	L 211; 12.08.2022, p.127
Russia	Ferro-silicon	L 107, 10.04.2014, p.13 L 208; 01.07.2020, p.2
Russia	Grain oriented flat-rolled products of silicon-electrical steel	L 120, 13.05.2015, p.10 L 284, 30.10.2015, p.109 L 10; 17.01.2022, p.17
Russia	Hot-rolled flat products (of iron, non-alloy or other alloy steel)(certain)	L 258; 06.10.2017, p.24

Russia	Seamless pipes and tubes of iron or steel	L 174, 04.07.2012, p. 5 L 357, 28.12.2012, p. 1
Russia	Tube and pipe fittings(certain)	L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1 L 99; 10.04.2019, p.9
Russia	Urea and ammonium nitrate (UAN)	L 100; 11.04.2019, p.7 L 258; 09.10.2019, p.21
Russia	Welded pipes and tubes (WPT)	L 20, 27.01.2015, p. 6 L 132; 19.04.2021,p.145
Saudi Arabia	Mono Ethylene Glycol (MEG)	L 205; 11.06.2021, p.4 L 402; 15.11.2021, p.17
Taiwan	Stainless steel cold-rolled flat products	L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10 L 327; 16.09.2021, p.1

Taiwan	Stainless steel hot-rolled flat products (SSHR)	L 110; 08.04.2020, p.3 L 325; 07.10.2020, p.26
Taiwan	Tubes and pipe fittings of stainless steel (butt-welding fittings)	L 22; 27.01.2017, p.14
Thailand	Malleable tube fittings (threaded, of cast iron)(MTF)	L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1 L 197; 25.07.2019, p.2
Thailand	Sweet corn (prepared or preserved in kernels)	L 244, 13.09.2013, p. 1 Amendment ((partial) interim review) L 91, 27.03.2014, p. 1 L 310; 02.12.2019, p.6
Trinidad and Tobago	Urea and ammonium nitrate (UAN)	L 100; 11.04.2019, p.7 L 258; 09.10.2019, p.21
Türkiye	Corrosion resistant steels	L 211; 12.08.2022, p.127
Türkiye	Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	L 3; 07.01.2021, p.4 L 238; 06.07.2021, p.32

Ukraine		Hot-rolled flat products of iron, non-alloy or other alloy steel (certain)	L 258; 06.10.2017, p.24
Ukraine		Seamless pipes and tubes of iron or steel	L 174, 04.07.2012, p. 5 Amendment ((partial) interim review) L 238, 04.09.2012, p. 1
USA		Biodiesel	L 239, 15.09.2015, p. 69 Amendment L 116; 30.04.2016, p.31 L 277; 02.08.2021, p.34
USA	Canada	Biodiesel	L 122; 05.05.2011, p.1
USA		Grain oriented flat-rolled products of silicon-electrical steel	L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109 L 10; 17.01.2022, p.17
USA		Mono Ethylene Glycol (MEG)	L 205; 11.06.2021, p.4 L 402; 15.11.2021, p.17

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USA

Urea and ammonium nitrate (UAN)

L 100; 11.04.2019,  
p.7  
L 258; 09.10.2019,  
p.21

## ANNEX P

### Definitive anti-subsidy measures in force on 31 December 2022

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

Cases	Country	Extension	Regulation
Aluminium converter foil	P.R. China		L 458; 22.12.2021, p.344
Biodiesel	Argentina		L 40; 12.02.2019, p.71
Biodiesel	Indonesia		L 212; 13.08.2019, p.1 L 317; 09.12.2019, p.42
Biodiesel	USA		L 239, 15.09.2015, p. 99 Amendment L 116; 30.04.2016, p.27 L 277; 02.08.2021, p.62
Biodiesel	USA	Canada	L 122; 05.05.2011, p.1
Coated fine paper	P.R. China		L 128; 06.05.2011, p.18 L 171; 04.07.2017, p.134
continuous filament glass fibre products	Egypt		L 69; 06.03.2020, p. 14 L 201; 25.06.2020, p.10
E-bicycles	P.R.		L 16; 18.01.2019, p.5

	China	
Filament glass fibre products	P.R. China	L 367, 23.12.2014, p. 22 L 65; 25.02.2021, p.1
Graphite electrode systems	India	L 64; 10.03.2017, p.10
hot-rolled flat products of iron, non-alloy or other alloy steel	P.R. China	L 146; 09.06.2017, p.17
New and retreaded tyres for buses or lorries	P.R. China	L 283; 12.11.2018, p.1
optical fibre cables	P.R. China	L 12; 19.01.2022, p.34
Organic coated steel	P.R. China	L 73, 15.03.2013, p. 16 L 116; 03.05.2019, p.39
Polyethylene terephthalate (PET)	India	L 208, 05.08.2015, p. 10 L 202; 31.07.2019, p. 81
Rainbow trout	Türkiye	L 319, 06.11.2014, p. 1 L 56, 27.02.2015, p. 12 L 183; 25.05.2021, p.5
Solar glass	P.R. China	L 142, 14.05.2014, p. 23 L 238; 23.07.2020, p.43
Stainless steel cold-rolled flat products	India	L88; 16.03.2022, p.24

Stainless steel cold-rolled flat products	Indonesia		L88; 16.03.2022, p.24
Tubes and pipes of ductile cast iron	India		L 73; 18.03.2016, p.1 L 118; 16.04.2020, p.1 L 161; 16.06.2022, p.28
Woven and/or stitched glass fibre fabrics	Egypt	Türkiye	L 233; 08.09.2022, p.18
Woven and/or stitched glass fibre fabrics	Egypt		L 189; 15.06.2020, p.1
Woven and/or stitched glass fibre fabrics	P.R. China	Türkiye	L 233; 08.09.2022, p.18
Woven and/or stitched glass fibre fabrics	P.R. China	Morocco	L 46; 25.02.2022, p.31
Woven and/or stitched glass fibre fabrics	P.R. China		L 189; 15.06.2020, p.1

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

Country	Cases	Extension	Regulation
Argentina	Biodiesel		L 40; 12.02.2019, p.71
Egypt	Woven and/or stitched glass fibre fabrics	Türkiye	L 233; 08.09.2022, p.18
Egypt	Woven and/or stitched glass fibre fabrics		L 189; 15.06.2020, p.1
Egypt	continuous filament glass fibre products		L 69; 06.03.2020, p.14 L 201; 25.06.2020, p.10

India	Polyethylene terephthalate (PET)		L 208, 05.08.2015, p. 10 L 202; 31.07.2019, p. 81
India	Tubes and pipes of ductile cast iron		L 73; 18.03.2016, p.1 L 118; 16.04.2020, p.1 L 161; 16.06.2022, p.28
India	Stainless steel cold-rolled flat products		L88; 16.03.2022, p.24
India	Graphite electrode systems		L 64; 10.03.2017, p.10
Indonesia	Biodiesel		L 212; 13.08.2019, p.1 L 317; 09.12.2019, p.42
Indonesia	Stainless steel cold-rolled flat products		L88; 16.03.2022, p.24
P.R. China	optical fibre cables		L 12; 19.01.2022, p.34
P.R. China	Organic coated steel		L 73, 15.03.2013, p. 16 L 116; 03.05.2019, p.39
P.R. China	hot-rolled flat products of iron, non-alloy or other alloy steel		L 146; 09.06.2017, p.17
P.R. China	Woven and/or stitched glass fibre fabrics	Türkiye	L 233; 08.09.2022, p.18
P.R. China	Woven and/or stitched glass fibre fabrics	Morocco	L 46; 25.02.2022, p.31
P.R. China	Woven and/or stitched glass fibre fabrics		L 189; 15.06.2020, p.1

P.R. China	Solar glass		L 142, 14.05.2014, p. 23 L 238; 23.07.2020, p.43
P.R. China	New and retreaded tyres for buses or lorries		L 283; 12.11.2018, p.1
P.R. China	E-bicycles		L 16; 18.01.2019, p.5
P.R. China	Filament glass fibre products		L 367, 23.12.2014, p. 22 L 65; 25.02.2021, p.1
P.R. China	Aluminium converter foil		L 458; 22.12.2021, p.344
P.R. China	Coated fine paper		L 128; 06.05.2011, p.18 L 171; 04.07.2017, p.134
Türkiye	Rainbow trout		L 319, 06.11.2014, p. 1 L 56, 27.02.2015, p. 12 L 183; 25.05.2021, p.5
USA	Biodiesel		L 239, 15.09.2015, p. 99 Amendment L 116; 30.04.2016, p.27 L 277; 02.08.2021, p.62
USA	Biodiesel	Canada	L 122; 05.05.2011, p.1

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## **ANNEX Q**

### **Undertakings in force on 31 December 2022**

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

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation No</b>	<b>OJ Reference</b>
Citric acid	People's Republic of China	Undertakings	COMMISSION DECISION of 2 December 2008 02.12.2008	03.12.2008 L323/62 [AD522]
Polyethylene terephthalate (PET)	India Indonesia	Undertakings	COUNCIL REGULATION (EC) No 192/2007 22.02.2007	27.02.2007 L59/1 [R380]

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

<b>Origin</b>	<b>Product</b>	<b>Measure</b>	<b>Regulation No</b>	<b>OJ Reference</b>
India	Polyethylene terephthalate (PET)	Undertakings	COUNCIL REGULATION (EC) No 192/2007 22.02.2007	27.02.2007 L59/1 [R380]
Indonesia	Polyethylene terephthalate (PET)	Undertakings	COUNCIL REGULATION (EC) No 192/2007 22.02.2007	27.02.2007 L59/1 [R380]
People's Republic of	Citric acid	Undertakings	COMMISSION DECISION of 2 December	03.12.2008 L323/62

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Origin	Product	Measure	Regulation Nº	OJ Reference
China			2008 02.12.2008	[AD522]

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## **ANNEX R**

### **Anti-dumping & anti-subsidy investigations pending on 31 December 2022**

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

<b>Cases</b>	<b>CaseNo</b>	<b>AD/AS</b>	<b>Country</b>	<b>Nol</b>
Aluminium road wheels	AD686	AD	Morocco	C 464; 17.11.2021, p.19
Bulb flat	AD691	AD	Türkiye	C 431; 14.11.2022, p.11
Bulb flat	AD691	AD	P.R. China	C 431; 14.11.2022, p.11
Ceramic tiles	AD684	AD	Türkiye	C 501; 13.12.2021, p.25
Ceramic tiles	AD684	AD	India	C 501; 13.12.2021, p.25
Fatty acid	AD687	AD	Indonesia	C 482; 30.11.2021, p.5
Fatty acid	AS688	AS	Indonesia	C 195; 13.05.2022, p.11
High tenacity yarns of polyesters	AD690	AD	P.R. China	C 248; 30.06.2022, p.107
Stainless Steel Refillable Kegs	AD689	AD	P.R. China	C 195; 13.05.2022, p.24

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

Cases	CaseNo	Type	AD/A S	Country	CIRC UMV VIA	NoI
Trichloroisocyanuric acid (TCCA)	R786	expiry	AD	P.R. China		C 462; 05.12.2022, p.10
Melamine	R774	expiry	AD	P.R. China		C 252; 01.07.2022, p.6
Tungsten carbide and fused tungsten carbide	R772	expiry	AD	P.R. China		C 217; 01.06.2022, p.17
Sodium gluconate	R754	expiry	AD	P.R. China		C 25; 18.01.2022, p.8
Tartaric Acid	R529a	reopening	AD	P.R. China		C 296; 07.09.2017, p.16
Optical fibre cables	R785	absorption	AD	P.R. China		C 467; 08.12.2022, p.36
Threaded tube or pipe cast fittings of malleable cast iron	R784	interim	AD	P.R. China		C 438; 18.11.2022, p.7
hot-rolled flat products of iron, non-alloy or other alloy steel	R780	expiry	AD	Ukraine		C 384; 05.10.2022, p.3
hot-rolled flat products of iron, non-alloy or other alloy steel	R780	expiry	AD	Russia		C 384; 05.10.2022, p.3
hot-rolled flat products of iron, non-alloy or other alloy steel	R780	expiry	AD	Iran		C 384; 05.10.2022, p.3

hot-rolled flat products of iron, non-alloy or other alloy steel	R780	expiry	AD	Brazil	C 384; 05.10.2022, p.3
tubes and pipes of ductile cast iron	R779	interim	AD	India	C 363; 22.09.2022, p.9
certain hot rolled stainless steel sheets and coils	R778	circumvention	AD	Indonesia	Türkiye L 198; 27.07.2022, p.8
Rebars	R773	expiry	AD	Belarus	C 231; 15.06.2022, p.21
stainless steel tube and pipe butt-welding fittings	R777	circumvention	AD	P.R. China	L 155; 08.06.2022, p.36
Seamless pipes, of iron or steel, external diameter exceeding 406.4 mm	R769	expiry	AD	P.R. China	C193; 12.05.2022, p.5
hot-rolled flat products of iron, non-alloy or other alloy steel	R765	expiry	AD	P.R. China	C 150; 05.04.2022, p.3
heavy plate of non-alloy or other alloy steel	R761	expiry	AD	P.R. China	C 89; 25.02.2022, p.3
stainless steel tube and pipe butt-welding fittings	R758	expiry	AD	Taiwan	C 40; 26.01.2022, p.1
stainless steel tube and pipe butt-welding fittings	R758	expiry	AD	P.R. China	C 40; 26.01.2022, p.1
hot-rolled flat products of iron, non-alloy or other alloy steel	R770	expiry	AS	P.R. China	C 223; 08.06.2022, p.37

Steel products	SAFE0 09R6	general safeguard review	SFG	ROW	C 459; 02.12.2022, p. 6
Ceramic tiles	R782	expiry	AD	P.R. China	C 442; 22.11.2022, p.3
Open mesh fabrics of glass fibres	R781	expiry	AD	P.R. China	C 421; 04.11.2022, p.54
new and retreaded tyres for buses or lorries	AD640 a	reopening	AD	P.R. China	C 263; 08.07.2022, p.15
E-bicycles	AD643 a	reopening	AD	P.R. China	C 260; 06.07.2022, p.5
continuous filament glass fibre products	R767	expiry	AD	P.R. China	C 167; 21.04.2022, p.20
Graphite electrode systems	R762	expiry	AD	India	C 113; 09.03.2022, p.3
new and retreaded tyres for buses or lorries	AS641 a	reopening	AS	P.R. China	C 263; 08.07.2022, p.15
E-bicycles	AS646 a	reopening	AS	P.R. China	C 260; 06.07.2022, p.5
Graphite electrode systems	R763	expiry	AS	India	C 113; 09.03.2022, p.13
Hand pallet trucks and their essential parts	R783	expiry	AD	P.R. China	C 452; 29.11.2022, p.26

Aluminium road wheels	R759	expiry	AD	P.R. China	C 29; 20.01.2022, p.34
High tenacity yarns of polyesters	R771	interim	AD	P.R. China	C 248; 30.06.2022, p.142
High tenacity yarns of polyesters	R760	expiry	AD	P.R. China	C 87; 23.002.2022, p.2
lightweight thermal paper	AD629 a	reopening	AD	Korea (Rep. of)	C 248; 30.06.2022, p.152
Coated fine paper	R775	expiry	AD	P.R. China	C 248; 30.06.2022, p.130
lightweight thermal paper	R768	expiry	AD	Korea (Rep. of)	C 180; 03.05.2022, p.4
Okoumé plywood	R764	expiry	AD	P.R. China	C 150; 05.04.2022, p.16
Coated fine paper	R776	expiry	AS	P.R. China	C 248; 30.06.2022, p.119
Steel products	SAFE0 09DSI	reopening	SFG	Ergo Omnes	C 320; 24.08.2022, p.47

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## **ANNEX S**

### **Court cases**

#### A. Court cases pending before the Court of Justice of the European Union and the General Court on 31 December 2022

<b>Court of Justice</b>	
C-439/20 P	Commission v Jiangsu Seraphim Solar System (appeal against T-110/17)
C-441/20 P	Council v Jiangsu Seraphim Solar System and Commission (appeal against T-110/17)
C-123/21 P	Changmao Biochemical Engineering v Commission (appeal against T-541/18)
C-478/21P	China Chamber of Commerce for Import and Export of Machinery and Electronic Products and Others v Commission (appeal against T-254/18)
C-747/21P	PAO Severstal v Commission (appeal against T-753/16)
C-748/21P	NLMK v Commission (appeal against T-752/16)
C-268/22	Vitol (request for preliminary ruling)
C-412/22	Autoridade Tributária e Aduaneira (request for preliminary ruling)
C-517/22P	Eurobolt B.V. and Others
C-688/22P	Methanol Holdings (Trinidad) v Commission (appeal against T-744/19)
C-725/22P	Nevinnomyssky "Azot" and NAK "Azot" v Commission (appeal against T-865/19)

<b>General Court</b>	
T-781/17	Kraftpojkarna v Commission

## General Court

T-782/17	Wuxi Saijing Solar v Commission
T-733/19	Zhejiang Sunflower Light Energy Science & Technology LTD and Sunowe Solar GmbH c/ Commission
T-301/20	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission
T-403/20	Wuxi Suntech Power v Commission
T-480/20	Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission
T-540/20	Jushi Egypt v Commission
T-660/20	Zhejiang Beyondsun Green Energy Technology v Commission
T-693/20	Hansol Paper v Commission
T-762/20	Sinopec Chongqing SVW Chemical and Others v Commission
T-763/20	Inner Mongolia Shuangxin Environment-Friendly Material v Commission
T-764/20	Anhui Wanwei Updated High-Tech Material Industry and Inner Mongolia Mengwei Technology v Commission
T-126/21	Nevinnomysskiy Azot and NAK "Azot" v Commission
T-326/21	Guangdong Haomei New Materials and Guangdong King Metal Light Alloy Technology v Commission
T-598/21	Euranimi v Commission
T-629/21	Ereğli Demir ve Çelik Fabrikaları and Others v Commission
T-630/21	Çolakoğlu Metalurji and Çolakoğlu Dış Ticaret v Commission
T-748/21	Hangzhou Dingsheng Industrial Group e.a. v Commission
T-2/22	Sveza Verkhnyaya Sinyachikha and others v Commission
T-3/22	ZHPLK v Commission
T-32/22	Vyatsky Plywood Mill / Commission

<b>General Court</b>	
T-81/22	Euranimi v Commission
T-245/22	PGTEX Morocco v Commission
T-246/22	PGTEX Morocco v Commission
T-263/22	CCCME v Commission
T-348/22	PT Indonesia Ruipu Nickel and Chrome Alloy v Commission
T-356/22	LG Chem, Ltd v Commission

B. Judgments, orders or other decisions rendered in 2022.

<b>Court of Justice</b>	
C-891/19 P	Commission v Hubei Xinyegang Special Tube (appeal against T-500/17)
C-226/20 P	The European Steel Association (Eurofer) v European Commission (appeal against T-835/17)
C-666/19 P	Changmao Biochemical Engineering v Commission (appeal against T-741/16)
C-79/20 P	Yieh United Steel Corporation Ltd (Yusco) (appeal against T-607/15)
C-260/20P	European Commission v Hansol paper (appeal against T-383/17)
C-718/20 P	Zhejiang Jiuli Hi-Tech Metals v Commission (appeal against T-307/18)
C-507/21P	Puma and Others v Commission (appeal against T-781/16)
C-617/22P	European Association of Non-Integrated Metal Importers & Distributors (Euranimi) (appeal against T-781/21 and T-782/21)

## General Court

T-586/14RENV I	Xinyi PV Products (Anhui) v Commission
T-30/19	CRIA and CCCMC v Commission
T-72/19	CRIA and CCCMC v Commission
T-242/19	Giant Electric Vehicle Kunshan v Commission
T-243/19	Giant Electric Vehicle Kunshan v Commission
T-245/19	Uzina Metalurgica Moldoveneasca v Commission
T-246/19	Cambodge and CRF v Commission
T-144/20	Guangxi Xin Fu Yuan Co., Ltd. v Commission
T-440/20	Jindal Saw v Commission
T-441/20	Jindal Saw v Commission
T-479/20	Eurobolt v Commission
T-328/21	Airoldi Metalli v Commission
T-150/21	Hangzhou Dingsheng Industrial Group e.a. v Commission (withdrawn)
T-788/21	TDK Foil Italy S.p.A v Commission
T-744/19	Methanol Holdings (Trinidad) v Commission
T-865/19	Nevinnomysskiy Azot and NAK "Azot" v Commission
T-1/22	Airoldi Metalli v Commission
T-278/20	Zhejiang Hangtong Machinery Manufacture and Ningbo Hi-Tech Zone Tongcheng Auto Parts v Commission
T-781/21	EAA v Commission
T-782/21	EAA v Commission
T-769/21	Euranimi v Commission
T-687/20	Jinan Meide Casting and Others v Commission

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## General Court

T-111/20	PT Wilmar Bioenergi Indonesia, PT Wilmar Nabati Indonesia e.a. v Commission
T-138/20	PT Ciliandra Perkasa v Commission
T-143/20	PT Pelita Agung Agrindustri and PT Permata Hijau Palm Oleo v Commission
T-782/16	Timberland v Commission (case withdrawn)
T-861/16	C & J Clark International Ltd v Commission (case withdrawn)
T-790/16	C & J Clark International Ltd v Commission (case withdrawn)
T-154/17	Deichmann v Commission (case withdrawn)
T-155/17	Van Haren Schoenen v Commission (case withdrawn)
T-347/17	FLA Europe v Commission (case withdrawn)
T-351/17	Nike European Operations Netherlands and Others v Commission (case withdrawn)
T-360/17	Jana shoes and Others v Commission (case withdrawn)
T-24/18	Adidas International Trading and Others v Commission (case withdrawn)
T-124/18	Wendel and Others v Commission (case withdrawn)
T-126/18	van Haren Schoenen v Commission (case withdrawn)
T-127/18	Cortina and FLA Europe v Commission (case withdrawn)
T-130/18	adidas International Trading and Others v Commission (case withdrawn)
T-131/18	Deichmann v Commission (case withdrawn)
T-141/18	Deichmann-Shoes UK v Commission (case withdrawn)
T-142/18	Buffalo - Boots v Commission (case withdrawn)
T-157/18	Caprice Schuhproduktion v Commission (case withdrawn)
T-747/20	EOC Belgium v Commission (PVA)
T-746/20	Grünig v Commission

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## **ANNEX T**

### **Safeguard and surveillance measures in force on 31 December 2022**

#### A. Safeguard measures

<b>List of safeguard measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Type</b>	<b>OJ Reference</b>
Steel products (certain)	Erga Omnes	General	C 111; 26.03.2018, p.29 L 181; 18.07.2018; p.39

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## Annex U

### Third country cases against the EU

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#### Measures imposed

In the year 2022.

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Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Argentina	Sodium Benzoate	AD	Provisional	31-05-2022	Netherlands
Brazil	Ethylene glycol monobutyl ether	AD	Provisional	25-02-2022	France
Egypt	Edam and Gouda Cheese	AD	Definitive	10-01-2022	Netherlands
Mexico	Steel beams (H and I)	AD	Provisional	20-08-2022	Germany, Spain
Pakistan	CR Coils/Sheets	AD	Definitive	03-02-2022	Belgium, Germany, Spain, France, Italy, Cyprus, Netherlands, Finland, Sweden
Philippines	High-Density Polyethylene and Linear Low-Density Polyethylene pellets and granules	SG	Definitive	27-10-2022	Belgium, Czech Republic, Denmark, Germany, Spain, France, Italy, Latvia, Lithuania, Netherlands, Austria, Finland, Sweden
SACU	Pasta	AD	Definitive	17-03-2022	Latvia, Lithuania
South Africa	Frozen bone-in portion of fowls of gallus domesticus	AD	Definitive	01-08-2022	Denmark, Spain, Ireland, Poland
South Africa	Frozen potato chips	AD	Provisional	15-07-2022	Belgium, Germany, Netherlands
Türkiye	Grinding balls	SG	Definitive	27-07-2022	Germany, Spain, France, Netherlands, Bulgaria
Türkiye	Polyurethane artificial leather	AD	Definitive	15-06-2022	Greece
Türkiye	Hot rolled steel alloy and non-alloy	AD	Definitive	07-07-2022	Belgium, Germany, Spain, France, Italy, Netherlands, Romania

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## Investigations initiated

In the year 2022.

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Country	Product	Instrument	Initiation Date	Exporting MS
Australia	Ammonium nitrate, prilled, granular, or in other solid form, with or without additives or coatings, in packages exceeding 10 kg	AD	08-06-2022	Lithuania
India	PVC Suspension Resins with Residual VCM above 2 PPM	SG	16-09-2022	Germany, France, Sweden
India	Vitamin A Palmitate, in all its strengths and forms, with or without stabilization	AD	29-12-2022	Belgium, Germany, France, Italy, Netherlands
Madagascar	Water and oil paints	SG	01-06-2022	
Morocco	Inner tubes for bicycles, velocipedes, motorcycles and scooters	SG	03-10-2022	
Tunisia	wire of iron or non-alloy steel for springs.	SG	19-07-2022	Belgium, Italy, Portugal
United States	Certain preserved mushrooms	AD	31-03-2022	Spain, France, Netherlands, Poland

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## Measures in Force

At 31-12-2022

Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Argentina	Certain boilers	AD	Definitive	26-03-2020	Italy, Slovakia
Argentina	Electrical terminals	AD	Definitive	02-04-2009	Germany
Argentina	Radiators	AD	Definitive	22-11-2019	Spain, Italy
Argentina	Sodium Benzoate	AD	Definitive	01-11-2022	Netherlands
Australia	A4 Copy paper	AD	Definitive	02-04-2019	Austria, Slovakia, Finland
Australia	Ammonium nitrate	AD	Definitive	29-05-2019	Sweden
Australia	Chrome bars	AD	Definitive	08-09-2016	Romania
Australia	Q&T Steel Plate	AD	Definitive	05-11-2014	Finland, Sweden
Australia	Railway wheels	AD	Definitive	12-07-2019	France
Australia	Steel Reinforcing Bar	AD	Definitive	19-11-2015	Spain
Australia	Steel reinforcing bar	AD	Definitive	08-03-2018	Greece, Spain
Brazil	Adipic Acid	AD	Definitive	01-04-2015	Germany, France, Italy
Brazil	Elastomeric rubber pipes	AD	Definitive	22-06-2015	Germany, Italy
Brazil	Ethanolamines and triethanolamines	AD	Definitive	04-11-2013	Germany
Brazil	Ethylene glycol monobutyl ether	AD	Definitive	22-08-2022	France
Brazil	Laminated steel	AD	Definitive	04-10-2013	Germany, Finland
Brazil	Lightweight paper	AD	Definitive	23-04-2012	Belgium, Germany, Finland, Sweden
Brazil	Monobutyl ethers of ethylene glycol	AD	Definitive	22-04-2016	Germany
Brazil	Nitrile Rubber	AD	Definitive	13-08-2018	France
Brazil	Offset printing plates	AD	Definitive	05-03-2015	Belgium, Germany, United Kingdom
Brazil	Plastic Tubes for Blood Collection	AD	Definitive	30-04-2015	Germany, United Kingdom
Brazil	Silicon electrical steel	AD	Definitive	12-07-2019	Germany
Canada	Certain hot-rolled carbon steel heavy plate and high-strength low-alloy steel heavy plate	AD	Definitive	05-02-2021	Germany
Canada	Concrete reinforcing bar	AD	Definitive	04-06-2021	Italy
Canada	Concrete reinforcing bar	AD	Definitive	04-05-2017	Spain, Portugal

Canada	Copper tubes	AD	Definitive	02-01-2014	Greece
Canada	Hot-rolled carbon steel plate and high-strength low-alloy steel plate	AD	Definitive	09-01-2004	Czech Republic, Bulgaria, Romania
Canada	Refined sugar	AD	Definitive	06-11-1995	Denmark, Germany, Netherlands, United Kingdom
Canada	Refined sugar	CVD	Definitive	06-11-1995	European Union
Canada	Steel plate	AD	Definitive	04-06-2014	Denmark, Italy
Canada	Wheat gluten	AD	Definitive	23-04-2021	Belgium, Germany, France, Lithuania, Austria
China	Alloy Seamless Tubes	AD	Definitive	10-05-2014	Germany, France, Italy
China	Certain iron or steel fasteners	AD	Definitive	29-06-2010	Germany, Spain, France, Italy, Netherlands, Poland, Sweden, United Kingdom
China	Chloroprene Rubber	AD	Definitive	10-05-2005	Germany, France, European Union
China	Dispersion Unshifted Single-mode Optical Fiber	AD	Definitive	22-04-2011	Denmark, Germany, France, Italy, Netherlands
China	EPDM	AD	Definitive	20-12-2020	Belgium, Germany
China	Ethylene Glycol Monobutyl Ether	AD	Definitive	25-01-2013	Germany, France, Sweden
China	Grain oriented flat-rolled steel (GOES)	AD	Definitive	23-07-2016	Germany, Poland, United Kingdom
China	halogenated butyl rubber	AD	Definitive	20-08-2018	Belgium, United Kingdom
China	meta-Cresol	AD	Definitive	15-01-2021	Belgium, Denmark, Germany, Spain, France, Ireland, Netherlands
China	Perchloroethylene	AD	Definitive	30-05-2014	Germany, France
China	Phenol	AD	Definitive	06-09-2019	Belgium, Denmark, Germany, Spain, France
China	Photographic paper	AD	Definitive	23-03-2012	Netherlands, United Kingdom

China	Polyamide-6 (PA6)	AD	Definitive	22-04-2010	Belgium, Germany, Italy, Netherlands, Poland
China	Potato Starch	CVD	Definitive	17-09-2011	Germany, France, Netherlands
China	Potato Starch	AD	Definitive	06-02-2007	Germany, France, Netherlands
China	Stainless Steel Billet and Hot-rolled Stainless Steel Plate (Coil)	AD	Definitive	23-07-2019	Belgium, Czech Republic, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, Hungary, Netherlands, Austria, Poland, Slovenia, Slovakia, Finland, Sweden, United Kingdom
China	Toluidine	AD	Definitive	13-03-2013	Germany
China	Unbleached sack paper	AD	Definitive	09-04-2016	Austria, Finland, Sweden, Bulgaria
Colombia	Frozen fries	AD	Definitive	09-11-2018	Belgium, Germany, Netherlands
Costa Rica	White sugar	SG	Definitive	09-08-2020	
Egypt	Edam and Gouda Cheese	AD	Definitive	10-01-2022	Netherlands
Egypt	Raw aluminium (Ingots, Billets & Wire Rod)	SG	Definitive	15-04-2021	Spain
Eurasian Economic Union	Herbicides	AD	Definitive	18-06-2019	Belgium, Germany, France
Gulf Cooperation Council	Uncoated paper or paperboard in rolls or sheets (other than Containerboard)	AD	Definitive	01-05-2019	Spain, Italy, Poland
India	2-Ethyl Hexanol	AD	Definitive	29-03-2016	Germany
India	Acetone	AD	Definitive	11-03-2008	Belgium, Spain, Italy
India	Methylene Chloride	AD	Definitive	21-05-2014	Belgium, Germany, Spain, France, Italy, Netherlands, Portugal, United Kingdom

India	Normal Butanol or N-Butyl Alcohol	AD	Definitive	19-02-2016	Germany
India	Synthetic Filament Yarn of Nylon	AD	Definitive	06-10-2018	Belgium, Denmark, Germany, Estonia, Spain, France, Ireland, Italy, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, United Kingdom
India	Toluene Di-Isocyanate	AD	Definitive	02-12-2020	Belgium, Czech Republic, Germany, Greece, Spain, Italy, Latvia, Hungary, Netherlands, Poland, Portugal, United Kingdom
India	Wooden flooring	AD	Definitive	27-03-2018	Denmark, Germany, Spain, Italy, Lithuania, Poland
Indonesia	Articles of Apparel	SG	Definitive	12-11-2021	Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, Bulgaria, Romania, Croatia

Indonesia	Carpets	SG	Definitive	17-02-2021	Belgium, Czech Republic, Denmark, Germany, Spain, France, Ireland, Italy, Netherlands, Austria, Poland, Portugal, Finland, Sweden, Bulgaria, Romania
Indonesia	Ceramic tiles and mosaic	SG	Definitive	12-10-2018	Germany, Spain, France, Italy, Netherlands
Indonesia	Cigarette Paper	SG	Definitive	30-11-2021	Czech Republic, Denmark, Germany, Spain, France, Lithuania, Hungary, Netherlands, Poland
Indonesia	Cotton; Man-Made Filaments; Man-Made Staple Fibres; Special Woven Fabrics; Knitted or Crocheted Fabrics	SG	Definitive	27-05-2020	Belgium, Czech Republic, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, Bulgaria, Romania, Croatia
Indonesia	Evaporators	SG	Definitive	11-01-2020	Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania,

					Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, Romania, Croatia
Indonesia	Expansible polystyrene	SG	Definitive	24-12-2021	Spain, Italy
Indonesia	Fructose syrup	SG	Definitive	17-09-2020	France, Netherlands
Indonesia	H and I sections of other alloy steel	SG	Definitive	21-01-2015	France, Italy, Netherlands, Sweden
Korea/South	Butyl Glycol Ether	AD	Definitive	06-12-2016	France
Korea/South	Coated printing paper	AD	Definitive	22-07-2018	Finland
Korea/South	Stainless steel bar	AD	Definitive	30-07-2004	Spain
Korea/South	Stainless steel bar	AD	Definitive	22-02-2019	Italy
Lebanon	corn flakes, rice and roasted wheat	AD	Definitive	26-09-2019	Germany, France, Poland
Lebanon	White refined sugar	SG	Provisional	02-03-2020	
Madagascar	Blankets	SG	Definitive	31-08-2021	France, United Kingdom
Madagascar	Blankets and travelling rugs	SG	Definitive	31-08-2021	Belgium, France, Poland
Madagascar	Detergent powder	SG	Definitive	31-08-2021	Belgium, France, Netherlands
Madagascar	Detergents	SG	Definitive	31-08-2021	France,
Madagascar	Edible vegetable oils and margarines	SG	Definitive	31-08-2020	
Madagascar	Pasta	SG	Definitive	01-08-2019	Spain, France, Italy
Mexico	Hot rolled steel coils	AD	Definitive	23-12-2015	Germany, France
Mexico	Seamless carbon steel pipes	AD	Definitive	04-04-2018	Spain
Mexico	Steel beams (H and I)	AD	Provisional	20-08-2022	Germany, Spain
Mexico	Steel plate	AD	Definitive	01-05-2019	Italy
Mexico	Steel plate produced in Romania	AD	Definitive	22-09-2005	
Mexico	Stranded wire ropes & cables	AD	Definitive	27-02-2016	Spain, Portugal
Morocco	Cold rolled steel sheets and plated or coated sheets	SG	Definitive	07-09-2015	Spain
Morocco	Hot rolled steel sheets (tôles d'acier laminées à chaud enroulées ou non enroulées)	SG	Definitive	19-06-2020	

Morocco	Insulin	AD	Definitive	28-10-2014	Denmark
Morocco	Tubes and pipes iron or steel (Tubes et tuyaux en fer ou en acier)	SG	Definitive	01-09-2020	
Morocco	wire rods and reinforcing bars	SG	Definitive	27-03-2014	Spain, Portugal
Morocco	Wooden panels (Panneaux de bois revetus (PBR))	SG	Definitive	20-09-2019	
New Zealand	Canned peaches	AD	Definitive	09-03-1998	Greece
New Zealand	Preserved peaches	AD	Definitive	04-08-2011	Spain
Pakistan	CR Coils/Sheets	AD	Definitive	03-02-2022	Belgium, Germany, Spain, France, Italy, Cyprus, Netherlands, Finland, Sweden
Pakistan	Hydrogen Peroxide	AD	Definitive	15-07-2011	Belgium
Philippines	High-Density Polyethylene and Linear Low-Density Polyethylene pellets and granules	SG	Definitive	27-10-2022	Belgium, Czech Republic, Denmark, Germany, Spain, France, Italy, Latvia, Lithuania, Netherlands, Austria, Finland, Sweden
SACU	Pasta	AD	Definitive	17-03-2022	Latvia, Lithuania
South Africa	bolts with hexagon heads of iron or steel 7318.15.43 (different product from SFG Threaded fasteners 2019)	SG	Definitive	10-12-2021	Belgium, Denmark, Germany, France, Hungary, Netherlands, Croatia
South Africa	Frozen bone-in portion of fowls of gallus domesticus	AD	Definitive	01-08-2022	Denmark, Spain, Ireland, Poland
South Africa	Frozen chicken	AD	Definitive	27-02-2015	Germany, Netherlands, United Kingdom
South Africa	Frozen potato chips	AD	Provisional	15-07-2022	Belgium, Germany, Netherlands
South Africa	Ropes & cables of iron or steel	AD	Definitive	28-08-2002	Germany, United Kingdom
South Africa	screws made of steel with hexagon heads	SG	Definitive	03-02-2019	Belgium, Germany, France, Italy, Netherlands

South Africa	threaded fasteners, bolts and screws	SG	Definitive	24-07-2020	Denmark, Germany, France, Hungary, Netherlands, Croatia
Thailand	Hot-rolled flat in coils and not in coils	AD	Definitive	27-05-2003	Slovakia, Romania
Thailand	tin free steel	AD	Definitive	13-11-2021	Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands
Thailand	Tinplate	AD	Definitive	13-11-2021	Belgium, Germany, Spain, France, Netherlands
Türkiye	AC woven fabrics of synthetic filament yarn	AD	Definitive	22-08-2015	Bulgaria
Türkiye	Electrical water heaters	AD	Definitive	19-09-2013	Italy
Türkiye	Fittings	AD	Definitive	07-09-2006	Spain
Türkiye	Grinding balls	SG	Definitive	27-07-2022	Germany, Spain, France, Netherlands, Bulgaria
Türkiye	Hot rolled steel alloy and non-alloy	AD	Definitive	07-07-2022	Belgium, Germany, Spain, France, Italy, Netherlands, Romania
Türkiye	Laminated flooring	AD	Definitive	13-06-2015	Germany
Türkiye	Poly(ethylene terephthalate) - PET	SG	Definitive	13-12-2020	Germany, Greece, Spain, Italy
Türkiye	Polyurethane artificial leather	AD	Definitive	15-06-2022	Greece
Türkiye	Polyvinyl chloride (PVC)	AD	Definitive	06-02-2003	Belgium, Germany, Greece, Italy, Hungary, Netherlands, Finland, Romania
Türkiye	Sodium Percarbonate	AD	Definitive	02-03-2018	Germany, Sweden
Türkiye	Synthetic staple fibres of polyesters	SG	Definitive	24-09-2021	Czech Republic, Ireland, Poland, Bulgaria, Romania
Türkiye	Toothbrushes	SG	Definitive	03-02-2018	Germany, Netherlands,

					Sweden
Türkiye	Unbleached kraft liner paper	AD	Definitive	19-04-2018	Poland, Finland
Türkiye	Wall paper	SG	Definitive	06-08-2015	Belgium, Germany, Italy, United Kingdom
Türkiye	woven fabrics of synthetic and artificial staple fibres	AD	Definitive	22-08-2015	Poland, Bulgaria
Türkiye	Woven fabrics of synthetic filament yarn; Woven fabrics of synthetic or artificial staple fibres	AD	Definitive	26-08-2021	Germany, Spain, Italy
Türkiye	Woven fabrics of yarn and fibres. Anti circumvention investigation.	AD	Definitive	07-05-2019	Greece
Türkiye	yarn of polyamides and other nylon	SG	Definitive	21-11-2019	Germany, Italy, Poland, Slovakia
Ukraine	Fresh Cut Roses	SG	Definitive	21-04-2021	Netherlands
Ukraine	Polymeric materials	SG	Definitive	20-11-2020	Czech Republic, Germany, France, Hungary, Netherlands, Poland
Ukraine	Rubber plugs	AD	Definitive	20-05-2019	Poland
Ukraine	Sulphuric acid and oleum	SG	Definitive	01-09-2018	Germany
United Kingdom	Certain steel products	SG	Definitive	01-07-2021	
United States	acetone	AD	Definitive	20-12-2019	Belgium, Spain
United States	Brass sheet & strip	AD	Definitive	06-03-1987	Germany, France, Italy
United States	Carbon & alloy steel cut to length plate	AD	Definitive	05-05-2017	Belgium, Germany, France, Italy, Austria
United States	Certain carbon and alloy steel wire rod	AD	Definitive	20-03-2018	Spain, Italy, United Kingdom
United States	Certain carbon and alloy steel wire rod	CVD	Definitive	19-03-2018	Italy
United States	Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel	AD	Definitive	16-04-2018	Germany, Italy
United States	Certain hot-rolled steel flat products	AD	Definitive	12-09-2016	Netherlands, United Kingdom
United States	Chlorinated isocyanurates	AD	Definitive	24-06-2005	Spain
United States	citric acid, sodium citrate, and potassium citrate (also in blends under HS 382499)	AD	Definitive	25-07-2018	Belgium
United States	common alloy aluminum sheet	AD	Definitive	27-04-2021	Germany, Greece, Spain,

					Italy, Slovenia, Romania, Croatia
United States	Corrosion-resistant steel	CVD	Definitive	15-09-2016	Italy
United States	Corrosion-resistant steel	AD	Definitive	15-07-2016	Italy
United States	crystalline silicon photovoltaic (CSPV) cells (whether or not partially or fully assembled into other products)	SG	Definitive	07-02-2018	Germany, Italy
United States	Emulsion styrene-butadiene rubber (ESB rubber)	AD	Definitive	12-09-2017	Poland
United States	Finished Carbon Steel Flanges	AD	Definitive	29-07-2017	Spain, Italy
United States	Forged steel fittings	AD	Definitive	05-10-2018	Italy
United States	Forged Steel Fluid End Blocks	AD	Definitive	28-01-2021	Germany, Italy
United States	Forged Steel Fluid End Blocks	CVD	Definitive	28-01-2021	Germany, Italy
United States	Large Diameter Welded Pipes	AD	Definitive	27-02-2019	Greece
United States	Large residential washers (LRWs) and certain parts thereof	SG	Definitive	07-02-2018	Germany, Spain, Italy, Sweden
United States	Methionine	AD	Definitive	23-07-2021	Spain, France
United States	Non-oriented electrical steel	AD	Definitive	18-11-2014	Germany, Sweden
United States	Pasta	CVD	Definitive	24-07-1996	Italy
United States	Pasta	AD	Definitive	24-07-1996	Italy
United States	Pressed Concrete Steel Wire Strand	AD	Definitive	09-04-2021	Spain, Italy, Netherlands
United States	Ripe olives	CVD	Definitive	25-07-2018	Spain
United States	Ripe Olives	AD	Definitive	01-08-2018	Spain
United States	Seamless line and pressure pipe	AD	Definitive	03-08-1995	Germany
United States	Seamless pipe	AD	Definitive	04-03-1997	Germany
United States	Seamless pipe small diameter	AD	Definitive	11-10-2011	Romania
United States	Sodium Nitrite	AD	Definitive	27-08-2008	Germany
United States	Stainless steel butt-weld pipe fittings	AD	Definitive	23-02-2001	Italy
United States	Stainless steel plates in coils	AD	Definitive	21-05-1999	Belgium
United States	Steel concrete reinforcing bars x752	AD	Definitive	07-09-2001	Latvia, Poland
United States	Strontium Chromate	AD	Definitive	08-10-2019	France, Austria
United States	Thermal paper	AD	Definitive	30-09-2021	Germany, Spain
United States	Uncoated paper	AD	Definitive	20-01-2016	Portugal
United States	Utility Scale Wind towers	AD	Definitive	16-08-2021	Spain

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