EUROPEAN
COMMISSION

Brussels, 7.6.2023
COM(2023) 294 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE REVISED LESSER DUTY RULE IN ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS IN THE EU

A review and evaluation of the application of Articles 7(2a), 8(1) and 9(4) of REGULATION (EU) 2016/1036 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 and of the third and fourth subparagraphs of Article 12(1), the third and fourth subparagraphs of Article 13(1), and of the third and fourth subparagraphs of Article 15(1) of REGULATION (EU) 2016/1037 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016

REVIEW AND EVALUATION OF THE APPLICATION OF THE LESSER DUTY RULE IN ANTI-DUMPING AND ANTI- SUBSIDY INVESTIGATIONS

1. INTRODUCTION

On 8 June 2018, new anti-dumping and anti-subsidy rules entered into force to modernise and strengthen the EU's trade defence instruments[1]. One of the main changes concerned how the EU applies a rule known as the 'lesser duty rule' (LDR). The new Article 23(4) of the basic Anti-Dumping Regulation[2] ("BADR") and Article 32a(2) of the basic Anti-Subsidy Regulation[3] ("BASR") require the Commission to submit a review and evaluation of the application of the new provisions on the lesser duty rule by 9 June 2023 and accompany, if appropriate, with a legislative proposal. This review covers cases initiated after 9 June 2018 and concluded by the end of March 2023. It outlines how the new provisions were applied and the impact, if any, on the level of measures.

Background

Under WTO rules, the level of an anti-dumping or anti-subsidy duty cannot be higher than the amount of dumping or subsidisation, but it is desirable that the duty is lower if that level would be sufficient to remove the injury to the domestic industry. This rate is calculated by comparing import prices with the cost of production of the EU industry and a reasonable profit margin (the "underselling margin").

Prior to June 2018, the EU always applied the LDR in anti-dumping and anti-subsidy investigations. However, with a view to strengthening the trade defence instruments, the co-legislators considered that some types of distortions are particularly harmful and that, as a result, a duty based on the existing LDR disciplines would not capture the full extent of the injury caused by them. This concerns subsidisation practices, on the one hand, and certain types of measures distorting the price of any raw material (whether unprocessed or processed, including energy) which create an undue advantage for the companies in the market of the country concerned.

In line with that new legislation, in anti-subsidy investigations, it is no longer possible to apply the LDR. The amount of the countervailing duty is set at the level of the countervailable subsidies established.. The LDR only applies when it can be clearly concluded that it is not in the Union interest to determine the measures on the basis of the subsidy amount. This means that anti-subsidy measures will, by default, fully offset the subsidies that an exporter receives thereby allowing the EU to address the distortive and damaging effects of subsidised imports more rigorously.

In anti-dumping investigations, the application of the LDR was also modified. While the LDR still applies in such cases, in certain special circumstances (i.e. presence of significant raw

---

1 Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and 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, OJ L 143, 7.6.2018, p. 1.

2 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, OJ L 176, 30.6.2016, p. 21.

3 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 OJ L 176, 30.6.2016, p.55.

material distortions) the Commission may impose measures at the level of the full dumping margin and not at the level of the potentially lower underselling margin, because it is deemed necessary to remove the additional injury suffered by the industry stemming from the raw materials distortions. The relevant cumulative conditions are:

- Significant raw material distortions must exist. They consist of: dual pricing schemes, export taxes, export surtax, export quota, export prohibition, fiscal tax on exports, licensing requirements, minimum export price, value added tax (VAT) refund, reduction or withdrawal, restriction on customs clearance point for exporters, qualified exporters list, domestic market obligation, captive mining if the price of a raw material is significantly lower as compared to prices in the representative international markets. This list can be amended if the OECD 'Inventory on export restrictions on industrial raw materials', or any OECD database, which replaces this inventory, identifies other types of measures.
- These distortions must concern at least one raw material that accounts, individually, for more than 17% of the cost of production of the product concerned, in the exporting country;
- The price of the distorted raw material needs to be significantly lower than prices in representative international markets;
- The Commission must establish that a higher level of measures is in line with the interest of the Union by examining all pertinent information such as spare capacities in the exporting country, competition for raw materials and the effect on supply chains for Union companies.

2. THE LESSER DUTY RULE IN ANTI-DUMPING INVESTIGATIONS - ARTICLE 7(2A) OF BADR

2.1. The procedure

For the Commission to examine how the LDR should apply, it must have sufficient evidence of 'significant raw material distortions' meeting the aforementioned conditions. These distortions are examined in the investigation only *after* the Commission has established that the dumping margins are higher than the underselling margins. Under overarching WTO and EU rules, the duty level imposed cannot be higher that the dumping margin found, and therefore analysing the existence of distortions and of the legal conditions would become moot in these circumstances.

2.2. The investigations

The Commission imposed definitive anti-dumping duties in 34 cases initiated covered by this review. A list of the cases is contained in Annex 1.

Of those 34 investigations, the issue of significant raw material distortions was raised in 13 cases.

2.2.1. DUMPING MARGINS LOWER THAN UNDERSELLING MARGINS - SIGNIFICANT DISTORTIONS NOT EXAMINED

In four investigations (Aluminium extrusions from China (2021); Hot rolled flat products of iron/steel from Türkiye (2021); Stainless steel cold-rolled flat products from Indonesia (2021) and Graphite electrodes from China (2022)) the dumping margins found were lower than the

underselling margins. Therefore, the Commission did not examine the raw material distortions since measures could only be imposed at the level of the dumping margins.

2.2.2. UNDERSELLING MARGINS LOWER THAN DUMPING MARGIN – SIGNIFICANT DISTORTIONS EXAMINED

For the remaining nine cases, dumping margins were higher, for some companies, than the underselling margins. Hence, the Commission examined if the conditions under Article 7(2a) of the BADR were met.

In three out of these nine cases (Calcium Silicon (2022), Aluminium flat rolled products (2021) and Aluminium converter foil (2021) – all from China), the raw materials individually accounted for more than 17% of the costs of production of the product concerned. However, in Calcium silicon, the Commission found no evidence to support the allegations that the price of electricity in the Northern provinces of the People's Republic of China was distorted by a dual pricing scheme and, furthermore, no cooperating exporting producer was located in that region. One producer also provided evidence that the electricity rates were higher in its region than in those identified in the complaint. As to the two cases on aluminium products, the domestic prices of the aluminium ingots, for which distortions were claimed, were not significantly lower than prices in representative international markets. In aluminium converter foil, the prices fluctuated above and below the international benchmark prices. As a result, in these three investigations, the conditions under Article 7(2a) of the BADR were not met and the measures were imposed at the level of the underselling margin.

In Stainless steel cold-rolled flat products from India (2021), the distortions related to chromium that accounted for more than 17% of the costs of production. The underselling margin for one Indian exporting producer, Chromeni, was lower than the dumping margin. However, Chromeni did not in fact use the raw material subject to the distortions and therefore further analysis as to the application of Article 7(2a) and 7(2b) of the BADR was not required.

In two further investigations (Certain hot rolled stainless steel sheets and coils from Indonesia and China (2020)), the issue of raw material distortions was as follows. Regarding Indonesia, distortions existed on nickel ore which accounted for more than 17% of costs of production. These distortions included an export ban, an export tax, a licensing requirement and a de facto export quota. The price paid for nickel ore was significantly lower (by more than 30%) than the price in the representative international market (Philippines). For China, significant distortions were found including an export tax or a licensing requirement on some raw materials (stainless steel scrap, ferrosilicon, nickel pig iron and ferrochromium, vanadium and ferronickel). At least one of them was found to represent more than 17% of the cost of production of the product under investigation. The prices for these main raw materials were significantly lower than prices in the representative international markets and thus the conditions under Article 7(2a) of the BADR existed. However, the Union interest test under Article 7 (2b) of the BADR found that the impact of measures on imports from the PRC and Indonesia, at the level of the dumping margin, would be disproportionate given the anticipated strong negative effects on supply chains and on the financial viability of one significant user which accounted for 30% to 40% of EU consumption. On the impact on supply chains, the Commission noted that other Union producers of the product concerned, although having significant spare capacities, had hardly supplied the user in question. Furthermore, potential import volumes from other exporting countries were limited. Moreover, the affected user

would already need to reorganise value chains to fend off the impact of measures based on the lower underselling margin given the likely impact on profitability of these measures. The Commission observed that the user's ability to pass on large cost increases to its customers was questionable as the user's main competitors on the downstream market were the very same Union producers of SSHR. As a result, it was not in the Union interest to apply a higher rate of duty and so the measures were imposed at the lower rate to eliminate the injury to the EU industry.

In the remaining three cases, the LDR was modulated for some or all exporters.

The first anti-dumping case in the EU where the LDR was modulated was Urea ammonium nitrate ('UAN') from Russia (2019). Distortions were found regarding natural gas, the main raw material inputs for UAN, i.e. export tax, licencing requirements and dual pricing. The prices of natural gas were significantly lower than the Waidhaus price (price of exported Russian gas at the German/Czech border). For all the cooperating exporting companies, the dumping margins were higher than the underselling margins. In the Union interest test, the Commission concluded that measures at the higher dumping level would not negatively affect the supply chain in the EU and that any impact would be limited and not disproportionate. Thus, the Commission found that fertilizers overall accounted at the time for 1% of farming costs. For specialized farms relying more on UAN, it could account for up to 10% of production costs and an increase in duties, even at the highest level proposed, would have an impact of around 3% on costs. Given that Union producers were not only harmed by dumping, but suffered from additional distortions of trade compared to Russia's exporting producers, the Commission concluded that a duty lower than the margin of dumping would not be sufficient to remove injury to the Union industry. As a result, the measures based on the dumping margins ranged from 20% to 31,9% as compared to underselling margins ranging from 13,7% to 16,3% which would have applied in the absence of raw materials distortions.

In two other investigations (Electrolytic chromium coated steel (ECCS) from China (2022) and Fatty Acid from Indonesia (2023)) the LDR was modulated for one cooperating exporter and for 'All others' in each of the cases.

In the ECCS investigation concerning China, the Commission examined the existence of significant distortions in respect of one company only (Handan Jintai), given that its dumping margin was higher than the underselling margin. The investigation revealed there were significant distortions in the form of VAT refunds on hot rolled coils and that the prices for that raw material observed in an undistorted representative market were between 30% - 50% higher than those paid by Handan Jintai. There was significant spare capacity in China with the potential to increase global supply, depress prices and undermine the effectiveness of the measure if not set at the level of dumping. Also, users would have access to ECCS from the Union industry or other third countries, even if imports from China decreased due to the higher duty. The Commission therefore concluded it was in the Union interest to impose higher duties for that company (53,9% instead of 23,9%). The countrywide duty for non-cooperating exporting producers was based on the higher dumping margin found for Handan Jintai. For reasons of Union interest under Article 21 of the BADR, the Commission decided that the measures should take the form of a fixed amount per tonne.

In the Fatty Acid investigation, the dumping margin for one cooperating exporters, P.T. Musim Mas was higher than the underselling margin. For that company, the investigation found significant distortions in the form of an export tax related to crude palm oil and crude palm

kernel oil. These raw materials in question accounted for over 40% and 50% respectively of the cost of production while the prices were found to be significantly lower than the prices prevailing on the international market. When applying the Union interest test under 7(2b) of the BADR, the Commission found that there was significant spare capacity in Indonesia which could increase global supply, depress prices and undermine the effectiveness of the measure if not set at the level of dumping. The Commission also concluded that Union producers or other third countries could supply users, even if imports from Indonesia decreased. Therefore, it was appropriate to impose measures at the higher level (46,4% versus 30,5%) for P.T. Musim Mas.

2.3. Evaluation

In line with the revised and strengthened Trade Defence Instruments ('TDI') legislation, the EU considered it necessary to tackle significant raw material distortions in exporting countries which give some exporting producers a considerable unfair advantage in their costs of major inputs. These practices compound the damage caused by dumped imports to EU industry. The changes introduced as part of the modernisation package guarantee that the revised LDR disciplines offer sufficient protection against such detrimental distortive practices in the country of export. It is important that the anti-dumping instrument is adequately equipped to address the additional damage arising from unfair and artificial advantages which benefit some exporters and distort level playing field.

The implementation of the new rules shows that they are practical, workable and have an impact where the conditions are met. At the same time, the rules were designed to ensure that the application of the LDR, a cornerstone of the EU's anti-dumping rules, can only be set aside in very particular circumstances, where warranted.

The analysis of the cases concerned has shown that:

- The rules are sufficiently detailed and nuanced to deal with the many different scenarios which can arise in this context.
- The investigations under review have not revealed that the 17% threshold (i.e., the raw materials must account individually for more than 17% of costs of production) would no longer be adequate. Indeed, this threshold enabled the industry to invoke the provisions at complaint stage in 38% of anti-dumping cases initiated in the review period. Furthermore, all investigations confirmed that the allegations contained in the complaint on the threshold being met were correct.
- The analysis, while targeted, has a sufficiently wide scope and addresses all raw materials distortions which have a concrete impact on the costs of production, thus allowing Commission to act where justified. At the same time, it does not penalise companies not benefitting from raw material distortions e.g. where exporting companies do not use the raw material in question.
- The Union interest test under Article 7(2b) is a crucial additional safeguard to ensure that higher measures will not be imposed where it would have a negative impact, for example, on users or value chain. An examination of the two cases where measures were not imposed at a higher dumping level owing to Union interest considerations (Certain hot rolled stainless steel sheets and coils from Indonesia and China) showed that the lower level of measures had a material impact on import volumes, while at the same time, they permitted a major user, and significant employer in the Union, to continue importing while not being adversely affected by a higher level of duties.
- The rules are non-discriminatory, as demonstrated by the fact that the modulation of the lesser duty rule was applied in cases concerning Russia, China and Indonesia.

3. THE LESSER DUTY RULE IN ANTI-SUBSIDY INVESTIGATIONS - ARTICLES 12(1) AND 15(1) OF THE BASR

3.1. The procedure

The changes introduced in June 2018 in Articles 12(1) and 15(1) of the BASR effectively reduced the application of the LDR to cases where the Commission finds that it is not in the Union's interest to set the amount of measures at the level of countervailable subsidies found. When the Union interest test taking into account all the various interests involved, including those of the Union industry, importers and users, shows that it is in the interest of the Union to apply anti-subsidy measures, the Commission imposes countervailing duties at that (higher) level.

3.2. The investigations

The Commission has imposed countervailing measures in eight cases initiated since 8 June 2018. In six of these cases, the Commission conducted separate anti-dumping investigations concerning the same products from the same origins. A list of the cases is contained in Annex 2.

In all cases, pursuant to the Union interest test in Article 15(1), the Commission concluded that there were no compelling reasons to conclude that it was not in the Union interest to impose countervailing measures at the level of the total amount of the countervailable subsidies. In two of those cases, (Biodiesel from Indonesia (2019) and Continuous filament glass fibre products from Egypt (2020)), that conclusion had already been reached at provisional stage under Article 12(1).

Looking at the two anti-subsidy cases where there were no separate anti-dumping investigations on the same products from the same origins, the Commission found that the amount of subsidisation was lower than the underselling margins found – hence the full subsidy amount would have been imposed also under pre-modernisation rules.

The situation in the six investigations where there were separate anti-dumping and countervailing investigations shows different results.

Prior to revision/strengthening of the TDI, the LDR applicable in anti-dumping and anti-subsidy investigations meant that that there was only one injury elimination level for both proceedings as they covered the same imports. Therefore, the combined anti-dumping and countervailing measures were capped by the injury elimination level. Since the changes introduced in June 2018, the situation is different. In general, excepting cases where Union interest considerations dictate otherwise, the countervailing measures now imposed are in addition to any separate anti-dumping duties, which already cover the full injury margin established in those cases.

This is demonstrated in the AD and AS investigations concerning aluminium foil from China. Anti-dumping measures were imposed at the levels of the underselling margins ranging between 23,6% and 28,5%. Prior to modernisation, the full level of measures imposed for both AD and AS would have been capped at that injury elimination level. However, under current

rules, the Commission imposed anti-subsidy measures at the full levels of the subsidisation found without reducing the separate anti-dumping measures accordingly[4], as it was not against the Union interest to do so. This resulted in additional protection ranging between 0,7% and 18,2%.

In the separate AD and AS investigations concerning Stainless steel cold rolled flat (SSCR) from India (2022) and the glass fibre fabrics (GFF) from China (2020), there was also an impact on the level of measures. The legislative changes resulted in a higher level of measures for some exporters than would have been the case under the previous rules. In SSCR, the final level of measures for Chromeni Steels Private Ltd. included the full amount of the subsidisation of 7,5% and an anti-dumping duty rate of 35,3% already covering the injury margin. Similarly in the GFF case, the full subsidy amount of 17% was imposed on the Yuntianhua Group and a dumping duty rate of 37,6% also covering the full injury margin. In both these instances, prior to the changes, the overall final level of the measures would have been capped at the injury elimination levels.

On the other hand, in the AD and AS investigations concerning Optical fibre cables from China (2022), the combined AD and CVD measures imposed were based on the dumping and subsidy amounts and, while significant (ranging between 19,7% and 44%), these were below the injury margin. Hence, the new rules could have no impact as the level of measure corresponded to the maximum level of protection allowed under WTO rules.

3.3. Evaluation

Subsidisation by third countries is an increasing concern and it is important to show that where such practices cause harm to Union producers, they are tackled robustly. By imposing countervailing measures at a level that fully reflects the amounts of subsidisation, the EU shows that it addresses the serious damaging effects of this unfair trade practice rigorously, and also ensures adequate protection of the EU industry and level playing field.

This is especially evident where there are separate AD and AS measures imposed on the same products from the same origins. As shown in Section 1.5.4, this provision has made a significant difference in a number of separate AD and AS investigations on the same products from the same origins, notably in Aluminium converter foil, SSCR and GFF by increasing the combined level of protection for the EU industry. This means that there is now a clear benefit for industry to bring an anti-subsidy complaint in addition to anti-dumping complaints, because it may lead to additional but at the same time adequate protection.

Furthermore, it is clear that, since modernisation, the anti-subsidy investigations have identified increasingly complex ways how subsidies are granted, including through cross-border financial support. Given the evolution of these particularly damaging practices, the Commission considers it imperative that it continues to apply countervailing measures to offset the full amounts of subsidies found, where justified. At the same time, the Union interest test maintains a crucial balance and flexibility in the system allowing the Commission to take into account the interest of all the economic operators.

[4] Except for one company, Daching Group, the final dumping margin was reduced to ensure that the final level of measures did not exceed the margin of dumping found.

4. THE LESSER DUTY RULE IN UNDERTAKINGS - ARTICLE 8(1) OF THE BADR AND ARTICLE 13(1) OF THE BASR

The Commission did not accept any new price undertakings in the anti-dumping and anti-subsidy investigations initiated since the entry into force of the modernisation package.

5. REVIEW OF THE APPLICATION OF ARTICLE 9(4) OF THE BADR – PRE-DISCLOSURE PERIOD

The changes under modernisation introduced an obligation on the Commission to inform all interested parties three weeks before (changed to four weeks in June 2020 following a review[5]) if it intends to impose provisional anti-dumping measures or not (pre-disclosure)[6]. During this period the Commission can register imports to avoid stockpiling which could undermine the remedial effect of the duties, allowing for the retroactive collection of duties for that period, if necessary.

Article 9(4) of the BADR was also amended to allow the Commission to analyse, in cases where imports were not registered, if there was a substantial rise in imports during the period of pre-disclosure causing additional injury. If the analysis showed this was the case, the Commission could reflect that additional injury by adjusting upwards the injury margin.

The Commission imposed definitive anti-dumping duties in 34 cases initiated after 8 June 2018. The Commission imposed provisional measures in 22 of those and did not register imports in 11 cases. The final column in Annex 1 gives details of the cases.

The analysis of the 11 cases revealed the following:

- In the investigations on Aluminium converter foil (2021) and Calcium silicon (2022) - both from China, imports in the pre-disclosure dropped by 47% and 36% on average respectively. In the investigation on Mono-ethylene glycol from Saudi Arabia (2021) imports were 15,3% lower in the period.
- In the investigations concerning Steel road wheels (2020) and Aluminium flat rolled products (2021) – both from China, there was no increase of imports in the pre-disclosure period.
- In the investigation on Graphite Electrode systems from China (2022), while imports in the pre-disclosure period increased by 5,5% this was not substantial.
- In the remaining five investigations (Certain heavyweight thermal paper from Korea (2020); Mono-ethylene glycol from USA (2021); Birch plywood from Russia (2021); Electrolytic chromium coated steel (ECCS) from China and Brazil (2022)) the Commission found imports increased substantially in the pre-disclosure period. The increases ranged from 39% for Mono-ethylene glycol to almost 99% for Birch plywood. To address the additional injury caused by these substantially increased imports, the Commission made appropriate adjustments to increase the injury elimination levels. Except for the measures on ECCS from China and Brazil, the measures in the other cases were based on the dumping margin. As a result, the adjustment to the injury elimination level did not impact the level of the measures imposed, as the duties were capped by the respective dumping margins, which is

5 Commission Delegated Regulation (EU) 2020/1173 of 4 June 2020 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union as regards the duration of the period of pre-disclosure

6 This information is made available on DG Trade's webpage.

the maximum protection allowed under the WTO and EU law. In the ECCS cases, the adjustment of 4,1% to address the additional injury in the pre-disclosure period had an impact on level of the final measures.

6. CONCLUSION

The review and evaluation of the relevant modernised provisions as regards the revised application of the LDR show that they have fully achieved their intended objectives of providing sufficient remedies against dumping and subsidisation.

The legislative changes at hand were carefully drafted to afford more robust protection against particularly harmful types of significant raw material distortions and overall subsidisation practices. In as much as 38% of the anti-dumping cases initiated in the review period, the EU industry raised significant raw material distortions as defined under the new legislation. In some of those cases, the Commission could adopt a measure at a higher level than would have been imposed prior to the respective legislative changes. A review of the practice shows that the current scope and thresholds are sufficient and adequate to ensure proper and balanced protection against raw material distortions. Likewise, the removal of the LDR in anti-subsidy practice provided higher protection to EU producers exposed to subsidised imports.

The Union interest test ensured that the strengthened trade defence practice remains targeted and balanced.

On this basis, the Commission did not consider it appropriate to prepare a legislative proposal to accompany the current review and evaluation, as envisaged by Article 23(4) of the BADR and Article 32a(2) of the BASR.As mandated by the aforementioned provisions, the Commission will continue to closely monitor the situation taking into account evolving policy priorities and the ever-challenging geopolitical context.

Annex 1

ANTI-DUMPING MEASURES

PRODUCT	COUNTRY	PROVISIONAL MEASURES	DEFINITIVE MEASURES	RAW MATERIAL DISTORTIONS CLAIMED	RAW MATERIAL DISTORTIONS EXAMINED IF DUMPING MARGIN >THAN INJURY	RAW MATERIAL DISTORTIONS / UNION INTEREST	CONDITIONS MET	ARTICLE 9(4) – IMPORTS REGISTERED YES/NO
Mixtures of urea and ammonium nitrate	Russia, Trinidad and Tobago USA	Provisional Regulation	Definitive regulation	Russia: YES Trinidad and Tobago/ USA: NO	YES	Natural gas >50% COP Price significantly lower than benchmark Union interest - YES	YES	YES
Steel road wheels	China	Provisional Regulation	Definitive regulation	NO	-	-	-	NO No increase in imports
Certain woven and/or stitched glass fibre fabrics	Egypt China	-	Definitive regulation	NO	-	-	-	-
Certain polyvinyl alcohols	China	_	Definitive regulation	NO	-	-	-	-
Certain hot rolled stainless	Indonesia China Taiwan	Provisional Regulation	Definitive regulation	Indonesia & China: YES	Indonesia & China: YES	China: Main raw materials > 17 % COP	NO	YES

steel sheets and coils				Taiwan: NO		Price lower than benchmark. Indonesia: Nickel Ore > 17% COP Price lower than benchmark. Union interest: NO		
Certain heavyweight thermal paper	Korea	Provisional regulation	Definitive regulation	NO	-	-	-	NO 71% increase in imports. Injury margin increased from 16,9% to 17,6%
Aluminium extrusions	China	Provisional regulation	Definitive regulation	YES	NO	-	-	YES
Hot rolled flat products of iron, non-alloy or other alloy steel	Türkiye	Provisional regulation	Definitive regulation	YES	NO	-	-	YES
Aluminium flat rolled	China	Provisional regulation	Definitive regulation	YES	YES	Aluminium ingots > 17 % COP Price not significantly lower than benchmark	NO	NO No increase in imports
Optical fibre cables	China	-	Definitive Regulation	NO	-	-	-	NA
Stainless steel cold-rolled flat products	India Indonesia	Provisional regulation	Definitive Regulation	YES	INDIA: YES	India: Exporter not using raw material	NO	YES
Mono-ethylene glycol	Saudi Arabia USA	Provisional regulation	Definitive regulation	NO	-	-	-	NO

								USA: 39 % increase in imports Adjusted injury margin Saudi Arabia: No increase in imports
Birch plywood	Russia	Provisional Regulation	Definitive Regulation	NO	-	-	-	NO 98,6 % increase in Imports - Adjusted injury margin by factor of 1,02
Aluminium converter foil	China	Provisional regulation	Definitive Regulation	YES	YES	Aluminium ingots > 17 % COP Prices not significantly lower than benchmark.	NO	NO 47% drop in imports
Steel Wind Towers	China	-	Definitive Regulation	NO	-	-	-	NA
Iron or steel fasteners	China	-	Definitive Regulation	NO	-	-	-	NA
Calcium Silicon	China	Provisional regulations	Definitive regulation	YES	YES	Electricity = 20% of COP - No evidence of dual pricing	NO	NO 36% drop in imports
Graphite Electrode Systems	China	Provisional Regulation	Definitive regulation	YES	NO	-	-	NO 5,5% increase in imports
Super absorbent polymers	Republic of Korea	-	Definitive Regulation	NO	-	-	-	NA

Corrosion resistant steel	Russia Türkiye	-	Definitive Regulation	NO	-	-	-	NA
Electrolytic chromium coated steel	China Brazil	Provisional regulation	Definitive regulation	China : YES Brazil : NO	YES	Hot rolled coils (HRC) >17% of COP. Prices significantly lower than benchmarks. Union interest : YES	YES	NO 58% increase in imports– injury margin adjusted by 4,1%
Ceramic Tiles	India Türkiye	-	Definitive Regulation	NO	-	-	-	NA
Aluminium road wheels	Morocco	Provisional Regulation	Definitive regulation	NO	-	-	-	YES
Fatty Acid	Indonesia	-	Definitive regulation	YES	YES	Raw materials CPO >40% and CPKO>50% of COP. Prices significantly lower than benchmarks. Union interest: YES	YES	NA

Annex 2

COUNTERVAILING MEASURES

Product	Country	Provisional Article 12(1)	Definitive Article 15(1)	Measures imposed full AS amount	Separate AD Case
Biodiesel	Indonesia	Provisional regulation biodiesel	Definitive regulation biodiesel	YES	-
Glass fibre fabrics (certain woven and/or stitched)	China Egypt	-	Definitive regulation GFF	YES	AD653
Continuous filament glass fibre products	Egypt	Provisional regulation GFR	Definitive regulation GFR	YES	-
Aluminium converter foil	China	-	Definitive regulation ACF	YES	AD673
Optical fibre cables	China	-	Definitive regulation OFC	YES	AD669
Stainless steel cold-rolled flat products	India Indonesia	-	Definitive regulation SSCR	YES	AD670