



2025/1042

28.5.2025

COMMISSION IMPLEMENTING REGULATION (EU) 2025/1042

of 27 May 2025

imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of flat-rolled products of iron or non-alloy steel plated or coated with tin originating in the People's Republic of China

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE

1.1. Initiation

- (1) On 16 May 2024, the European Commission ('the Commission') initiated an anti-dumping investigation regarding imports of flat-rolled products of iron or non-alloy steel plated or coated with tin ('tinplated products') originating in the People's Republic of China ('the country concerned', 'China' or 'the PRC') based on Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 2 April 2024 by the European Steel Association ('EUROFER' or 'the complainant'). The complaint was made on behalf of the Union industry of tinplated products in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

- (3) The Commission made imports of tinplated products subject to registration by Commission Implementing Regulation (EU) 2024/2731 ⁽³⁾.

1.3. Provisional measures

- (4) In accordance with Article 19a of the basic Regulation, on 17 December 2024 the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry. Interested parties were invited to comment on the accuracy of the calculations within three working days.
- (5) The Commission received comments from both Baoshan Iron & Steel Co., Ltd. and WISCO-Nippon Steel Tinplate Co., Ltd. ('the Baosteel Group') and Shougang Jingtang United Iron & Steel Co., Ltd. ('Shougang Jingtang') but neither company made comments regarding the accuracy of the calculations.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C, C/2024/3112, 16.5.2024, ELI: <http://data.europa.eu/eli/C/2024/3112/oj>.

⁽³⁾ Commission Implementing Regulation (EU) 2024/2731 of 24 October 2024 making imports of flat-rolled products of iron or non-alloy steel plated or coated with tin originating in the People's Republic of China subject to registration (OJ L, 2024/2731, 25.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2731/oj).

- (6) On 14 January 2025, the Commission imposed provisional anti-dumping duties on imports of tinplated products originating in the People's Republic of China by Commission Implementing Regulation (EU) 2025/81 ⁽⁴⁾ ('the provisional Regulation').

1.4. Subsequent procedure

- (7) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure') the Baosteel Group, the complainant, Shougang Jingtang, Trivium Packaging B.V. ('Trivium'), China Iron and Steel Association ('CISA'), Metal Packaging Europe ('MPE') and Steelforce Packaging BV ('Steelforce') filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation.
- (8) The parties who so requested were granted an opportunity to be heard. A hearing took place with the complainant. No requests for hearings with the Hearing Officer in trade proceedings were requested at the provisional stage.
- (9) The Commission continued to seek and verify all the information it deemed necessary for its definitive findings. When reaching its definitive findings, the Commission considered the comments submitted by interested parties and revised its provisional conclusions when appropriate.
- (10) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports of tinplated products originating in the People's Republic of China ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.
- (11) Written submissions on the final disclosure were received from the Baosteel Group, the complainant, Shougang Jingtang, CISA, MPE and Steelforce.
- (12) No parties requested a hearing following disclosure. In addition, no parties requested the intervention of the Hearing Officer.

1.5. Claims on initiation

- (13) In its comments on the provisional Regulation, CISA disagreed with the Commission's assessment from Section 1.4 of the provisional Regulation, where the Commission rejected CISA's claims that the complaint did not contain sufficient evidence to justify the initiation of this investigation.
- (14) CISA also maintained its claims that non-confidential summaries of information used in the complaint were not sufficiently detailed, thus breaching its right of defence. CISA said that the Commission was wrong to consider the information as sufficiently detailed and that a properly summarised non-confidential version of the complaint should have been resubmitted.
- (15) EUROFER countered these arguments, claiming that CISA did not reinforce its previous claims with new arguments, but merely repeated them.
- (16) In relation to CISA's position summarised in recital (14) above, the Commission noted, in line with EUROFER's argument, that CISA did not provide any new arguments or evidence to demonstrate why the Commission erred in its provisional conclusion on this point. The Commission thus rejected this claim and maintained its conclusions from recital (19) of the provisional Regulation, that the data contained in the non-confidential version of the complaint permitted a reasonable understanding of the substance of the information submitted in confidence and that no rights of defence were breached in this respect.

⁽⁴⁾ Commission Implementing Regulation (EU) 2025/81 of 13 January 2025 imposing a provisional anti-dumping duty on imports of flat-rolled products of iron or non-alloy steel plated or coated with tin originating in the People's Republic of China (OJ L, 2025/81, 14.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/81/oj).

- (17) With regard to its claim on insufficient evidence in the complaint, CISA indeed repeated its position that, when examining the sufficiency of evidence to initiate this investigation, the Commission should have given more consideration to other factors potentially causing injury – specifically the impact of rising raw material and energy prices. CISA maintained that this factor alone rebutted the relevance of other factors as the cause for injury to the Union industry.
- (18) The Commission pointed out that the existence of other factors which may have an impact on the situation of the Union industry does not necessarily imply that the effect of dumped imports on the situation of this industry is not material, nor does it attenuate causal link between the two. Indeed, the correlation between the deterioration of the situation of the Union industry and the increased penetration of dumped imports sold at prices which significantly undercut those of the Union industry strongly indicated the existence of a causal link.
- (19) Furthermore, the reality of rising cost of production was explicitly recognised in the complaint itself, in paragraphs 159 to 161, and in paragraph 205 as part of the causation analysis. This factor was thus indeed considered in the overall assessment of sufficiency of evidence, as required under Article 5(3) of the basic Regulation.
- (20) The Commission thus rejected CISA's claims and reaffirmed its conclusions from recitals (6) to (26) of the provisional Regulation.
- (21) Following the final disclosure, CISA again repeated the same claims alleging an insufficiently detailed summary of the open version of the complaint, insufficient evidence for initiation of the investigation, and failure to assess other factors potentially causing injury.
- (22) CISA maintained that its rights of defence have thus been violated throughout the investigation. Since these procedural violations cannot now be remedied at such a late stage of the investigation, CISA claimed that the investigation should be terminated.
- (23) In the absence of new arguments, the Commission maintained its position set out in recital (20) above. Considering that the Commission did not thus find any procedural violations concerning this investigation and CISA did not bring any substantial evidence proving such violations, the Commission rejected CISA's request to terminate the investigation on those grounds.

1.6. Sampling

- (24) No comments were received on the sampling of exporting producers, Union producers or unrelated importers.
- (25) On 14 January 2025 the Commission received a request from the Chinese company Jiangsu Kemao New Materials Technology Co., Ltd to be included in the investigation as a cooperating exporting producer.
- (26) As set out in Section 5.3.1 of the Notice of Initiation, only exporting producers that have agreed to be included in the sample but are not selected as part of the sample will be considered to be cooperating (non-sampled cooperating exporting producers). Therefore, this request was denied as the company did not make itself known in within the deadline set out in Section 5.3.1.(a) of the Notice of Initiation in accordance with Article 17 of the basic Regulation, as required by Article 9(6) of that Regulation.

(27) The samples are therefore confirmed.

1.7. Individual examination

(28) No requests for individual examination were received.

1.8. Questionnaire replies and verification visits

(29) Further verification visits were carried out at the three related sales companies of the Baosteel Group as follows:

- Baosteel Europe, Munich, Germany
- Baosteel España, Barcelona, Spain
- Baosteel Italia, Genova, Italy

(30) A verification visit also took place at the user Massilly Holding S.A.S ('Massilly').

2. PRODUCT CONCERNED AND LIKE PRODUCT

- (31) Recital (41) of the provisional Regulation set out the definition of the product under investigation. The product under investigation is tin mill flat-rolled products, of iron or non-alloy steel, coated or plated with tin, whether or not coated with a plastic material and/or varnished ('tinplated products'), currently falling under CN codes 7210 11 00, 7210 12, ex 7210 70, 7210 90 40, ex 7210 90 80, 7212 10, and ex 7212 40 (TARIC codes 7210 70 10 15, 7210 70 80 20, 7210 70 80 92, 7210 90 80 20, 7212 40 20 10, 7212 40 80 12, 7212 40 80 30, 7212 40 80 80, and 7212 40 80 85).
- (32) Recital (43) of the provisional Regulation set out the definition of the product concerned, being the product under investigation originating in the People's Republic of China.
- (33) In the absence of any comments concerning the product under investigation, the product concerned and like product, recitals (41) to (50) of the provisional Regulation are confirmed.

3. DUMPING

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

- (34) Following the provisional disclosure the Chinese exporter association CISA again commented on the use of the method set out in Article 2(6a) of the basic Regulation in this investigation. The Baosteel Group also reiterated its claim that the Commission should reject the complainant's claim on the alleged significant distortions.
- (35) Firstly, CISA reiterated its claim that the Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defence Investigations ('the Report') failed to meet the standard of impartial and objective evidence. They stated that the Report was not impartial nor objective as it had been written for the purpose of helping Union producers to draft complaints against the People's Republic of China.
- (36) CISA secondly reiterated its comment that the complaint relied on previous anti-dumping investigations to provide evidence of significant distortions in China, while the Commission should positively establish the existence of dumping practices in each investigation. CISA noted that the WTO Appellate Body stated that '*merely incorporating by reference findings from one determination into another determination will normally not suffice as a reasoned and adequate explanation*'⁽ⁱ⁾.
- (37) CISA lastly stated that in their view Article 2(6a) of the basic Regulation was not consistent with the principles of Article 2.2 of the Anti-Dumping Agreement as regards the use of a representative country to find costs to construct the normal value.

⁽ⁱ⁾ US – Anti-Dumping and Countervailing Duties (China), Appellate Body Report, para 354.

- (38) The Commission noted that recitals (72) to (117) of the provisional Regulation set out in detail the Commission's own findings regarding the existence of significant distortions in the production of tinplated products in China, using various readily available sources.
- (39) CISA and the Baosteel Group in their comments did not dispute the evidence placed on file by the Commission in these recitals of the provisional Regulation.
- (40) CISA's comments on the Report and the complaint were already addressed in recitals (120) to (127) of the provisional Regulation.
- (41) Following the final disclosure CISA reiterated their arguments from the provisional disclosure, as set out in recitals (34) to (39) above.
- (42) CISA again stated that the Commission's use of Article 2(6a) of the basic Regulation was not supported by objective evidence or justified by sound legal reasoning and referred the Commission to their comments on provisional disclosure.
- (43) No new evidence was provided by CISA to show that the Commission should not have used Article 2(6a) in this investigation.
- (44) Given that CISA nor the Baosteel Group provided no new evidence in their submissions, the Commission's conclusions in recitals (118) to (135) of the provisional Regulation are confirmed.

3.2. Normal value

3.2.1. Existence of significant distortions

- (45) Recital (203) of the provisional Regulation set out that for those sampled exporting producers that imported iron ore from countries without allegations of distortions under Article 2(6a), the Commission took the undistorted price paid by the sampled exporting producers rather than the benchmark established above from Malaysian import prices.
- (46) Following provisional disclosure, the complainant made comments regarding the influence of the China Minerals Resources Group ⁽⁶⁾ ('CMRG') on the purchase of imported iron ore in China. They claimed that CMRG was a state-run club for joint purchasing of raw materials, and that many State-owned steel mills had 'delegated all urgent procurement to the CMRG [...] in order to consolidate purchases of iron ore'.
- (47) EUROFER placed on file a press report ⁽⁷⁾ dated 6 October 2023 stating that CMRG were 'in talks with the world's top four iron ore suppliers – Rio Tinto, BHP, Vale and Fortescue Metals – [and] seeking preferential terms on transportation, grades, etc.'
- (48) On the basis of these press reports EUROFER asked the Commission to scrutinise carefully the claims of the Chinese exporting producers to be purchasing imported iron ore at undistorted prices.
- (49) The Government of China ('GOC') was sent a questionnaire regarding distortions in the tinplated product sector at the start of the investigation, and did not respond. Consequently, the Commission informed the GOC that it would use the provisions of Article 18 of the basic Regulation as regards distortions in the sector.
- (50) The Commission found that CMRG was founded by a decree of the State-owned Assets Supervision and Administration Commission of the State Council ('SASAC') on 22 July 2022 ⁽⁸⁾.

⁽⁶⁾ <http://www.cmr-co.com/> (last accessed on 28 February 2025).

⁽⁷⁾ [https://gmk.center/en/news/chinas-new-state-owned-company-has-begun-negotiations-with-major-iron-ore-suppliers/#:~:text=China%20Mineral%20Resources%20Group%20\(CMRG,materials%20for%20the%20next%20year.](https://gmk.center/en/news/chinas-new-state-owned-company-has-begun-negotiations-with-major-iron-ore-suppliers/#:~:text=China%20Mineral%20Resources%20Group%20(CMRG,materials%20for%20the%20next%20year.) (last accessed on 28 February 2025).

⁽⁸⁾ <http://www.sasac.gov.cn/n2588030/n2588924/c25601477/content.html> (last accessed on 28 February 2025).

- (51) According to their website, the purpose of CMRG is to ‘deliver secure, sustainable raw material supply services and tailored solutions for industries like steel. By forging strategic partnership with global mineral suppliers, end-customers, and leaders in port, shipping, trading, and finance industries, and through advancing digital intelligence, green technology, and sustainable practices in mineral resources, we aim to nurture resilient and sustainable industrial ecosystems while ensuring the stability and high-quality development of industrial and supply chains’ ⁽⁹⁾.
- (52) The Chinese exporting producers Baosteel Group and Shougang Jingtang responded to these comments of EUROFER regarding the influence of CMRG on their iron ore purchases and, following a request from the Commission, provided further information on these purchases and their contract terms.
- (53) First, the Commission observed that the claim came late in the proceedings which did not allow for sufficient time to properly investigate the allegations made. The deadline in the Notice of Initiation for comments on significant distortions was 37 days from the day of publication.
- (54) The evidence subsequently collected from the sampled exporting producers showed that CMRG had indeed been involved in some of the iron ore procurement agreements signed between the exporting producers and suppliers from third countries.
- (55) However, in view of the fact that CMRG was not fully operational during the investigation period, as it only started operations in early 2023, and that the Commission could not collect additional information and could not verify the information submitted by parties at this late stage of the proceeding, it concluded that there was insufficient evidence to corroborate EUROFER’s claim.
- (56) Following the final disclosure EUROFER again claimed that the Commission should have investigated the impact of CMRG on iron ore prices sourced by the sampled exporting producers and should have used facts available under Article 18 of the basic Regulation to reject the iron ore import prices paid by the Chinese exporting producers.
- (57) The Commission had found that the role of CMRG in the sourcing of imported iron ore had been limited and could not have significantly affected the purchase price of imported iron ore by the sampled exporting producers during the investigation. EUROFER provided no new information that contradicted the evidence on file and the Commission’s conclusions therefore remained unchanged.

3.2.2. *Representative country*

- (58) Following provisional disclosure, EUROFER made further comments on the selection of Malaysia as representative country, stating that the steel market in particular was distorted by imports from China, with as proof an ongoing anti-dumping investigation targeting Chinese hot-rolled flat steel products. EUROFER again noted that Malaysia has licencing requirements on exports of iron ore, and that Malaysia has a different financial year to China, being from April to March.
- (59) The Baosteel Group argued that the Malaysian anti-dumping investigation concerned coated steel rather than hot-rolled flat steel products, which are a downstream steel product rather than an input material of tinplated products. The Malaysian investigation was also initiated after the end of the investigation period.
- (60) EUROFER made no proposal for another representative country and called on the Commission only to scrutinise closely the benchmarks from Malaysia used to construct normal value.
- (61) The Commission therefore confirmed Malaysia as representative country. Scrutiny of the benchmarks based on the import prices of factors of production into Malaysia is set out in Section 3.2.3.
- (62) In absence of any other comments concerning the choice of representative country, recitals (137) to (156) of the provisional Regulation are confirmed.

⁽⁹⁾ <http://www.cmr-co.com/whoWeAre> (last accessed on 28 February 2025).

3.2.3. Sources used to establish undistorted costs

- (63) Following provisional disclosure, EUROFER made comments on the use of the Malaysian benchmark of iron ore powder, coking coal, and hot-rolled steel.
- (64) First EUROFER made comments on the import price of iron ore powder into Malaysia, stating that this price was lower than the price in other indexes, including a Platts index (IODEX CFR China 62 % FE).
- (65) However, EUROFER did not provide any evidence that the import price of iron ore into Malaysia was distorted or that the price and quantity imported in Malaysia were unrepresentative, merely that the Platts index was higher. The Commission thus rejected the claim.
- (66) Further, EUROFER argued that in the anti-dumping investigation concerning electrolytic chromium coated steel products the Commission refused to use the actual purchase prices for iron ore by Baosteel Group, as it had found that Baosteel Group's purchase prices were affected by the relationship between its related companies and/or by the prevailing significant distortions existing in China ⁽¹⁰⁾.
- (67) EUROFER also cited the Commission's findings in the anti-dumping investigation concerning certain grain-oriented flat-rolled products of silicon-electrical steel, in which the Commission concluded that iron ore was affected by government influence ⁽¹¹⁾.
- (68) In the investigation concerning electrolytic chromium coated steel products, the Commission found that Baosteel Group did not import directly, but via a related company established in Hong Kong. This was not found to be the situation in the current investigation.
- (69) The findings of the investigation concerning grain-oriented flat-rolled products of silicon-electrical steel were not applicable here, since the sampled exporting producers sourced their iron ore directly from sources outside China. The claim was therefore rejected.
- (70) EUROFER then commented that the Malaysian benchmark for coking coal was lower than the Platts index ('Prem Low Vol HCC FOB Aus').
- (71) No evidence was otherwise provided to show that the import price into the representative country was distorted or not representative, and so the Commission rejected the claim, and this benchmark was not changed.
- (72) EUROFER also commented on the use of the index 'Steel hot-rolled coil (Japan, Korea, Taiwan-origin), import, CFR Vietnam' from Fastmarkets as the benchmark for hot-rolled steel, stating that the index used was lower than the average of other indexes that EUROFER had provided from MEPS and that import prices into Vietnam would potentially be distorted by Chinese imports, as shown by the initiation of an anti-dumping investigation against Chinese imports of hot-rolled flat steel products.
- (73) EUROFER also argued that the Commission's ongoing anti-dumping investigation concerning hot-rolled steel flat products from Vietnam is investigating the existence of raw material distortions in Vietnam related to coal and iron ore.
- (74) However, since the benchmark from Fastmarkets did not include imports from China into Vietnam and EUROFER did not provide evidence to show that import prices from Japan, Korea, and Taiwan were distorted, the Commission rejected the claim.

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2022/2247 of 15 November 2022 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of electrolytic chromium coated steel products originating in the People's Republic of China and Brazil (OJ L 295, 16.11.2022, p. 7), recitals (61) to (62).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2022/58 of 14 January 2022 imposing a definitive anti-dumping duty on imports of certain grain-oriented flat-rolled products of silicon-electrical steel originating in the People's Republic of China, Japan, the Republic of Korea, the Russian Federation and the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 10, 17.1.2022, p. 17), recitals (138) to (141).

- (75) Following the final disclosure EUROFER again requested the Commission to consider using different, higher benchmarks for iron ore powder, coking coal, and hot rolled flat steel (HRF).
- (76) Since EUROFER provided no new information that would suggest that the benchmarks used were distorted, merely that they were significantly lower than other international indexes that EUROFER had submitted and by that sole reason were allegedly distorted, these claims were rejected.
- (77) Following provisional disclosure, the exporting producer group Baosteel Group made comments on the benchmark for iron ore pellets and gas coal.
- (78) Regarding the benchmark for iron ore pellets, Baosteel Group stated that this benchmark was abnormally high, and it was not possible that the price of iron ore pellets could be higher than the price for hot rolled coils, which is a downstream product.
- (79) The Commission disagreed with this as a reason to reject the benchmark, which is based on the undistorted price of imports into Malaysia in significant quantities. No evidence was otherwise provided to show that the import price into the representative country was distorted or not representative.
- (80) The Commission also found no evidence that a comparison of the iron ore pellet benchmark using import prices into Malaysia with the hot rolled coils benchmark using the index from Fastmarkets would show that either benchmark was distorted.
- (81) Baosteel Group then requested the Commission to consider alternative benchmarks rather than the import price from Malaysia. These included three indexes published by Platts for the investigation period, namely FOB Tubarão (Brazil); CFR North China and Atlantic Basin Iron Ore Pellets Contract Price Brazil Export FOB. All three indexes showed a lower price than the price of imports into Malaysia.
- (82) Since no evidence was otherwise provided to show that the import price into the representative country was distorted or not representative, the claim was rejected.
- (83) Following the final disclosure the Baosteel Group again requested the Commission to change the benchmark for iron ore pellets as they considered it to be too high in relation to other international indexes that Baosteel Group had submitted after provisional disclosure, and also in relation to the benchmark for hot-rolled coils which is a downstream product from iron ore pellets.
- (84) As an alternative, Baosteel Group asked the Commission to calculate the benchmark for iron ore pellets using the method for the calculation of the benchmark for by-products, that is by using a ratio between iron ore pellets and hot rolled coils.
- (85) The Commission again rejected the first argument, as the Baosteel Group did not provide any evidence that the benchmark used was distorted.
- (86) The Commission noted that indeed at provisional stage it rejected the Malaysian benchmark for hot rolled coils, based on import prices, and replaced it with an index from Fastmarkets.
- (87) In recital (171) of the provisional Regulation the Commission explained that the comparison between the import price of cold rolled steel and hot rolled steel into Malaysia suggested that the hot rolled steel import price might not be representative.
- (88) The Baosteel Group however did not provide any evidence that a comparison between the import price into Malaysia of iron ore pellets and the Fastmarket index for hot rolled coils would render the import price of iron ore pellets unrepresentative.
- (89) Secondly, the Commission rejected the option of constructing the benchmark for iron ore pellets using the method for by-products that are not traded or imported into the representative country, as iron ore pellets were indeed traded and imported in significant quantities.

- (90) Second, Baosteel Group commented on the benchmark for gas coal, stating that it was not possible that the price for gas coal would be higher than coking coal and that the import price into Malaysia was abnormally high. Baosteel requested the Commission to consider alternative benchmarks such as prices at Australian ports, European ports or the benchmark from Metal Bulletin, used in the anti-dumping investigation concerning electrolytic chromium coated steel products ⁽¹²⁾.
- (91) The Commission found that imports of coking coal into Malaysia were made in significant quantities. Since no evidence was otherwise provided to show that the import price into the representative country was distorted or not representative, or that the benchmark did not reflect the coking coal used by the sampled exporting producers, the claim was rejected.
- (92) Following provisional disclosure, Shougang Jingtang made comments on the benchmark of iron ore powder, and scrap steel.
- (93) Shougang Jingtang argued that the Commission should use the benchmark of iron ore powder in Malaysia to calculate the costs of domestically purchased ore that it consumed, instead of replacing it with the price paid for the iron ore the company imported.
- (94) The Commission accepted the claim and replaced the costs of domestically purchased iron ore powder with the benchmark found in Malaysia.
- (95) Concerning scrap steel, Shougang Jingtang pointed out that the scrap steel used as a factor of production included recycled scrap steel, for which the Commission should have used the benchmark it calculated for the by-product scrap steel.
- (96) Since Shougang Jingtang had not given the use of recycled scrap steel as a separate factor of production in its questionnaire reply or during the verification visit, the Commission had not been able to verify the consumption of steel scrap at this granular level. Consequently, the claim was rejected.
- (97) At final disclosure Shougang Jingtang requested again that the Commission could split the factor of production into virgin scrap and recycled scrap, despite this split not being submitted by the company in any of its submissions, or verified during the verification visit, as the data was according to the company available as part of the questionnaire reply.
- (98) The Commission examined the exhibit to the original questionnaire reply of Shougang Jingtang that the company referred to, and found no information there that would allow a split of this factor of production into virgin scrap and recycled scrap. This exhibit was provided as underlying information to the table on the cost of manufacturing, however in that table no distinction between virgin scrap and recycled scrap was made.
- (99) Therefore the Commission decided to reject this claim, as the company should have noted the need to split this factor of production in the correct table during the submission of the questionnaire reply, the deficiency process, or during the verification of the questionnaire reply and had decided to not do so.

3.2.4. SG&A costs and profit

- (100) Following provisional disclosure, EUROFER suggested that the source of SG&A costs and profit be changed to a company whose activities are closer to those of the exporting producers and proposed Leader Steel Holdings Berhad ⁽¹³⁾. Shougang Jingtang also argued that the company found in the representative country, Alliance Steel (M) Sdn Bhd, did not produce the product under investigation.
- (101) The Commission analysed the accounts of Leader Steel Holdings Berhad and found that the profit is almost entirely based on other income and not on income from the company's business activity itself. The company's financial data did therefore not contain a reasonable amount for profit and was rejected.

⁽¹²⁾ Commission Implementing Regulation (EU) 2022/802 of 20 May 2022 imposing a provisional anti-dumping duty on imports of electrolytic chromium coated steel products originating in the People's Republic of China and Brazil (OJ L 143, 23.5.2022, p. 11), Table 2.

⁽¹³⁾ <https://leadersteel.my/wp-content/uploads/2024/05/LEAS02-Annual-Report-2023.pdf>.

- (102) At final disclosure, EUROFER again requested the use of data from Leader Steel Holdings Berhad, arguing that the profit in the accounts for 2023 was derived from the company's business activities.
- (103) However the 2023 profit and loss account of Leader Steel Holdings Berhad as published on their website showed that the profit of the Group is at the same level as their non-business income and could therefore not be considered to be of a reasonable level. The claim of EUROFER was thus rejected.
- (104) As set out in recital (199) of the provisional Regulation, the Commission acknowledged that the company found in Malaysia indeed did not produce the product under investigation. However, the Commission considered that its financial data provided for a reasonable and undistorted amount of SG&A costs and profit since Alliance Steel (M) Sdn. Bhd was a producer of the same general category of products as the product under investigation, i.e. steel products.
- (105) The Baosteel Group also commented that the financial year of Malaysia did not match the Commission's investigation period. However, they provided no evidence to show that the financial data used would not be appropriate to use.

3.2.5. Calculation

- (106) Following provisional disclosure Shougang Jingtang requested that the Commission would review the company's consumption ratios used to calculate their normal value, since these were by error unusually high. According to the company, this was due to a technical issue in the cost worksheet of one of the months in the investigation period.
- (107) This request was denied, as the consumption ratios used in the calculations were those submitted by the company in their original questionnaire reply, during the deficiency process and were verified during the verification visit to their factory. The revisited ratios submitted by Shougang Jingtang could not be verified or linked to the documents submitted with the questionnaire or deficiency reply or to the exhibits taken during the verification visit.
- (108) Following the final disclosure Shougang Jingtang restated their request for an adjustment to the consumption ratios verified during the verification visit. Shougang Jingtang claimed that the Commission had no obligation to verify this information and that the Commission could have found out from the accounts from the other sampled exporting producer group that the dumping margin of Shougang was too high.
- (109) The Commission again rejected the request for the same reasons stated in recital (107). The purpose of the verification process was to ensure that the data submitted by the company matched the data in their cost accounting records, and the data did match. Shougang did not offer any new evidence after final disclosure.
- (110) Shougang Jingtang further argued that no domestic transportation costs should be added on its import prices of iron ore since these did include domestic transport costs. Indeed, where the company could point to verified data concerning domestic transportation costs incorrectly added to their consumption ratios, these costs were removed.

3.3. Export price

- (111) Following provisional disclosure, the Commission received comments on the calculation of the export price from all of the sampled exporting producers.
- (112) Shougang Jingtang noted that they had included 6 % VAT in some allowances that had been claimed on the sales listing of its related company Shougang International and requested that this VAT be removed. This claim was accepted, and the allowances were revised accordingly.
- (113) The Baosteel Group noted that the Commission had made a double deduction in the calculation of the export price via Baosteel Italia under Article 2(9) of the basic Regulation. This was checked and a correction was made to remove the double deduction.

3.4. Comparison

- (114) Shougang Jingtang claimed that the adjustment made at provisional stage to the export price under Article 2(10)(i) for its related company in Hong Kong ('Shougang Hong Kong') was not consistent with the requirements of Article 2(10)(i) of the basic Regulation.
- (115) Shougang Jingtang argued that Shougang International, the parent company of Shougang Hong Kong, acted as a sales invoicing agent for Shougang Jingtang and that the function of Shougang Hong Kong was to complete the export transactions for Shougang International and therefore Shougang Hong Kong also functioned as an agent for Shougang Jingtang. Therefore, the commission fees paid by Shougang Jingtang to Shougang International were a service payment to both Shougang International and Shougang Hong Kong, and the Commission should deduct the commission fees paid by Shougang Jingtang to Shougang International from the export price and not make any further adjustment.
- (116) The Commission observed that in their comments Shougang Jingtang acknowledged that both Shougang International and Shougang Hong Kong performed functions similar to those of agents working on a commission basis and only disputed the amount of adjustments to be made.
- (117) With respect to the latter, the Commission agreed with the exporting producer that the functions of the legal entities in question were complementary. However, there was no evidence on the file showing that the commission fee contained in the contract between Shougang Jingtang and Shougang International covered beyond any doubt the service payments to both Shougang International and Shougang Hong Kong and, in any event, that amount was a payment between two related entities and the relation between the two affected the reliability of the amount to be deducted.
- (118) Consequently, the amount for commissions covering the relevant functions performed by Shougang International and Shougang Hong Kong was quantified by the Commission based on their respective SG&A costs and a nominal profit an agent performing these functions would be expecting to generate. An amount so established was deducted from the export price based on Article 2(10)(i) of the basic Regulation.

3.5. Dumping margins

- (119) As described above following claims from interested parties, the Commission revised the dumping margins for the sampled exporting producers. These revisions also changed the margin for the non-sampled cooperating exporting producers and the level of the countrywide duty.
- (120) The definitive dumping margins expressed as a percentage of the cost, insurance and freight (CIF) Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin
Baosteel Group: Baoshan Iron and Steel Co., Ltd. WISCO-Nippon Steel Tinplate Co., Ltd.	13,1 %
Shougang Jingtang United Iron & Steel Co., Ltd.	46,7 %
Other cooperating companies listed in Annex	24,5 %
All other imports originating in China	62,3 %

4. INJURY

4.1. Definition of the Union industry and Union production

(121) In the absence of any comments, recitals (228) and (229) of the provisional Regulation are confirmed.

4.2. Union consumption

(122) Following provisional disclosure, CISA stated that it disagrees with the Commission's conclusions on Union consumption from recitals (230) to (236) of the provisional Regulation. However, its arguments related only to the provisional decision to not analyse separately the free market and captive consumption, so only to recitals (232) to (234).

(123) In that regard CISA highlighted WTO jurisprudence⁽¹⁴⁾ which established the need for investigating authorities to analyse all segments of an industry objectively. CISA thus requested the Commission to remedy this flaw and separate the analyses of captive and free markets.

(124) The Commission noted that CISA did not even try to explain why the Commission's decision to not separately analyse these two segments of the markets would have been flawed. As the case-law which CISA cited clearly states in the very same paragraphs: '*... in the alternative, the investigating authorities should provide a satisfactory explanation as to why it is not necessary to examine directly or specifically the other parts of the domestic industry*'⁽¹⁵⁾.

(125) With that in mind, it was clearly laid out in recitals (233) and (234) of the provisional Regulation that the Commission did not find it necessary to make a distinction between captive and free markets because, first, there was no difference in behaviour of the two markets, while, second, the captive market represented around 1 % of the volume of the free market throughout the period considered. CISA completely overlooked this reasoning.

(126) Therefore, in the absence of any arguments to contest this decision, the Commission rejected CISA's claims and maintained its findings from recitals (230) to (236) of the provisional Regulation.

4.3. Imports from the country concerned

4.3.1. Quantity and market share of the imports from the country concerned

(127) Following provisional disclosure, CISA contested the Commission's conclusions regarding the role of Chinese imports in causing material injury to Union industry, found in recitals (237) to (240) of the provisional Regulation. CISA essentially repeated the Commission's findings on how the Covid-19 pandemic and disruptions in maritime trade affected the evolution of both the demand in the Union and the volumes of imports from China. CISA, however, argued that the trend from 2022 to the investigation period showed a return to normal trade patterns and a rebalancing of a disrupted market instead of a situation that caused injury to the Union industry.

(128) The Commission highlighted that recitals (237) to (240) of the provisional Regulation assessed the quantities and market shares of imports from China, not the causal link between them and the injury suffered by the Union industry. On the other hand, on substance, CISA's comments did not challenge the Commission's conclusions in these recitals.

(129) Thus, in the absence of claims to the contrary, the Commission confirmed the conclusions from recitals (237) to (240) of the provisional Regulation.

⁽¹⁴⁾ Appellate Body Report, *United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan*, WT/DS184/AB/R, adopted on 24 July 2001, paras. 204-207.

⁽¹⁵⁾ *Ibid.*, para. 204.

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

- (130) CISA claimed that the Commission did not conduct an accurate and objective assessment of pricing trends in recitals (241) to (250) of the provisional Regulation. CISA argued that Chinese import prices increased over the period considered and thus reduced the potential for price undercutting.
- (131) CISA also claimed that the Commission simplistically attributed price suppression and depression to Chinese imports instead of considering rising cost of production as a major contributor.
- (132) Table 4 of the provisional Regulation indeed showed the Chinese prices increased by 36 % over the period considered. However, as set out in Table 8 of the provisional Regulation, the Union industry's cost of production increased even more over this period, by 64 %. Therefore, CISA's conclusion that the increased price in Chinese imports had a reduced potential for price suppression or undercutting was factually incorrect. CISA itself recognised that price undercutting was found in the investigation period, when the Chinese prices were higher than in 2020 or 2021, supporting the Commission's conclusions in this respect.
- (133) In recital (277) of the provisional Regulation, the Commission explained that the Union industry's average sales prices remained below the average costs of production in all years of the period considered except 2022, which could be attributed to the price suppression and price depression in various years of the period considered, including the investigation period.
- (134) The Commission thus rejected above claims as baseless and confirmed its conclusions from recitals (241) to (250) of the provisional Regulation.

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

4.4.1. *General remarks*

- (135) In the absence of any comments, recitals (251) to (254) of the provisional Regulation are confirmed.

4.4.2. *Macroeconomic indicators*

4.4.2.1. *Production, production capacity and capacity utilisation*

- (136) Following provisional disclosure, Trivium questioned the accuracy of Commission's conclusions on production capacities available in the Union. Specifically, they opined that capacity figures are likely theoretical, as achieving this production output would require additional inputs from upstream steel business and starting idled lines.
- (137) Trivium also added that one of the non-sampled Union producers, Liberty Liege Dudelange ('Liberty') stopped production in its plant in Liège, Belgium, while another, Acciaierie d'Italia's plant in Genoa, Italy ('Acciaierie'), has not been fully operational for several years due to financial difficulties.
- (138) Finally, Trivium highlighted that the capacity of United Kingdom ('the UK') plants should not be counted towards Union capacity since the UK has not been a Member State since 2021 and pointed out that one of the Union producers suffered a breakdown in the production line for electrolytic chromium coated steel ('ECCS'). Since ECCS and tinplated products are often used in the same applications (notably food cans production) this resulted in an increased demand for tinplated products in the Union.

- (139) EUROFER contested the arguments presented by Trivium, providing examples of Liberty's public statements from 2024 ⁽¹⁶⁾ indicating that Liberty is conducting a review of its operations with the aim of restructuring or potential divestment in its facilities, demonstrating that idled capacities may become available again. EUROFER added that even if this would not be the case and the facilities were closed completely, this would not have a meaningful short-term impact on availability of supply, since Liberty makes up only a minor share of total Union capacity.
- (140) EUROFER made similar claims concerning Acciaierie's plant in Genoa, pointing to press releases which indicate it was still producing in 2023 ⁽¹⁷⁾.
- (141) The Commission recalled in that regard that the investigation only concerns the Union industry in the sense of Article 5(4) of the basic Regulation, and that the UK is a third country. Equally, this investigation covers only the product under investigation as defined in Section 2 of the Notice of Initiation ⁽¹⁸⁾. Therefore, the capacity figures do not include capacities found in the UK, nor Union capacities relating to ECCS production.
- (142) The Commission also recalled that capacity figures in Table 5 of the provisional Regulation were provided by the Union producers themselves; specifically, the reply to the macro questionnaire, which has been verified by the Commission at the definitive stage of the investigation.
- (143) The capacity figures thus come from verified data and no evidence was brought forward that would cast doubt on accuracy of these figures.
- (144) The Commission confirmed that an adequate share of the capacity of Liberty and Acciaierie d'Italia was also added to the total capacity figures. The fact that these companies have reduced or curtailed production during the period concerned does not mean that this capacity does not exist. To the best of the Commission's knowledge, and as EUROFER pointed out, the production lines have not been dismantled and could, in principle, be restarted if market conditions improve ⁽¹⁹⁾. They should, therefore, be counted towards total production capacity in the Union.
- (145) Furthermore, the production capacity of these two companies taken together totals at [250-350] thousand tonnes per year. Therefore, even if they would not be counted towards the total Union capacity, this would not substantively change the Commission's conclusion in recital (383) of the provisional Regulation which Trivium contested. Namely, even with this reduction, the total Union production capacity would still surpass total union demand by [650-750] thousand tonnes even in the highest demand year of 2020, showing no risk of shortage of supply.
- (146) On the basis of the above, the Commission dismissed the claims raised by Trivium as unfounded and confirmed the conclusions from recitals (255) to (257) of the provisional Regulation.
- (147) Following the final disclosure, CISA alleged that the Commission failed to distinguish between nominal capacity and actual capacity utilisation or operational readiness, providing a misleading picture in relation to the availability of supply in the Union. CISA highlighted that Liberty publicly acknowledged the need for restructuring or divestment, while Acciaierie's operations have been hampered by long-standing financial difficulties. Bringing those facilities to actually start producing would thus require substantial capital, time, regulatory processes which constrain the real-world availability of production capacity in the Union.

⁽¹⁶⁾ See: <https://libertysteelgroup.com/liberty-triggers-strategic-review-of-western-european-downstream-businesses/> (last visited on: 10 March 2025).

⁽¹⁷⁾ See: <https://www.steelradar.com/en/haber/acciaierie-ditalia-produced-3-million-steels-in-2023/> (last visited on 10 March 2025).

⁽¹⁸⁾ OJ C, C/2024/3112, 16.5.2024, ELI: <http://data.europa.eu/eli/C/2024/3112/oj>.

⁽¹⁹⁾ While more recent publications suggest that Acciaierie plans to increase production in 2025, see <https://eurometal.net/acciaierie-ditalia-to-increase-taranto-production-this-year/> (last visited on 10 March 2025).

- (148) The Commission never claimed that those capacities are immediately available for production. Instead, as already outlined in recital (144) above, while those facilities were not currently producing tinplated products, they could, in principle, be restarted if market conditions improved, even if it that process might take some time.
- (149) Moreover, as the Commission already pointed out in recital (145) above, even without taking Liberty's and Acciaierie's plants into consideration, the total Union production capacity would still surpass total Union demand by [650-750] thousand tonnes even in the highest demand year of 2020, showing no risk of shortage of supply.
- (150) The Commission therefore rejected CISA's claims.

4.4.2.2. Sales quantity and market share

- (151) Following provisional disclosure, Steelforce argued that the market share of the Union industry showed a slight increase between 2023 and the investigation period, indicating that the trend flattened and suggesting that the level of decrease in market share seen across the period considered is not set to continue in the future. Steelforce claimed that the Commission failed to explain why a future minor further erosion in the Union industry's market should justify intervention.
- (152) The investigation period largely overlapped with 2023, being the period between 1 April 2023 until 31 March 2024. Therefore, the argument that the market share decrease has flattened is misleading and cannot be simply extrapolated to the future. For its analysis, the Commission took the full period considered, which showed a significant decrease in market share of 14 %, while imports from China increased by 125 % during the same period. Therefore, the Commission rejected this claim.

- (153) In absence of further comments, recitals (258) to (260) of the provisional Regulation are confirmed.

4.4.2.3. Growth

- (154) In absence of comments, recitals (261) to (267) of the provisional Regulation are confirmed.

4.4.2.4. Employment and productivity

- (155) In absence of comments, recitals (268) to (271) of the provisional Regulation are confirmed.

4.4.2.5. Magnitude of the dumping margin and recovery from past dumping

- (156) In absence of comments, recitals (272) and (273) of the provisional Regulation are confirmed.

4.4.3. *Microeconomic indicators*

4.4.3.1. Prices and factors affecting prices

- (157) In light of rejection of CISA's claims on price suppression and depression in recitals (131) to (134) above, and in absence of other comments, recitals (274) to (279) of the provisional Regulation are confirmed.

4.4.3.2. Labour costs

- (158) In absence of comments, recitals (280) and (281) of the provisional Regulation are confirmed.

4.4.3.3. Inventories

(159) In absence of comments, recitals (282) to (284) of the provisional Regulation are confirmed.

4.4.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

(160) In absence of comments, recitals (285) to (292) of the provisional Regulation are confirmed.

4.5. Conclusion on injury

(161) Steelforce contested the Commission's conclusion that the Union industry has suffered injury. Steelforce pointed to the fact that the Union industry's market share remained significant, around 70 %, being more than twice as high as the market share of Chinese imports throughout the period considered. Steelforce claimed that, in that light, a reduction from 78 % to 67 % of market share (i.e. by 11 percentage points) cannot be considered 'material' since it does not lead to a significant deterioration of the existing market forces.

(162) Steelforce further elaborated that, according to Article 3(1) of the basic Regulation, it is not sufficient for the Commission to establish any degree of injury to the Union industry, but rather that such injury must be 'material'.

(163) The Commission reminded in that regard that, while Article 3(1) of the basic Regulation indeed requires the Commission to establish the existence of material injury, it does not specify when and how should it be considered that the standard of 'material' injury is met, leaving it, to the Commission's discretion.

(164) With that in mind, the Commission recalled that material injury can be established even if the Union industry holds the majority of the Union market share, while, as expressly laid out in Article 3(5) of the basic Regulation, a single injury indicator will not necessarily give a decisive guidance. The Commission indeed considered the market shares together with all other injury indicators and market developments and concluded that the Union industry suffered material injury. Finally, an 11 percentage point drop in market share of the Union industry is considered by the Commission as substantial.

(165) The Commission therefore rejected Steelforce's argument and confirmed its conclusions from recitals (293) to (305) that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

(166) Following the final disclosure, CISA claimed that the Commission did not substantively analyse whether 11 percentage point loss in Union industry's market share reflected the kind of significant deterioration required under the basic Regulation. CISA proposed that proportionality in the tinplated product market, which it alleged is both declining and subject to structural shifts, should have been considered in such analysis.

(167) The Commission found that CISA's claims seemingly ignored the majority of the analysis that the Commission undertook. As indicated in recital (164) above, the Commission considered an 11-percentage point drop in market share as substantial. The evolution of market shares within the context of evolution of other indicators, such as demand, and other market forces, was analysed extensively, notably in recitals (258)–(267), (295)–(297), (300), (303), (308)–(320), (330)–(336), and (350)–(355) of the provisional Regulation, and further elaborated in light of comments of the parties in, among others, recitals (170), (176) to (182) below. The Commission thus dismissed CISA's claims as unfounded.

5. CAUSATION

5.1. Effects of the dumped imports

- (168) CISA submitted that the Commission's conclusion that dumped imports were the cause of injury was flawed. Specifically, CISA claimed that rising imports were not properly contextualised in the light of periods of constrained trade and heightened demand during the Covid-19 pandemic. CISA alleged that the increase in imports volumes discussed in recitals (237) to (239) of the provisional Regulation was a predictable correction following a period of constrained trade and heightened demand.
- (169) CISA also repeated its comments concerning prices of Chinese imports, indicating that they have also increased during the period considered, without bringing forward additional arguments or evidence how this would invalidate Commission's conclusions on the causal link between the dumped Chinese imports and the material injury suffered by the Union industry.
- (170) CISA's claims from recital (168) above are manifestly untrue, however. The Commission took account of prevailing market conditions during the period considered and contextualised the evolution of import volumes and market shares within such conditions, notably, supply chains' disruptions⁽²⁰⁾ and effects of COVID-19 pandemic on evolution of demand⁽²¹⁾. CISA's view on the interplay of those factors did not materially differ from the conclusions reached by the Commission.
- (171) Similarly, the Commission pointed out that evolution of prices of Chinese imports and its interplay with the injury suffered by the Union industry, was already analysed in recitals (241) to (250) and (319) to (320) of the provisional Regulation.
- (172) The Commission thus rejected CISA's arguments and maintained its conclusions from recitals (307) to (320) of the provisional Regulation.

5.2. Effects of other factors

5.2.1. Consumption

- (173) Steelforce argued that the decrease in production which the Union industry experienced is at least partially the consequence of shrinking demand, both globally, as well as in the Union. As the Commission showed in Table 2 of the provisional regulation, demand in the Union fell by 25 % between 2020 and the investigation period. Shrinking of the globally demand is further evidenced by the fact that the export volume of the Union industry also decreased by 24 % over the same period. Declining production cannot therefore be blamed on imports from China.
- (174) CISA summarily claimed that the causality analysis should account for the impact of declining demand on sales volumes and price adjustments.
- (175) As regards Steelforce's argument, the Commission pointed out that this factor has, in fact, been considered. The Commission has acknowledged that the Union industry would have been expected to lose certain sales and production volumes in the shrinking market⁽²²⁾. As shown in, amongst others, recital (327) of the provisional Regulation, the 36 % decrease in volume of sales to the Union experienced by the Union industry was almost 50 % more than the contraction in the Union consumption during the period considered.
- (176) At the same time, even as the market was shrinking, Chinese import volumes kept increasing. It would be expected that, in a shrinking market, all volumes decreased more or less equally. Chinese producers were not only increasing their export volumes but also gaining market share, at the expense of Union producers (see recitals (263) and (264) of the provisional Regulation).

⁽²⁰⁾ See, among others, recitals (265), (266), and (311) of the provisional Regulation.

⁽²¹⁾ See, among others, recitals (235), (300), and (323) of the provisional Regulation.

⁽²²⁾ See recital (329) of the provisional Regulation.

- (177) The Commission reminded that such increasing volumes were also coming into the Union at dumped prices, which undercut and suppressed the Union industry's prices in 2023 and the investigation period.
- (178) As the Commission already pointed out in recital (320) of the provisional Regulation, due to its volume and market share compared to imports from other third countries, Chinese imports clearly exerted the biggest influence on price behaviour in the market.
- (179) The Commission thus rejected Steelforce's and CISA's arguments and confirmed its conclusions from recitals (323) to (329) of the provisional regulation.

5.2.2. *Imports from third countries*

- (180) CISA again claimed that the Commission failed to assess whether third country imports contributed to price competition and market share shifts, especially since the Commission acknowledged in recital (330) of the provisional Regulation that imports from other sources such as Korea and Türkiye entered the Union but failed to assess whether these imports contributed to price competition and market share shifts.
- (181) However, as set out in recital (333) of the provisional Regulation, the volume of imports and market share from other third countries, including Korea and Türkiye, had been low and significantly decreased in the period considered and could therefore have not exerted a significant impact on the Union industry. Therefore, the claim of CISA was unfounded.
- (182) Thus, in the absence of meaningful comments to the contrary, the Commission maintained its conclusions from recitals (330) to (336) of the provisional Regulation.

5.2.3. *Export performance of the Union industry*

- (183) CISA again claimed that the Commission failed to adequately assess how decreasing exports contributed to the injury suffered by the Union industry.
- (184) CISA did not provide any arguments or explanations as to why it was of such opinion. The Commission thus rejected this claim as unsubstantiated.
- (185) Thus, in the absence of meaningful comments to the contrary, the Commission maintained its conclusions from recitals (337) to (342) of the provisional Regulation.

5.2.4. *Cost of production and investments*

- (186) CISA again claimed that the Commission failed to adequately assess how rising costs of production contributed to the injury suffered by the Union industry. CISA did not provide any arguments or explanations as to why it was of such opinion. The Commission therefore rejected CISA's claim as unsubstantiated.
- (187) MPE similarly suggested that rising cost of production are closely correlated to the Union industry's performance both on domestic and export markets. MPE suggested that the Commission should have demonstrated that the rising costs of production are not the reason behind the injury suffered by the Union industry.
- (188) Steelforce, on the other hand, maintained its position that increasing investments were the main cause of injury to the Union industry, arguing specifically that the Commission's analysis from recitals (291), (346), and (347) of the provisional Regulation is not adequate in that regard.
- (189) Steelforce claimed that the purpose which the investments serve is immaterial insofar as they clearly have an impact on the Union producers' financial situation.
- (190) EUROFER responded to these claims, arguing that investments for maintenance are a necessary step for any business and investments to achieve environmental goals are required by Union legislation. At most, the latter explains why the investments were still made in a difficult market environment. EUROFER also argued that costs associated with environmental investments should not be considered as a factor disproving causation since the Commission also factors future environmental compliance costs into its injury margin calculations.

- (191) As concerns claims raised by the MPE, the Commission pointed out that it did, in fact, take account of rising costs of production, and its interplay with other factors, in its injury and causality analysis ⁽²³⁾. MPE did not demonstrate why any part of its analysis would have been flawed and how the evolution of other indicators could instead be attributed to rising costs of production. By way of example, if costs of production would be the main predictor of Union industry's performance, as MPE suggested, it would not be possible for the Union industry to achieve profitability in 2022, the year with second highest costs of production in the entire period considered, while it remained loss-making in all the other years.
- (192) As concerns claims about rising investments, the Commission reminded that, as explained in recital (291) of the provisional Regulation, almost the entirety of this increase in investments can be attributed to just one Union producer and which was due to regular maintenance that had to be undertaken on one of its blast furnaces, while the remainder of the investments was made almost exclusively for environmental compliance. Other investments, and particularly of the other two producers, remained essentially unchanged during the period considered.
- (193) Since maintenance of core assets as described above is crucial for any company to maintain any meaningful operation, while environmental compliance costs are legislation-driven, the Commission maintained its position that such increase in investments cannot be considered as self-inflicted injury. It is not a business decision which could reasonably be postponed. The fact that, as EUROFER pointed out, these investments were made in a difficult market environment further speaks to that conclusion.
- (194) Nonetheless, the Commission simulated profitability figures by removing from the aggregate Union industry's costs (a) the investments made by the one producer with the highest share of investments; and (b) all investments by all three sampled Union producers. Under both scenarios the profitability trends remain the same and the Union industry remained loss-making in 2020, 2021, 2023, and the investigation period.
- (195) This showed that the investments made were not the main driver of injury suffered by the Union industry – even if no investments were made over the period considered, the Union industry's profitability situation would not have materially changed.
- (196) On the basis of the above and following the additional analysis of impact of investments on Union industry's profitability outlined above, the Commission maintained its conclusion that neither rising costs of production nor investments were the main cause of injury to the Union industry.

5.2.5. *Long-term contracts between Union producers and users*

- (197) Steelforce reiterated its argument that the injury to the Union producers was self-inflicted by their business decision to keep relying on long-term contracts with their customers, the users of tinplated products. Steelforce argued that the Commission did not explain in the provisional Regulation why this practice could not be changed since the users are not averse to purchasing tinplate on spot sales from non-Union producers.
- (198) In response, EUROFER repeated that long-term contracts are a market standard ultimately pushed up along the value chains by the supermarkets, to ensure predictability of pricing, and that Chinese exporters were taking advantage of this reality by undercutting Union producers through spot-sales and thus ultimately taking market share.
- (199) Steelforce responded to those counterclaims, reiterating its argument that the reason why Union producers would not switch to spot sales themselves (since non-Union producers can clearly work with users on such contracts) was their own business decision.

⁽²³⁾ See, amongst other, recitals (248), (249), (298), and (371), as well as the entire Section 5.2.4. of the provisional Regulation.

- (200) The Commission reminded that it had, in fact, explained why the standard of annual contracts within Union supply chains cannot be unilaterally changed by Union producers. As explained in recital (322) of the provisional Regulation, and reiterated by EUROFER in its counterclaim, major retailers (supermarkets) in the Union demand annual prices from their canned food suppliers, which in turn demand the same from their can suppliers, which in turn demand the same from the Union producers of tinplated products.
- (201) No new evidence was submitted to show any error in the Commission's conclusions in that respect. With that in mind and considering that the Commission has evidence on the file demonstrating that annual contracts with the Union producers are a market standard, while Chinese exporters usually receive spot orders, the Commission maintained its conclusions from recitals (321), (322), (348), and (349) of the provisional Regulation.
- (202) Following final disclosure, CISA and Steelforce disagreed with the Commission's conclusions on the relevance of annual contracts in the causality analysis.
- (203) Steelforce claimed that, even if the use of annual contracts with the Union producers are a market standard, neither the Commission nor any of the interested parties managed to explain why the Union industry would be considered to be bound to use annual contracts, while the users clearly accept doing business with Chinese producers on the spot market.
- (204) CISA, on the other hand, pointed to the fact that the increase in Union industry's cost of production could not be offset by increasing prices. CISA claimed that it was not Chinese imports which were suppressing prices that caused injury to the Union industry, but rather its structural positioning within the supply chain. The fact that downstream industries push the Union industry to sell on the basis of annual contracts left little room for necessary pricing adjustments.
- (205) As the Commission has already explained in recital (322) of the provisional Regulation and recital (200) above, annual contracts are a general market expectation pushed from the downstream businesses, starting from the supermarkets, and continuing up the value chain. Big retailers want predictability in their pricing throughout the year. At the same time, the food fillers' operations depend heavily on the timing and volumes of annual harvests. Thus, by the very nature of their business, food fillers need predictability in terms of volume and of lead time of empty cans which they require in a given year, to be able to can the food in time after the harvest. This also translates into the can producers needing an equally predictable supply of tinplated products to produce those cans in time. Such specificity of the market favours predictability in deliveries and anchoring the bulk of the orders in local supply chains with shorter lead times, less prone to disruptions. This naturally results in a general market pressure for Union producers to agree to annual contracts with most of their customers producing food cans.
- (206) With a bulk of supply thus secured in terms of volumes and prices, food can producers may opt to also source certain volumes of tinplated products at lower prices from China and other third countries on the spot market. It is thus the particular nature of the needs of downstream businesses and their rational economic behaviour within this value chain that explain why the market prefers annual contracts with the Union producers, but tolerates spot sales from China.
- (207) The Commission furthermore pointed out that the Steelforce's argument also implied that the Union producers are, for some reason, choosing to accept terms of trade which are causing them to operate at a loss. The Commission failed to see, and Steelforce did not explain, why Union producers would, as rational economic operators, decide to conduct business in such a way.
- (208) Concerning CISA's argument, even if it would be accepted, the Commission pointed out that lack of profitability is just one of the elements in the causation analysis. As indicated in recitals (350) to (354) of the provisional Regulation, the conclusion on causation is based on loss of market share, price undercutting, price suppression, and price depression.

(209) Indeed, as has been demonstrated, the Union producers were losing market share to Chinese imports, which were sold at prices which undercut the Union industry's prices and were causing price suppression and depression in almost all of the years of the period considered.

(210) Finally, the structural positioning of the Union industry within the supply chain would not be a problem in and of itself. If not for increasing volumes of Chinese imports at dumped prices, the Union industry would be able to negotiate better terms in their contracts. As can be seen from Tables 3 and 4 of the provisional Regulation, imports from China were increasing its volume and market share in 2022, 2023 and the IP, while decreasing in price in 2023 and the IP. To compete with those unfairly priced imports and remain on the market the Union industry had to accept lesser terms.

(211) As explained in, among others, recitals (274) to (279) of the provisional Regulation, such imports caused price suppression for the Union industry, thus forcing them to sell at a loss. This is clearly visible in the fact that the Union industry, after being able to sell above their costs of production in 2022, decreased their prices in 2023 and the IP, even as costs of production kept going up in 2023 (Table 8 of the provisional Regulation).

(212) CISA's argument was therefore dismissed as unfounded.

5.3. Conclusion on causation

(213) As explained in Sections 5.1 and 5.2 above, the Commission analysed all the comments that the interested parties made on Commission's causation analysis from the provisional Regulation. No new evidence or arguments were brought forward which would warrant a reversal of Commission's conclusions in that regard.

(214) Therefore, the Commission confirmed its findings from recitals (350) to (354) of the provisional Regulation and maintained its conclusion that the dumped imports from the country concerned caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate the causal link between the dumped imports and the material injury.

(215) In its comments on final disclosure, CISA disagreed with the Commission's findings on causation, specifically, with Commission's conclusions on the decline of Union industry's sales volumes and the impact of rising investments. CISA argued that, while imports from China may have exerted some degree of competitive pressure, the available evidence does not support the conclusion that they constituted the predominant or a material cause of the injury suffered by the Union industry.

(216) As CISA did not provide new evidence or arguments in support of that conclusion, the Commission dismissed this claim as unsubstantiated and maintained its conclusion from recital (214) above.

6. LEVEL OF MEASURES

(217) In absence of any comments, the Commission confirmed its conclusions from recital (355) of the provisional Regulation.

6.1. Injury margin

(218) In absence of any comments, the Commission confirmed its conclusions from recitals (356) to (361) of the provisional Regulation.

(219) Injury margins were recalculated considering duties to be paid. The injury elimination level for 'other cooperating companies' and for 'all other imports originating in the People's Republic of China' is defined in the same manner as the dumping margin for these companies (see recitals (220) to (227) of the provisional Regulation).

Company	Dumping margin (%)	Injury margin (%)
Baosteel Group: — Baoshan Iron & Steel Co., Ltd. — WISCO-Nippon Steel Tinplate Co., Ltd	13,1	46,2
Shougang Jingtang United Iron & Steel Co., Ltd.	46,7	62,4
Other cooperating companies not sampled	24,5	52,0
All other imports originating in the People's Republic of China	62,3	71,7

6.2. Examination of the margin adequate to remove the injury to the Union industry

(220) As explained in the Notice of Initiation, the complainant provided the Commission sufficient evidence that there are raw material distortions in the country concerned regarding the product under investigation. Therefore, in accordance with Article 7(2a) of the basic Regulation, this investigation examined the alleged distortions to assess whether, if relevant, a duty lower than the margin of dumping would be sufficient to remove injury.

(221) However, even with the revised margins, the margins adequate to remove injury remained higher than the dumping margins. The Commission thus considered that it was not necessary to address this aspect.

6.3. Conclusion on the level of measures

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

Company	Definitive anti-dumping duty (%)
Baosteel Group: — Baoshan Iron & Steel Co., Ltd. — WISCO-Nippon Steel Tinplate Co., Ltd	13,1
Shougang Jingtang United Iron & Steel Co., Ltd.	46,7
Other cooperating companies not sampled	24,5
All other imports originating in the People's Republic of China	62,3

7. UNION INTEREST

(223) In their comments on the provisional Regulation, several interested parties contested Commissions conclusions on Union interest.

7.1. Interest of the Union industry

(224) In their comments on the provisional Regulation, Steelforce claimed that anti-dumping duties will result in closures of can producing facilities in the Union. This would destroy the main market of Union producers, which means that anti-dumping duties are against the interest of Union industry itself.

(225) This argument rests on the assumption that the impact of duties on the Users would be detrimental to such an extent that it will lead to collapse of can manufacturing in the Union. However, as the analysis in Section 7.3 below shows, it was not demonstrated that this scenario is likely to materialise.

(226) With that in mind, and in absence of other comments, the Commission confirmed its conclusions from recitals (368) to (370) of the provisional Regulation.

7.2. Interest of unrelated importers and traders

(227) Following provisional disclosure, Steelforce claimed the Commission erred in assessment of interest of importers. The Commission concluded that imports of tinned products presented a minor share of turnover of Steelforce Group whereas the entity replying to the questionnaire was Steelforce Packaging BV, a distinct entity, which would be much more severely affected.

(228) The Commission clarified that Steelforce Packaging BV is indeed just one company within the Steelforce Group, whereas the Commission's conclusions from recitals (373) and (374) of the provisional Regulation related to the entire Steelforce Group.

(229) This does not invalidate the conclusions reached in those recitals, however. The Commission's questionnaires requested data (particularly on turnover and profitability) at the level of total Union operations, precisely to get an accurate picture of how the overall position of an importer in the Union would be affected.

(230) In light of the above and considering that no other importers or traders came forward to oppose the duties, the Commission maintained its conclusion that the duties are not likely to have a significant negative effect on the situation of importers and traders in the Union.

(231) In its comments on final disclosure, Steelforce argued that if the Commission aimed to draw conclusions on how the anti-dumping duties might impact importers on the basis of data collected from Steelforce, these conclusions should be drawn on the basis of the total Union operations of Steelforce Packaging BV, the entity within Steelforce Group that imports tinned products, and not the entire Steelforce Group.

(232) CISA similarly claimed that the Commission should not assess the impact of duties at group level, but rather at entity level.

(233) The Commission did not, however, draw any conclusions on the impact of duties on other importers from the data collected from Steelforce. Instead, the conclusions made in recitals (371) to (374) of the provisional Regulation and in recitals (227) to (230) above pertained to Steelforce only. This analysis, looking indeed at the performance of the totality of Steelforce as presented in its questionnaire reply, did not suggest it will be significantly affected by the duties.

(234) To that end, the Commission did not find a valid reason to reassess its approach and look at the performance of Steelforce Packaging BV only. As was made clear in the questionnaire reply and the evidence collected during on-spot verification, several entities in the Steelforce Group in the Union were involved to a certain extent with the importation and resale of tinned products, and the relevant data was consolidated on the group level. Isolating just one company from the group to assess the impact on it alone would be contrary to the facts as established by the investigation.

(235) As concerns importers in general, as explained in recital (375) of the provisional Regulation and recital (231) above, the Commission could only conclude that the duties would not have a significant impact on them because no other importer save Steelforce came forward to oppose the duties, nor were any arguments presented regarding how the competitive position of an importer would be adversely affected by restoring the level playing field.

7.3. Interest of users, consumers or suppliers

7.3.1. Claims on availability and reliability of supply

(236) After provisional disclosure, Steelforce and MPE repeated their claims that the Union industry is not a reliable source of supply since users often face delays in deliveries from Union producers. Steelforce referred to emails it provided to an earlier submission indicating instances of significant delays in deliveries by Union producers and observed that Massilly argued that Union tinplate producers have limited capacity and very strict forecasting policy forbidding any volume deviation and higher prices. MPE provided several emails from their members as evidence. MPE also repeated that duties will result in insufficient supply of tinplated products in the Union. CISA supported these comments.

(237) Moreover, Steelforce argued that the downstream industry is dependent on imports from China to maintain its production schedule. MPE maintained that it would not be feasible for the downstream packaging industry to revert to supply from other third countries, since China is by far the largest source of supply aside from the Union industry.

(238) EUROFER responded to these claims arguing that there is [8-13] million tonnes of global operating capacity excluding the capacity in the Union and China, which could be directed to the Union market.

(239) Steelforce argued that this capacity did not factor in the demand in third countries or their respective trading partners and could therefore not be diverted to the Union.

(240) MPE additionally claimed that the combined effect of the safeguard and anti-dumping measures will cause significant problems to the Union metal packaging industry, both in terms of availability of supplies and in terms of increasing costs of production.

(241) The purpose of anti-dumping measures is not to stop imports from the country concerned, but to ensure that they enter the Union market at fair prices. It is through that prism that the impact of duties on users has to be assessed.

(242) The Commission could therefore not accept the arguments that imposition of duties will result in lack of supply in the Union. Besides, as already described in recital (383) of the provisional Regulation (and further discussed in recital (145) above), even in the extremely unlikely scenario that all imports into the Union would disappear, there is sufficient capacity in the Union to meet total Union demand. Moreover, there are various other sources of supply from third countries.

(243) In addition, while MPE has shown that certain of its members would face delays in deliveries from Union producers, the Commission cannot accept the argument that this can only be remedied by imports from China. The Commission found in this investigation that delivery times from the Union are much shorter than from China, while, on the other hand, the high reliability of Union producers was highlighted by some of the users.

(244) As concerns MPE's argument in recital (240) above, the Commission reminded that safeguard measures⁽²⁴⁾ are a temporary mechanism and, in addition, any duties which would be due to be paid under the safeguard mechanism will not be cumulated with the anti-dumping duties resulting from this investigation. This argument was therefore moot.

⁽²⁴⁾ Commission Implementing Regulation (EU) 2024/1782 of 24 June 2024 amending Implementing Regulation (EU) 2019/159, including the prolongation of the safeguard measure on imports of certain steel products, C/2024/4200 (OJ L, 2024/1782, 25.6.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1782/oj).

- (245) In its comments on the final disclosure, CISA extended its arguments on availability of Liberty's and Acciaierie's production capacity, already analysed in recital (147) to (150) above, to the Union interest analysis. CISA claimed that it is not realistic to expect that these capacities could be quickly restarted and that therefore there is risk of shortage of supply.
- (246) Steelforce and MPE reiterated their comments on the alleged absence of timely and regular supply in the Union. MPE reminded of the evidence it presented from several of its members which showed that they faced delays in deliveries from Union producers and objected to the Commission seemingly giving more weight to the opinion of other users who highlighted the reliability of Union producers. Steelforce posed a rhetorical question as to why the excess available Union capacity is not utilised to make reliable deliveries to the Union users, pointing to the MPE's evidence on increasingly long lead times, which showed this trend worsening from 2022 onwards.
- (247) As was already pointed out in recitals (149) and (145) above, even when removing Liberty's and Acciaierie's plants from the Union production capacity figures, the total Union production capacity still surpassed total Union demand in all years of the period considered. The Commission thus dismissed CISA's argument as moot.
- (248) In respect of MPE's comments, the Commission clarified that it did not decide to give more credence to the views of certain users than to those of MPE's members. Instead, the Commission concluded in recital (243) above that several instances of supply issues evidenced by some of the MPE members, particularly when some other users praised Union industry's reliability, did not point to the conclusion that the Union industry would, as a rule, be unable to timely and adequately supply tinplated products across the board.
- (249) Even if that would be true, as was already pointed out in recital (243) above, the Commission failed to see how not imposing anti-dumping duties on Chinese imports, which have even longer delivery times, could help solve such an issue.
- (250) Finally, in respect to Steelforce's argument, the Commission pointed out that in 2022 the demand in the Union, as well as production and sales quantities of Union producers, were all higher than in 2023 and the investigation period. Yet, the MPE's data cited by Steelforce showed that in 2022 it was also the most likely that the Union industry would make deliveries on time and in full ('OTIF' deliveries). The incidence of OTIF deliveries only started decreasing in 2023 and the investigation period, as the Union market was penetrated by increasing volumes of dumped imports, taking away the Union industry's market share and placing it in an increasingly precarious financial position. This does not support the allegation that the Union industry would not be able to timely supply its customers if they would face standard (higher) levels of demand.

7.3.2. *Claims on impact of anti-dumping duties on downstream industries*

- (251) Steelforce, Massilly, Trivium, MPE, and CISA disagreed with the Commission's assessment how the duties will impact downstream industries.
- (252) MPE claimed that the Commission's conclusions on how anti-dumping duties will affect Trivium's and Massilly's costs of production cannot be extended to all users, since Trivium and Massilly sourced a relatively small share of their total tinplated products from China. MPE noted that a more accurate general picture would be painted if these calculations would be done with the assumption that, on average, the metal packaging producers sourced 23,4 % of their supply of tinplated products from China, in line with the market share of Chinese imports during the investigation period. Assuming also that tinplated products represent 50 % in a user's costs of production, such calculations result in a 5-6 % increase of the total costs of production.
- (253) Similarly, during the on-site verification, Massilly has shown that the impact of the duties will mostly affect only certain of its facilities, but to a much higher extent than what the Commission concluded in recitals (384) to (387) of the provisional Regulation.

(254) Steelforce, on the other hand, claimed that even the 2 % increase in costs of can makers is significant for such a price-sensitive industry and will affect their competitiveness. Steelforce also echoed the claims made by Massily at the provisional stage, that duties will hit the entire downstream value chain, including the food industry. Steelforce noted that while the Union industry employed around 5 000 to 6 000 full time equivalent workers ('FTEs'), MPE alone reported more than 66 000 direct employees in its member can manufacturers in the Union and the Union interest is thus significantly impacted. Namely, the customers of food cans producers will switch from tin cans to other types of packaging (PET or plastic) even faster, while imports of cans already filled with food will further increase the pressure on downstream value chains. CISA supported these claims.

(255) Steelforce argued that the anti-dumping investigation into ECCS is a case in point where, after the Commission imposed definitive anti-dumping duties⁽²⁵⁾, the downstream value chain (can producers) buckled under the competitive pressure from abroad, resulting in reduction of demand for ECCS itself.

(256) MPE finally claimed that the entire downstream chain should be protected, otherwise duties would jeopardise competitiveness of the packaging industry, particularly in the light of ever-increasing imports of empty cans and can parts into the Union.

(257) With regard to MPE's claim in recital (252) above, the Commission reminded that in reaching its conclusions it relied on the evidence on the file. In that regard, the Commission's estimations and conclusions from recital (386) of the provisional Regulation do indeed rest on the comprehensive, granular data provided in the questionnaire replies of Trivium and Massilly, with the latter being subsequently verified.

(258) On the other hand, even if MPE's calculations were accurate, MPE did not provide evidence or concrete examples of users having such high share of tinplated products in their cost of production while also importing such a large share of it from China. It has also not been demonstrated that users would not have products other than tin cans in their portfolio, in which case the impact of duties on their overall business would be less pronounced. To the contrary, both users that provided questionnaire replies do have other products in their portfolio.

(259) Finally, if there were users with a much higher share of tinplated products in their cost of production, who also source a much higher share of it from China and would thus be more significantly affected by the duties, it is assumed that they would have come forward and cooperated with the investigation to demonstrate to the Commission that the duties will indeed have such a detrimental impact on their business. This however was not the case.

(260) As to Massilly's claim from recital (253) above, while Massilly did indeed demonstrate that certain parts of its business will be more severely affected by the duties than others, this does not invalidate the Commission's conclusions made with regard to that user. As already explained in recital (229) above, the Commission assessed the impact of the duties at the level of total Union operations, to get a picture of how the overall position of a user in the Union would be affected, rather than just a part of its business.

⁽²⁵⁾ Implementing Regulation (EU) 2022/2247.

- (261) As concerns the arguments on competitive pressures on downstream industries, the Commission received a presentation with sensitive and unverified data as evidence to back those claims. The presentation referred to the evolution of price difference between packaging of different materials (including tin and plastic) and the changes in share of the packaging market held by packaging of different materials (including tin and plastic) since 2020. The presentation also contained Eurostat data showing the evolution of imports of tin cans and components (tops, caps, and similar). Finally, the presentation contained anecdotal evidence showing the relocation of can filling operations abroad.
- (262) The trends showed in the presentation did not suggest that a breakdown of downstream value chains would occur as a result of imposition of duties. In addition, as shown in Tables 4, 8, and 12 of the provisional Regulation, tinplate prices were the highest in 2022 out of all the years of the period considered.
- (263) Similarly, even though Steelforce claimed that it is known that downstream markets suffered from insurmountable pressure from competing foreign products in the aftermath of the ECCS investigation, no meaningful evidence was provided to demonstrate this. Steelforce provided references to public statements of an Italian food manufacturer, Del Monte, which opened a new facility in India ⁽²⁶⁾. This one example, which did not even show the reasons behind the opening of this facility, could not be considered sufficient to conclude that the ECCS investigation resulted in insurmountable pressure from competing foreign products.
- (264) Finally, as concerns MPE's claim that the entire downstream value chain should be protected, the Commission noted that Eurostat data indeed did show that imports of tin cans and components (tops, caps, and similar) into the Union have been increasing.
- (265) For empty cans, while imports from China are increasing, they are only third in terms of volume (after the UK and Türkiye). Furthermore, the totality of import volumes has remained broadly the same between 2020 and 2024 (since imports from the UK have been decreasing equally significantly), so it cannot be concluded whether or not these imports had a detrimental impact on the market share of Union users, i.e., producers of tin cans.
- (266) Imports of tin components from China, on the other hand, have been increasing significantly and taking the biggest share of the imports since 2020 (with Türkiye and the UK being the next two biggest sources of imports).
- (267) In any case, these increasing trends seem to have started already some years ago and are thus independent from the ongoing investigation. There is no indication that not imposing anti-dumping duties on tinplated products will stop or reverse them. In addition, cans and tin components do not fall in the product scope of the current investigation and thus the Commission cannot impose duties on downstream products as part of it, as MPE suggested.
- (268) In its comments of the final disclosure, CISA alleged that Commission's conclusions drawn on the basis of information from only two companies, Trivium and Massilly, might not be representative of the broader sector, particularly given the size of these two users. CISA further generally argued that the Commission's analysis of the impact that the duties would have on the users was inadequate in terms of impact on production costs and competitive pressures in the Union and export markets.
- (269) MPE, on the other hand, reiterated its claims on competitive pressures on the users active in the food packaging value chain, exerted by (i) cheap imports of semi-finished metal packaging products as well as filled food cans and aerosols, originating mostly in China; and (ii) alternative packaging materials (like plastics). This results in the price sensitivity of the metal packaging sector, which prevents it from absorbing or passing onto consumers any increase in costs of production resulting from the imposition of anti-dumping duties.

⁽²⁶⁾ <https://www.delmontefoods.in/our-culture>, last accessed on 11 March 2025.

- (270) MPE further claimed that the Commission's conclusions from recital (258) to (259) rested on speculative arguments; even if some of the users could have other products in their portfolios, MPE found this irrelevant for the purposes of this investigation. Similarly, MPE alleged that participation of users in anti-dumping investigations and in this case is low because the Commission did not show sufficient consideration to their concerns.
- (271) CISA did not, however, provide any arguments as to how some other analytical methods would have made the Commission's analysis more adequate, nor did it present any new evidence that would challenge the Commission's previous conclusions.
- (272) Similarly, MPE also did not provide new evidence in support of its prior claims. The Commission pointed out, however, that it has carefully considered all of the evidence and arguments submitted by all the interested parties, including importers and users.
- (273) The investigation established the existence of dumping, injury, and the causal link between the two. It is against that background that the Commission analysed all the information and evidence provided to it by other interested parties, including MPE, users, and importers, regarding the Union interest. This included comprehensive questionnaire replies from two users, Massily and Trivium. On the basis of their comprehensive and, in case of Massily, verified data, the Commission concluded that these users would not be significantly adversely affected by the duties.
- (274) While the Commission did scrutinise all information presented to it, it did not, however, receive any verifiable evidence from any individual user that would show it being heavily exposed to imports from China and, consequently, to a disproportionate impact from the imposition of anti-dumping duties. Inferences on reasons for the absence of such cooperation cannot be used as an argument to show that users will actually be significantly adversely affected, let alone replace actual comprehensive evidence from users needed to demonstrate such effects.
- (275) As already explained, the evidence that the Commission had at its disposal (either concerning the aftermath of the ECCS case or the situation in the packaging sector during the period considered) did not indicate that it was likely that downstream industries would be significantly negatively affected by the imposition of the duties, even if this would increase the prices of tinplated products in the Union. Indeed, as already mentioned in recital (262) above, the prices of tinplated products were the highest in 2022. None of the evidence submitted to the Commission showed significant deterioration in the market positions or performance of tinplated products' user industries in that year.
- (276) Therefore, on the basis of all the provided evidence from all the interested parties that were active in the case, the Commission could not conclude that the measures would have such a negative impact on downstream industries that would outweigh the need to protect the Union producers from injurious dumping.

7.3.3. *Claims on impact of duties on the Union environmental policies*

- (277) Steelforce claimed that the Commission did not sufficiently consider the impact of duties on Union environmental policies. Steelforce took issue with the conclusion from recital (389) of the provisional Regulation, that the Commission did not have sufficient evidence to conclude that the imposition of duties would negatively affect the Union's environmental policies. Steelforce claimed that sufficient evidence was provided, and that the Commission was obliged to investigate this further.
- (278) The Commission disagreed with this assessment, as all the interested parties merely alleged that the imposition of duties will result in a dramatic shift from tin packaging to other types of (less environmentally friendly) packaging, thus undermining Union environmental goals.
- (279) However, as assessed in Section 7.3.2 above, no convincing evidence was presented to show that the imposition of anti-dumping duties would have such an effect. The Commission therefore rejected this claim.
- (280) In their comments on the final disclosure, CISA, MPE, and Steelforce repeated their previous claims on incompatibility of anti-dumping duties on imports of tinplated products from China with the Union's environmental policies.

- (281) These reiterated arguments rested, however, on the assumption that the Commission would find that the imposition of duties would lead to significant substitution of tinplated products with other materials in the packaging sector. As the Commission did not reverse its previous conclusions on this point (see subsection 7.3.2 above), the Commission considered these reiterated claims as moot.

7.4. Conclusion on Union interest

- (282) The Commission reminded, as already indicated in recital (391) of the provisional Regulation, that the Union tinplated products industry is in a precarious state. The Union industry has been lossmaking for the better part of the period considered, whereas the cooperating importer and both users which submitted questionnaire replies were, on the other hand, profitable.
- (283) In light of the above, the Commission maintained its position that there were no compelling reasons to conclude that it was not in the Union interest to impose measures on imports of tinplated products originating in China.

8. DEFINITIVE ANTI-DUMPING MEASURES

8.1. Definitive measures

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

8.2. Form of the measures

- (285) In its comments on the provisional Regulation, MPE requested to change the form of the duties either to fixed duties or to minimum import price to mitigate the impact of duties on the users.
- (286) EUROFER opposed this suggestion, claiming that imposing measures as fixed duties or as minimum import price runs the risk of rendering the measures wholly ineffective, considering the general volatility of energy and raw material costs, particularly amplified in the current political circumstances of a potential trade war with the United States of America and ongoing conflicts in Ukraine and the Middle East. On the other hand, EUROFER claimed that a fixed duty or a minimum import price could be more harmful for the users, given that prices in the investigation period were relatively high.
- (287) The Commission noted in that regard that MPE did not substantiate how changing the form of duties to fixed duties or to a minimum import price would reduce the impact of duties on users. The Commission observed that import prices have, in fact, indeed been decreasing after the investigation period. This suggests that, at least in the short term, changing the form of duties from *ad valorem* to fixed duties or to a minimum import price, calculated on the basis of values prevalent in the investigation period, would actually make imports even more expensive than *ad valorem* duties.
- (288) The Commission therefore considered *ad valorem* duties as the most appropriate form of measures in this case, striking the most optimal balance between the interest of the users and the Union industry's need for protection from dumped imports.

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

Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
Baosteel Group: — Baoshan Iron & Steel Co., Ltd. — WISCO-Nippon Steel Tinplate Co., Ltd.	13,1	46,2	13,1
Shougang Jingtang United Iron & Steel Co., Ltd.	46,8	62,4	46,8
Other cooperating companies listed in Annex	24,6	52,0	24,6
All other imports originating in China	62,3	71,7	62,3

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

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

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

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

⁽²⁷⁾ Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu; European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

- (294) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in quantity, in particular after the imposition of the measures concerned, such an increase in quantity could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, an anti-circumvention investigation may be initiated, provided that the conditions for doing so are met. This investigation may examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (295) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other imports originating in the People's Republic of China should apply not only to the non-cooperating exporting producers in this investigation, but also to the producers which did not have exports to the Union during the investigation period.
- (296) Exporting producers that did not export the product concerned to the Union during the investigation period should be able to request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the IP; (ii) it is not related to an exporting producer that did so; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.
- (297) Following the final disclosure, EUROFER requested, with regard to recital (294) above, the Commission to state that it will open such a circumvention case *ex officio*, since the Commission has access to all the relevant data outlined in said recital.
- (298) MPE, on the other hand, repeated its request for the Commission to modulate the form of duties to minimise the impact on the users.
- (299) In respect of EUROFER's request, the Commission noted that it cannot presume an initiation of any type of future investigation within a framework of an ongoing investigation. As outlined in recital (294) above, an anti-circumvention investigation can only be initiated if all conditions of Article 13 of the basic Regulation are met. Contrary to EUROFER's claim, the Commission collects no data or evidence regarding practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty, as required by Article 13. Any potential investigation will be initiated on its own merits. EUROFER's request was thus rejected.
- (300) As concerns MPE's repeated request to modulate the form of duties, while the Commission sought to strike an appropriate balance between the interests of European industries, it has not been shown that modulating the form of the duties would help the users in this case. As explained in recital (287) above, import prices have been decreasing after the investigation period. Changing the form of duties from *ad valorem* to fixed duties or to a minimum import price would actually make imports even more expensive than *ad valorem* duties, at least in the short term.

8.3. Definitive collection of the provisional duties

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

8.4. Retroactivity

- (302) As mentioned in Section 1.2 above, the Commission made imports of the product under investigation subject to registration.
- (303) During the definitive stage of the investigation, the Commission analysed whether the criteria under Article 10(4) of the basic Regulation were met for the retroactive collection of definitive duties.

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

- (1) The average monthly imports from the first full month after initiation to the full month when registration took place (June 2024 – October 2024) with the average monthly imports in the same months in the investigation period;
- (2) The average monthly imports from the first full month after initiation to the full month when provisional duties were adopted (June 2024 – January 2025) with the average monthly imports in the same months in the investigation period;
- (3) The average monthly imports from the first full month after initiation to the full month when registration took place (June 2024 – October 2024) with the average monthly imports in the whole investigation period; and
- (4) The average monthly imports from the first full month after initiation to the full month when provisional duties were adopted (June 2024 – January 2025) with the average monthly imports in the whole investigation period.

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

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

9. FINAL PROVISION

(307) By Commission Implementing Regulation (EU) 2019/159 ⁽²⁸⁾, the Commission imposed a safeguard measure with respect to certain steel products for a period of three years. By Commission Implementing Regulation (EU) 2024/1782 ⁽²⁹⁾, the safeguard measure was prolonged until 30 June 2026. The product concerned is one of the product categories covered by the safeguard measure. Consequently, once the tariff quotas established under the safeguard measure are exceeded, the above-quota tariff duty and the anti-dumping duty would become payable on the same imports. As such cumulation of anti-dumping measures with safeguard measures may lead to an effect on trade greater than desirable, the Commission decided to prevent the concurrent application of the anti-dumping duty with the above-quota tariff duty for the product concerned for the duration of the imposition of the safeguard duty.

(308) This means that where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to the product concerned and exceeds the level of the anti-dumping duty pursuant to this Regulation, only the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected. During the period of concurrent application of the safeguard and anti-dumping duty, the collection of the duties imposed pursuant to this Regulation shall be suspended. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to the product concerned and is set at a level lower than the level of the anti-dumping duty in this Regulation, the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected in addition to the difference between that duty and the higher of the level of the anti-dumping duty pursuant to this Regulation. The part of the amount of anti-dumping duty not collected shall be suspended.

⁽²⁸⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27).

⁽²⁹⁾ Commission Implementing Regulation (EU) 2024/1782 of 24 June 2024 amending Commission Implementing Regulation (EU) 2019/159 including the prolongation of the safeguard measure on imports of certain steel products (OJ L, 2024/1782, 25.6.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1782/oj).

- (309) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽³⁰⁾, when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (310) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of tin mill flat-rolled products, of iron or non-alloy steel, coated or plated with tin, whether or not coated with a plastic material and/or varnished, currently falling under CN codes 7210 11 00, 7210 12, ex 7210 70, 7210 90 40, ex 7210 90 80, 7212 10, and ex 7212 40 (TARIC codes 7210 70 10 15, 7210 70 80 20, 7210 70 80 92, 7210 90 80 20, 7212 40 20 10, 7212 40 80 12, 7212 40 80 30, 7212 40 80 80, and 7212 40 80 85) and originating in the People's Republic of China.
2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the products described in paragraph 1 and produced by the companies listed below, shall be as follows:

Company	Definitive anti-dumping duty	TARIC additional code
Baosteel Group: — Baoshan Iron & Steel Co., Ltd. — WISCO-Nippon Steel Tinplate Co., Ltd.	13,1 %	89LB
Shougang Jingtang United Iron & Steel Co., Ltd.	46,8 %	89LC
Other cooperating companies listed in Annex	24,6 %	
All other imports originating in China	62,3 %	8999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by name and function, drafted as follows: *'I, the undersigned, certify that the tonnes of tinplated products sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.'* Until such invoice is presented, the duty applicable to all other imports originating in the People's Republic of China shall apply.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/81 imposing a provisional anti-dumping duty on imports of tin mill flat-rolled products, of iron or non-alloy steel, coated or plated with tin, whether or not coated with a plastic material and/or varnished originating in the People's Republic of China shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

⁽³⁰⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

Article 3

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

- (a) it did not export the goods described in Article 1(1) during the investigation period (1 April 2023 to 31 March 2024);
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which could have cooperated in the original investigation; and
- (c) it has either actually exported the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.

Article 4

1. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to tin mill flat-rolled products, of iron or non-alloy steel, coated or plated with tin, whether or not coated with a plastic material and/or varnished, referred to in Article 1(1), and exceeds the anti-dumping duty set out in Article 1(2), only the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected.

2. During the period of application of paragraph 1, the collection of the duties imposed pursuant to this Regulation shall be suspended.

3. Where the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 becomes applicable to tin mill flat-rolled products, of iron or non-alloy steel, coated or plated with tin, whether or not coated with a plastic material and/or varnished, referred to in Article 1(1), and is set at a level lower than the anti-dumping duty set out in Article 1(2), the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159 shall be collected in addition to the difference between that duty and the higher anti-dumping duty set out in Article 1(2).

4. The part of the amount of anti-dumping duties not collected pursuant to paragraph 3 shall be suspended.

5. The suspensions referred to in paragraphs 2 and 4 shall be limited in time to the period of application of the above-quota tariff duty referred to in Article 1(6) of Implementing Regulation (EU) 2019/159.

Article 5

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

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

Done at Brussels, 27 May 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

CHINESE COOPERATING EXPORTING PRODUCERS NOT SAMPLED

Company Name	TARIC additional code
Jiangsu Youfu Sheet Technology Co., Ltd.	89LD
Hesteel Group Hengshui Strip Processing Co., Ltd. and Handan Steel Group Hengshui Cold Rolling Steel Co., Ltd.	89LE
Handan Jintai Packing Material Co., Ltd.	89LF
Jiangsu Suxun New Material Co., Ltd.	89LG
Jiangyin Comat Metal Products Co., Ltd.	89LH
GDH Zhongyue (Qinhuangdao) Tinsplate Industrial Co., Ltd. and GDH Zhongyue (Zhongshan) Tinsplate Industry Co., Ltd.	89LI