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COMMISSION IMPLEMENTING REGULATION (EU) 2025/1720

of 6 August 2025

imposing a definitive anti-dumping duty on imports of certain aluminium foil in rolls originating in the People's Republic of China following an expiry review under Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

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 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

- (1) By Implementing Regulation (EU) No 217/2013 ⁽²⁾, the European Commission imposed anti-dumping duties on imports of certain aluminium foils in rolls, originating in the People's Republic of China ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.
- (2) By Implementing Regulation (EU) 2019/915 ⁽³⁾, the European Commission, re-imposed the definitive anti-dumping measures on imports of certain aluminium foils in rolls originating in the People's Republic of China, following an expiry review (the 'previous expiry review'). Following an anti-circumvention investigation the Commission, through Implementing Regulation (EU) 2021/1475 ⁽⁴⁾, extended the measures to imports from Thailand.
- (3) The anti-dumping measures currently in force on the imports of certain aluminium foils in rolls originating in the People's Republic of China ('PRC') range between 14,2 % and 15,6 % on imports from the sampled cooperating exporting producers, 14,6 % on the non-sampled cooperating companies and a duty rate of 35,6 % on all other companies from the PRC.

1.2. Request for an expiry review

- (4) Following the publication of a notice of impending expiry ⁽⁵⁾ of the anti-dumping measures in force on the imports of certain aluminium foils in rolls originating in the People's Republic of China ('the country concerned'), the Commission received a request for review pursuant to Article 11(2) of the basic Regulation.

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

⁽²⁾ Council Implementing Regulation (EU) No 217/2013 of 11 March 2013 imposing a definitive antidumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foils in rolls originating in the People's Republic of China (OJ L 69, 13.3.2013, p. 11, ELI: http://data.europa.eu/eli/reg_impl/2013/217/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2019/915 of 4 June 2019 imposing a definitive anti-dumping duty on imports of certain aluminium foil in rolls originating in the People's Republic of China following an expiry review under Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 146, 5.6.2019, p. 63, ELI: http://data.europa.eu/eli/reg_impl/2019/915/oj).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/1475 of 14 September 2021 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2019/915 on imports of certain aluminium foil in rolls originating in the People's Republic of China to imports of certain aluminium foil in rolls consigned from Thailand, whether declared as originating in Thailand or not (OJ L 325, 15.9.2021, p. 24, ELI: http://data.europa.eu/eli/reg_impl/2021/1475/oj).

⁽⁵⁾ OJ C 317, 7.9.2023, p. 6.

- (5) The request for review was submitted on 4 March 2024 by three Union producers, ALEURO Converting Sp. z o. o., CeDo Sp. z.o.o. and ITS B.V. ('the applicants'), representing 33 % of the total Union production of certain aluminium foils in rolls. The request for review was based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and recurrence of injury to the Union industry.

1.3. **Initiation of an expiry review**

- (6) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 3 June 2024, the Commission initiated an expiry review with regard to imports into the Union of certain aluminium foils in rolls originating in the PRC ('the country concerned') on the basis of Article 11(2) of the basic Regulation. It published on 3 June 2024 a notice of initiation in the *Official Journal of the European Union* ⁽⁶⁾ ('the Notice of Initiation').

1.4. **Review investigation period and period considered**

- (7) The investigation of the continuation or recurrence of dumping and injury covered the period from 1 January 2023 to 31 December 2023 ('the review investigation period' or 'RIP'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2020 to the end of the review investigation period ('the period considered').

1.5. **Interested parties**

- (8) In the Notice of Initiation, the Commission invited all interested parties to participate in the investigation. In addition, the Commission specifically informed the applicants, other known Union producers, exporting producers, importers and users in the Union known to be concerned and the authorities in the PRC of the initiation of the expiry review and invited them to participate. All interested parties had the opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. No interested party submitted comments and/or requested a hearing.

1.6. **Sampling**

- (9) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

1.6.1. *Sampling of Union producers*

- (10) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of the representativity in terms of volume of production and sales of the like product, which could reasonably be investigated within the time available. This sample consisted of three Union producers. The sampled Union producers accounted for 33 % of the estimated total volume of production of the like product in the Union. In accordance with Article 17(2) of the basic Regulation, the Commission invited interested parties to comment on the provisional sample. No comments were received, and the Commission confirmed the provisionally selected sample which is representative of the Union industry.

1.6.2. *Sampling of importers*

- (11) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (12) No unrelated importer came forward and provided the requested information.

⁽⁶⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain aluminium foil in rolls originating in the People's Republic of China (OJ C, C/2024/3498, 3.6.2024, ELI: <http://data.europa.eu/eli/C/2024/3498/oj>).

1.6.3. *Users*

- (13) The Commission invited in the Notice of Initiation the users and their representative associations, trade unions and representative consumer organisations to make themselves known and cooperate. No users in the Union or their associations came forward.

1.6.4. *Sampling of exporting producers in the PRC*

- (14) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers in the countries concerned to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (15) No exporting producers in the country concerned provided the requested information and agreed to be included in the sample.

1.7. **Replies to the questionnaire**

- (16) The Commission sent a questionnaire concerning the existence of significant distortions in China within the meaning of Article 2(6a)(b) of the basic Regulation to the Government of the People's Republic of China ('GOC').
- (17) The Commission sent questionnaires to Union producers. The same questionnaires had also been made available online on the day of initiation ⁽⁷⁾.
- (18) Questionnaire replies were received from the three sampled Union producers.
- (19) Neither the GOC nor any producer or exporting producer in China provided a questionnaire reply. The Commission informed the exporting producers and the GOC of the consequences of the lack of cooperation in the investigation.

1.8. **Verification**

- (20) The Commission sought and verified all the information deemed necessary for the determination of continuation or recurrence of dumping and injury and of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following Union producers:
- CeDo Sp. z o.o., Wrocław, Poland;
 - FORA Folienfabrik GmbH, Singen, Germany;
 - ITS B.V. Apeldoorn, The Netherlands.

1.9. **Subsequent procedure**

- (21) On 16 May 2025, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.
- (22) The comments made by interested parties were considered by the Commission and taken into account, where appropriate. The parties who so requested were granted a hearing.

⁽⁷⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2731>.

2. PRODUCT UNDER REVIEW, PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product under review

- (23) The product under review is the same as in the original investigation and in the previous expiry review, namely aluminium foil of a thickness of 0,007 mm or more but less than 0,021 mm, not backed, not further worked than rolled, whether or not embossed, in low-weight rolls of a weight not exceeding 10 kg currently falling under CN codes ex 7607 11 11 and ex 7607 19 10 (TARIC codes 7607 11 11 11, 7607 11 11 19, 7607 19 10 11 and 7607 19 10 19) ('the product under review').
- (24) The product under review is generally used as a consumer product for packaging and other household/catering applications ('aluminium household foil' or 'AHF').

2.2. Product concerned

- (25) The product concerned by this investigation is the product under review originating in the People's Republic of China currently falling under CN codes ex 7607 11 11 and ex 7607 19 10 (TARIC codes 7607 11 11 11, 7607 11 11 19, 7607 19 10 11 and 7607 19 10 19).

2.3. Like product

- (26) As established in the original investigation as well as in the previous expiry review, this expiry review investigation confirmed that the following products have the same basic physical and technical characteristics as well as the same basic uses:
- the product concerned when exported to the Union;
 - the product under review produced and sold on the domestic market in the PRC;
 - the product under review produced and sold by the exporting producers to the rest of the world; and
 - the product under review produced and sold in the Union by the Union industry.
- (27) These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING

3.1. Preliminary remarks

- (28) During the review investigation period, imports of the product under review from the PRC continued to enter the Union albeit at significant lower levels than in the investigation period of the original investigation. According to Eurostat, imports of AHF from the PRC accounted for about 1,02 % (640 tonnes) of the Union market in the review investigation period compared to 13,4 % market share (12 994 tonnes) during the original investigation and 1,8 % (1 519 tonnes) during the previous expiry review. While imports from the PRC continued, their volume was significantly lower than during the original investigation, indicating that trade defence measures influenced the level of imports.
- (29) As mentioned in recital 19, none of the producers or exporters from the PRC cooperated in the investigation. Therefore, the Commission informed the authorities of the PRC that due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings with regard to the PRC. The Commission did not receive any comments or requests for an intervention of the Hearing Officer in this regard.
- (30) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available. Such information included, in particular, information contained in the expiry review request and combined with other sources of publicly available information deemed appropriate, such as official company websites and official statistics, in particular Global Trade Atlas ('GTA')⁽⁸⁾ and Eurostat.

⁽⁸⁾ <https://connect.ihsmarkit.com/gta/home/>.

3.2. Dumping

3.2.1. Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation for the imports of AHF originating in the PRC

- (31) Given the sufficient evidence available at the initiation of the investigation tending to show, with regard to the PRC, the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission initiated the investigation on the basis of Article 2(6a) of the basic Regulation.
- (32) In order to obtain information, it deemed necessary for its investigation with regard to the alleged significant distortions, the Commission sent a questionnaire to the GOC. In addition, in Section 5.3.2 of the Notice of Initiation, the Commission invited all interested parties to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation within 37 days of the date of publication of the Notice of Initiation in the *Official Journal of the European Union*. No questionnaire reply was received from the GOC and no submission on the application of Article 2(6a) of the basic Regulation was received within the deadline. Subsequently, the Commission informed the GOC that it would use facts available within the meaning of Article 18 of the basic Regulation for the determination of the existence of the significant distortions in the PRC.
- (33) In Section 5.3.2 of the Notice of Initiation, the Commission also specified that, in view of the evidence available, it had provisionally selected Türkiye as an appropriate representative country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks. The Commission further stated that it would examine other possibly appropriate countries in accordance with the criteria set out in first indent of Article 2(6a) of the basic Regulation.
- (34) On 20 February 2025, the Commission informed by a note ('the FOP Note') interested parties on the relevant factors of production, as identified in the review request, and sources it intended to use for the determination of the normal value. In that note, based on the criteria guiding the choice of undistorted prices or benchmarks, the Commission identified Türkiye as an appropriate representative country. It also informed interested parties that it would establish selling, general and administrative costs ('SG & A') and profits based on the 2023 financial report of Sedat Tahir A.Ş, a producer of AHF in the representative country. No comments were received from the parties.

3.2.2. Normal value

- (35) According to Article 2(1) of the basic Regulation, 'the normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country'.
- (36) However, according to Article 2(6a)(a) of the basic Regulation, 'in case it is determined [...] that it is not appropriate to use domestic prices and costs in the exporting country due to the existence in that country of significant distortions within the meaning of point (b), the normal value shall be constructed exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks', and 'shall include an undistorted and reasonable amount of administrative, selling and general costs and for profits' ('administrative, selling and general costs' is referred to hereinafter as 'SG & A').
- (37) As further explained below, the Commission concluded in the present investigation that, based on the evidence available, and in view of the lack of cooperation of the GOC and the exporting producers, the application of Article 2(6a) of the basic Regulation was appropriate.

3.2.3. Existence of significant distortions

- (38) The Commission examined the evidence on the file to decide whether significant distortions within the meaning of Article 2(6a)(b) of the basic Regulation exist in the PRC, rendering the use of domestic prices and costs in that country inappropriate. That analysis covered the following evidentiary elements on the various criteria relevant to establish the existence of significant distortions.

- (39) First, the evidence contained in the request included the following elements pointing to the existence of significant distortions.
- (40) The applicant argues that the market of Small AHF Rolls is being served to a significant extent by enterprises that operate under the ownership, control or policy supervision or guidance of the PRC authorities. In this regard the applicant stated that the government and the CCP maintain structures that ensure their continued influence over SOEs and refers to a January 2019 OECD study on SOEs in the aluminium sector showing how State ownership influences relevant industrial policies and how State ownership translates into government support. In addition, the 2021 annual report of China Aluminium International Engineering Corporation Limited ('Chalieco') explains that the company is controlled by the State-owned Assets Supervision and Administration Commission of the State Council ('SASAC'). Furthermore, the applicant states that Findings of the US Department of Commerce ('DOC') in its countervailing investigation of certain aluminium from China established that 37 % of domestic aluminium consumption in China is from SOEs. Finally, the request refers to a report by a representative of the Party Committee of China Nonferrous Metals Industry Association which evidences that development of Chinese aluminium production is undertaken according to the general policy guidelines.
- (41) The request also considers that the Chinese State presence in Small AHF Rolls firms allows the State to interfere with respect to prices or costs. According to the applicant, the GOC preserves its influence in SOEs through the appointment and removal of key management personnel in SOEs, which is the main responsibility of SASAC. Both SOEs and private Chinese companies also host internal Party committees capable of exercising government and Party influence over their corporate governance and business decisions as expressly provided for under Article 19 of the Chinese Company Law. It is also reported that in recent years, CCP has taken steps to increase the strength and presence of Party committees within companies. Furthermore, Chinese aluminium producers are regrouped under the China Nonferrous Metals Industry Association, which is supervised by the Party Construction Bureau of the SASAC and the Department of Raw material Industry of the Ministry of Industry and Information Technology.
- (42) The applicant then argues that the Chinese government holds public policies or measures discriminating in favour of domestic suppliers or otherwise influence free market forces. In this regard, the aluminium sector is subject to numerous plans, guidelines, directives and other policy documents issued at national, regional and municipal level. The applicant notably relies on a report prepared for WVMetalle, the German non-ferrous metals industry association showing that 'the [non-ferrous metal sector] constitutes a core element of government planning in the context of the Strategic Emerging Industry Initiative (launched in 2009), the Made in China 2025 Plan (launched in 2015) as well as other high level programmes' and that the Government of China 'directly intervenes in the pricing of capital, labour, land, raw-materials and basic inputs to the production process'. This report identifies the following intervention of the GOC in the aluminium industry:
- (i) The non-ferrous metal sector 'has consistently benefited from generous financial and non-monetary support and continues to do so to the present day'.
 - (ii) China's non-ferrous metal sector has 'received subsidies accounted as non-operating income amounting to more than 41,6 billion Yuan RMB (5,2 billion Euro) from 2011 to the first half of 2016', along with 'another 16,5 billion Yuan RMB (2,1 billion Euro) in the form of deferred income subsidies'. In addition, '[o]ther non-operating income subsidies are being disbursed in the context of programmes for plant relocations, green development, technology innovation, industry revitalization, trademark and patent development, research & development, etc.'.
 - (iii) Important energy subsidies have been received, 'profiting most Chinese state-owned enterprises operating in the aluminium sector'.
 - (iv) The main beneficiaries of these advantages are state-owned enterprises, including a small group of very large players which are 'groomed to become national champions with a global impact'.
 - (v) The Government of China upholds 'strict control over the volumes and prices at which products of the non-ferrous metals industry are allowed to enter or leave the Chinese market'.

(43) In addition, the applicant refers to the following policies in place during the review investigation period:

- (i) The 14th Five-Year Plan ('FYP') on Raw Materials Industry Development issued by the Ministry of Industry and Information Technology ('MIIT') in December 2021 provides for the prevention of disorderly expansion of production capacity; the improvement and strict implementation of the production capacity replacement policy for electrolytic aluminium industry; the requirement for the aluminium processing industry to improve comprehensive competitiveness of aluminium alloy materials, support advantageous enterprises in establishing large-scale recycling bases and industrial clusters.
- (ii) The Action Plan for Carbon Dioxide Peaking Before 2030 issued by State Council in November 2021 includes the carbon dioxide peaking policies for the non-ferrous metal industry, provides for improvement of recycling and processing of waste non-ferrous metal resources and increase of recycled aluminium production.
- (iii) The Catalogue of Encouraged Industries in the Western Region issued by the National Development and Reform Commission ('NDRC') in January 2021 classifies recycled aluminium, aluminium processing and solid waste recycling and treatment of aluminium among encouraged industries.
- (iv) Standard Conditions applicable to the Aluminium Industry issued by the MIIT on 18 July 2013, in order to speed up structural adjustment and curb disorderly expansion of the aluminium smelting capacities. The Standard Conditions introduce minimum production quantities for new plants, quality standards and security of supply for imported and domestically sourced bauxite and alumina. The Standard Conditions indicate that MIIT is the authority in charge of the standardization and management of the aluminium industry, as well as publication of the list of companies authorized to operate in the aluminium industry.
- (v) Entry Conditions Applicable to the Aluminium Industry, issued by the NDRC in October 2007 and formally in force until 2016, had as its main objective to promote the development of the aluminium industry and to reduce greenhouse gas emissions.
- (vi) Finally, the Guidelines for Accelerating the Restructuring of the Aluminium Industry ('Restructuring Guidelines'), issued by the NDRC in April 2006, regard aluminium as a fundamental product in the development of the national economy. The Restructuring Guidelines state that, in implementing the Industrial Development Policy approved by the State Council, specific objectives shall be achieved in certain areas. These areas are: enhance the concentration in the industry; access to financial capital; organization of the industry; strict control of exports of electrolytic aluminium; and elimination of outdated capacity.

(44) Beyond the plans, the government's intervention in the sector has taken the form, inter alia, of export-related measures, including export duties, export quotas, export performance requirements and minimum export price requirements on different raw materials for aluminium.

(45) Finally, according to the applicant, the price of key inputs such as energy and electricity are found to be influenced by different types of government intervention. Other types of government intervention leading to market distortions include the stockpiling policy through the State Reserve Bureau and the role of the Shanghai Futures Exchange. In addition, several trade defence investigations have established that the Chinese government has consistently granted different types of State support measures to aluminium producers. The extensive intervention of the GOC in the aluminium sector has led to overcapacity, which is arguably the clearest illustration of the implications of the GOC's policies and the resulting distortions.

(46) Then the applicant underlines the lack, discriminatory application or inadequate enforcement of bankruptcy, corporate or property laws stating that regarding bankruptcy rules, Chinese bankruptcy system delivers inadequately on its main objectives such as to fairly settle claims and debts, and to protect the rights of creditors and debtors. The applicant concludes that much like any other sector in the Chinese economy, producers of Small AHF Rolls are subject to the Chinese bankruptcy, corporate and property rules, and are therefore also subject to the distortions resulting from the discriminatory application or inadequate enforcement of these law.

- (47) In the request, the applicant also argues that wage costs are being distorted. In this regard, the request mentions that a system of market-based wages cannot fully develop in the PRC because workers and employers are impeded in their rights to collective organization. In support of this argument, the request mentions the existence of only one trade union which is legally recognized which is subject to the leadership of the CCP in addition to the fact that senior positions in the trade union were occupied by senior party figures in SOEs or by managers in non-state enterprises, hampering their ability to efficiently represent workers' interests. In addition, the PRC has still not ratified a number of major international conventions of the International Labor Organization and the mobility of the Chinese workforce is affected by the household registration system, which provides that only local residents of a given administrative area are granted access to the full range of social security and public welfare benefits.
- (48) Moreover, the request underlines that small AHF Rolls producers have access to finance granted by institutions which implement public policy objectives or otherwise are not acting independently from the State. These various distortions include a strong government presence in the financial institutions, and artificially low borrowing costs, in order to stimulate investment growth, which reveals a situation incomparable to other market-based economies. The Chinese financial system is characterized by the strong market position of State-owned banks, which, when granting access to finance, take into consideration criteria other than economic viability of a project. Furthermore, bond and credit ratings are often distorted for a variety of reasons including the fact that the risk assessment is influenced by the firm's strategic importance to the Chinese government and the strength of any implicit guarantee by the government. The applicant also found that borrowing costs have been kept artificially low to stimulate investment growth. This has led to the excessive use of capital investment with ever lower returns on investment.
- (49) Second, in recent investigations concerning the aluminium sector in the PRC ⁽⁹⁾, the Commission found that significant distortions in the sense of Article 2(6a)(b) of the basic Regulation were present. In those investigations, the Commission found that there is substantial government intervention in the PRC resulting in a distortion of the effective allocation of resources in line with market principles ⁽¹⁰⁾. In particular, the Commission concluded that in the aluminium sector, not only does a substantial degree of ownership by the GOC persists in the sense of Article 2(6a)(b), first indent of the basic Regulation ⁽¹¹⁾ but the GOC is also in a position to interfere with prices and costs through State presence in firms in the sense of Article 2(6a)(b), second indent of the basic Regulation ⁽¹²⁾. The Commission found further that the State's presence and intervention in the financial markets, as well as in the provision of raw materials and inputs further have an additional distorting effect on the market. Indeed, overall, the system of planning in the PRC results in resources being driven to sectors designated as strategic or otherwise politically important by the GOC, rather than being allocated in line with market forces ⁽¹³⁾. Moreover, the Commission concluded that the Chinese bankruptcy and property laws do not work properly in the sense of Article 2(6a)(b), fourth indent of the basic Regulation, thus generating distortions in particular when maintaining insolvent firms afloat and when allocating land use rights in the PRC ⁽¹⁴⁾. In the same vein, the Commission found distortions of wage costs in the aluminium sector in the sense of Article 2(6a)(b), fifth indent of the basic Regulation ⁽¹⁵⁾, as well as distortions in the financial markets in the sense of Article 2(6a)(b), sixth indent of the basic Regulation, in particular concerning access to capital for corporate actors in the PRC ⁽¹⁶⁾.

⁽⁹⁾ Commission Implementing Regulation (EU) 2024/2661 of 14 October 2024 imposing a definitive anti-dumping duty on imports of aluminium radiators originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L, 2024/2661, 15.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2661/oj); Commission Implementing Regulation (EU) 2023/112 of 18 January 2023 imposing a definitive anti-dumping duty on imports of certain aluminium road wheels originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 18, 19.1.2023, p. 66, ELI: http://data.europa.eu/eli/reg_impl/2023/112/oj).

⁽¹⁰⁾ Implementing Regulation (EU) 2024/2661, Section 3.3, and Implementing Regulation (EU) 2023/112, Section 3.3.1.

⁽¹¹⁾ Implementing Regulation (EU) 2024/2661, recitals 45 to 52, and Implementing Regulation (EU) 2023/112, recital 45.

⁽¹²⁾ Implementing Regulation (EU) 2024/2661, recitals 53 to 55, and Implementing Regulation (EU) 2023/112, recitals 46 to 50.

⁽¹³⁾ Implementing Regulation (EU) 2024/2661, recitals 56 to 63, and Implementing Regulation (EU) 2023/112, recitals 51 to 63.

⁽¹⁴⁾ Implementing Regulation (EU) 2024/2661, recital 64, and Implementing Regulation (EU) 2023/112, recital 64.

⁽¹⁵⁾ Implementing Regulation (EU) 2024/2661, recital 65, and Implementing Regulation (EU) 2023/112, recital 65.

⁽¹⁶⁾ Implementing Regulation (EU) 2024/2661, recital 66, and Implementing Regulation (EU) 2023/112, recital 66.

- (50) Third, in the most recent expiry review concerning the product under review⁽¹⁷⁾ the Commission concluded that significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation were present. No major structural changes in the PRC in general and/or in the relevant sector in particular, capable of affecting that conclusion, are known to the Commission.
- (51) Fourth, additional evidence available in the Report on Significant Distortions in the Economy of China ('Report')⁽¹⁸⁾, prepared by the Commission pursuant to Article 2(6a)(c) of the basic Regulation, pointed to the existence of significant distortions also during the review investigation period.
- (52) Fifth, no evidence or arguments to the contrary have been adduced by the GOC or the exporting producers in the present investigation.
- (53) In view of the above, the evidence available showed that prices or costs of the product under review, including the costs of raw materials, energy and labour, are not the result of free market forces because they are affected by substantial government intervention within the meaning of Article 2(6a)(b) of the basic Regulation as shown by the actual or potential impact of one or more of the relevant elements listed therein. On that basis, the Commission concluded that it is not appropriate to use domestic prices and costs to establish normal value in this case. Consequently, the Commission proceeded to construct the normal value exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks, that is, in this case, on the basis of corresponding costs of production and sale in an appropriate representative country, in accordance with Article 2(6a)(a) of the basic Regulation.

3.2.4. *Representative country*

3.2.4.1. General remarks

- (54) The choice of the representative country was based on the following criteria pursuant to Article 2(6a) of the basic Regulation:
- a level of economic development similar to the PRC. For this purpose, the Commission used countries with a gross national income per capita similar to the PRC on the basis of the database of the World Bank⁽¹⁹⁾;
 - production of the product under review in that country⁽²⁰⁾;
 - availability of relevant public data in the representative country.
 - Where there is more than one possible representative country, preference should be given, where appropriate, to the country with an adequate level of social and environmental protection.
- (55) As explained in recital 34, the Commission issued on 20 February 2025 a note for the file on the sources for the determination of the normal value. This note described the facts and evidence underlying the relevant criteria and the relevant sources. In this note, the Commission informed interested parties of its intention to consider Türkiye as an appropriate representative country in the present case if the existence of significant distortions pursuant to Article 2(6a) of the basic Regulation would be confirmed.

3.2.4.2. A level of economic development similar to the PRC

- (56) In the Note, the Commission identified Türkiye as a country with a similar level of economic development as China according to the World Bank, i.e. they are all classified by the World Bank as 'upper-middle income' countries on a gross national income basis where production of the product under review was known to take place.

⁽¹⁷⁾ Implementing Regulation (EU) 2019/915, Section 3.3.1.

⁽¹⁸⁾ Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, 10 April 2024 (SWD(2024) 91 final).

⁽¹⁹⁾ World Bank Open Data – Upper Middle Income (<https://data.worldbank.org/income-level/upper-middle-income>).

⁽²⁰⁾ If there is no production of the product under review in any country with a similar level of development, production of a product in the same general category and/or sector of the product under review may be considered.

- (57) No comments were received concerning the countries identified in that note.

3.2.4.3. Availability of relevant public data in the representative country

- (58) In the Note, the Commission indicated that for Türkiye, financial data from a producer of AHF as well as import data for relevant raw material, information on energy and labour were publicly available.
- (59) The Commission searched on Orbis for available financial data of a producing company in Türkiye. Readily available data covering financial year 2023 was found for a producer of AHF in Türkiye: Sedat Tahir A.Ş. In addition, Türkiye has available import data on relevant factors of production, electricity and labour costs.
- (60) The Commission informed the interested parties with the Note that it intends to use Türkiye as an appropriate representative country and the data of the company mentioned above, in accordance with Article 2(6a)(a), first indent of the basic Regulation in order to source undistorted prices or benchmarks for the calculation of normal value.
- (61) Interested parties were invited to comment on the appropriateness of Türkiye as a representative country and on the use of data from the AHF producer in the representative country.
- (62) The Commission did not receive any comments after the publication of the Note.

3.2.4.4. Level of social and environmental protection

- (63) Having established that Türkiye was the only available appropriate representative country, based on all of the above elements, there was no need to carry out an assessment of the level of social and environmental protection in accordance with the last sentence of Article 2(6a)(a) first indent of the basic Regulation.

3.2.4.5. Conclusion

- (64) In view of the above analysis, Türkiye was found to meet the criteria laid down in Article 2(6a)(a), first indent of the basic Regulation in order to be considered as an appropriate representative country.

3.2.5. Sources used to establish undistorted costs and benchmarks

- (65) In the Note, the Commission listed the factors of production such as materials, energy and labour used in the production of the product under review according to the methodology explained by the applicant and reflecting the manufacturing process used in the Union. The Commission also stated that, in order to construct the normal value in accordance with Article 2(6a)(a) of the basic Regulation, it would use GTA ⁽²¹⁾ to establish the undistorted cost of most of the factors of production, notably the raw materials. In addition, the Commission stated that it would use the Turkish Statistical Institute for establishing undistorted cost of labour ⁽²²⁾, and the Energy Market Regulatory Authority of Türkiye for establishing the undistorted cost of energy ⁽²³⁾.
- (66) The Commission invited the interested parties to comment and propose publicly available information on undistorted values for each of the factors of production mentioned in that note. The Commission did not receive any comment concerning the list of factors of production after the publication of the Note.

⁽²¹⁾ <http://www.gtis.com/gta/secure/default.cfm>.

⁽²²⁾ <https://data.tuik.gov.tr/Bulten/Index?p=Labour-Cost-Statistics-2022-49571>.

⁽²³⁾ [https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I-January-June,-2022-45567&dil=2#:~:text=TURKSTAT%20Corporate&text=In%20the%](https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I-January-June,-2022-45567&dil=2#:~:text=TURKSTAT%20Corporate&text=In%20the%20) =

3.2.5.1. Factors of production

- (67) Considering all the information based on the request and subsequent information (indicated in the table below) analysed by the Commission, the following factors of production and their sources have been identified in order to determine the normal value in accordance with Article 2(6a)(a) of the basic Regulation:

Table 1

Factors of production of the product under review

Factor of Production	Commodity Code in Türkiye	Undistorted value	Unit of measurement	Source of information
RAW MATERIALS				
Aluminium foil, not backed, rolled but not further worked (Jumbo Rolls)	7607 11	4,67	EUR/KG	Global Trade Atlas (GTA)
Colour box/Carton box for single roll and Outer case used to pack 24 rolls	4819 20	3,93	EUR/KG	GTA
Paper core	4822 90	2,65	EUR/KG	GTA
LABOUR				
Labour Costs	N/A	7,04	EUR per man-hour	Turkish Statistical Institute ⁽¹⁾
ENERGY				
Electricity	N/A	0,13	EUR/kWh	Turkish Statistical Institute ⁽²⁾

⁽¹⁾ <https://data.tuik.gov.tr/Bulten/Index?p=Labour-Cost-Statistics-2022-49571>.

⁽²⁾ [https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I:-January-June,-2022-45567&dil=2#:~:text= TURKSTAT%20Corporate&text=In%20the%](https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I:-January-June,-2022-45567&dil=2#:~:text= TURKSTAT%20Corporate&text=In%20the%20).

3.2.5.2. Raw materials

- (68) AHF Rolls are made by rewinding and cutting AHF jumbo reels into rolls of up to 10 kg and then packaging them. The product is a basic commodity designed for wrapping.
- (69) In order to establish the undistorted price of raw materials as delivered at the gate of a representative country producer, the Commission used as a basis the weighted average import price to the representative country as reported in the GTA. An import price in the representative country was determined as a weighted average of unit prices of imports from all third countries excluding the PRC and countries which are not members of the WTO, listed in Annex 1 of Regulation (EU) 2015/755 of the European Parliament and the Council ⁽²⁴⁾. The Commission decided to exclude imports from the PRC into the representative country as it concluded in recital 36 that it is not appropriate to use domestic prices and costs in the PRC due to the existence of significant distortions in accordance with Article 2(6a)(b) of the basic Regulation. Given that there is no evidence showing that the same distortions do not equally affect products intended for export, the Commission considered that the same distortions affected export prices. After excluding imports from the PRC into the representative country, the volume of imports from other third countries remained representative.

⁽²⁴⁾ Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33, ELI: <http://data.europa.eu/eli/reg/2015/755/oj>). Article 2(7) of the basic Regulation considers that domestic prices in those countries cannot be used for the purpose of determining normal value.

- (70) No adjustment was made for transport costs or import duties. Türkiye does not apply import duties on imports of aluminium foil in jumbo rolls from countries other than the PRC. Regarding domestic transport costs of materials, no data was available due to the lack of cooperation from Chinese producers. As dumping was established even without such adjustments, and any upward adjustment of the normal value for domestic transport would only increase the dumping margin, such an adjustment was not deemed necessary.

3.2.5.3. Labour

- (71) The Turkish Statistical Institute publishes detailed information on wages in different economic sectors in Türkiye. The Commission established the benchmark for the investigating period based on the average hourly labour cost per FTE for 2022 for the economic activity 'Manufacture of basic metals' NACE code 24 according to NACE Rev.2 classification. The average hourly labour cost per FTE ⁽²⁵⁾ amounts to EUR 7,04 per man-hour ⁽²⁶⁾.

3.2.5.4. Electricity

- (72) The Commission intends to use the latest available data on industrial electricity prices applicable in Türkiye from Turkish Statistical Institute (TurkStat) published by the government of Türkiye ⁽²⁷⁾. This data indicates an average industrial tariff for 2023 of EUR 0,13 per kWh.

3.2.5.5. Manufacturing overhead costs, SG & A, profits and depreciation

- (73) According to Article 2(6a)(a) of the basic Regulation, 'the constructed normal value shall include an undistorted and reasonable amount for administrative, selling and general costs and for profits'. In addition, a value for manufacturing overhead costs needs to be established to cover costs not included in the factors of production referred to above.
- (74) In the absence of available information regarding overheads in the review request, the Commission decided conservatively not to integrate such costs in the calculation of the normal value.
- (75) To establish undistorted values for manufacturing overheads, SG & A and profit and due to the absence of cooperation from Chinese exporting producers, the Commission used facts available in accordance with Article 18 of the basic Regulation.
- (76) Using data from a Turkish producer of aluminium household foil, Sedat Tahir A.Ş. ⁽²⁸⁾, the Commission calculated the SG & A (23,3 %) and the profit (8,8 %) as a percentage of the cost of goods sold.

3.2.6. Calculation of the normal value

- (77) On the basis of the above, the Commission constructed the normal value per product type on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.
- (78) First, the Commission established the undistorted manufacturing costs. In the absence of cooperation by the exporting producers, the Commission relied on the information provided by the applicant in the review request on the usage of each factor (materials and labour) for the production of AHF. The Commission multiplied the consumption ratios by the undistorted costs per unit observed in the representative country Türkiye, as described in Section 3.3.2.

⁽²⁵⁾ Full-time employment.

⁽²⁶⁾ <https://data.tuik.gov.tr/Bulten/Index?p=Labour-Cost-Statistics-2022-49571>.

⁽²⁷⁾ [https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I-January-June,-2022-45567&dil=2#:~:text= TURKSTAT%20Corporate&text= In%20the%](https://data.tuik.gov.tr/Bulten/Index?p=Electricity-and-Natural-Gas-Prices-Period-I-January-June,-2022-45567&dil=2#:~:text= TURKSTAT%20Corporate&text= In%20the%20)

⁽²⁸⁾ Available at: <https://orbis.bvdinfo.com/>.

- (79) Once the undistorted manufacturing costs were established, the Commission added the SG & A and profit as noted in Section 3.3.5.5:
- SG & A and other costs, which accounted for 23,3 % of the Costs of Goods Sold ('COGS') of Sedat Tahir A.Ş, and
 - Profits, which amounted to 8,8 % of the COGS as achieved by Sedat Tahir A.Ş, were applied to the total undistorted costs of manufacturing.
- (80) On that basis, the Commission constructed the normal value on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.

3.2.7. *Export price*

- (81) In the absence of cooperation by exporting producers from the PRC, the export price was determined based on CIF (Eurostat ⁽²⁹⁾) data, corrected to ex-works level. Thus, the CIF price was reduced by the sea freight and insurance cost and domestic transport cost.

3.2.8. *Comparison*

- (82) Article 2(10) of the basic Regulation requires the Commission to make a fair comparison between the normal value and the export price at the same level of trade and to make allowances for differences in factors which affect prices and price comparability. In the case at hand the Commission chose to compare the normal value and the export price of the sampled exporting producers at the ex-works level of trade.
- (83) Once netted back by deducting sea freight, insurance, and domestic transport costs to ensure a fair comparison at the ex-works level, the export price could be compared with the normal value. In the absence of cooperation, no allowances for differences in factors which were claimed, and demonstrated, to affect prices and price comparability were carried out.

3.2.9. *Dumping margin*

- (84) On this basis, the weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, was at 28 %. It was therefore concluded that dumping continued during the review investigation period. However, the volume of imports in question was very limited, corresponding to 1,02 % market share in the Union market and thus the prices were considered unrepresentative. For this reason, the Commission also investigated the likelihood of recurrence of dumping.

3.3. **Likelihood of continuation of dumping**

- (85) Further to the finding of the existence of dumping during the review investigation period, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures be repealed. Moreover, given that during the review investigation period, imports of AHF from China were low, with a market share in the Union at 1,02 %, the Commission also analysed the likelihood of recurrence of dumping.
- (86) The following additional elements were analysed: the production capacity and spare capacity in the PRC, the possible absorption capacity of third country markets and the attractiveness of the Union market.

3.3.1. *Production capacity and spare capacity in China*

- (87) Due to the non-cooperation of the Chinese producers, findings on production capacity and spare capacity in China were based on the information provided in the expiry review request. As precise data on small AHF roll capacity is unavailable, the excess capacity for jumbo rolls was considered a relevant indicator of AHF roll overcapacity. As mentioned above in recital 68, aluminium jumbo rolls only need to be cut to produce AHF rolls.

⁽²⁹⁾ Database – Eurostat.

- (88) The applicant presented evidence showing that China's AHF production capacity has been steadily increasing. Notable expansions include Shenhua Aluminum's capacity growth from 451 000 to 900 000 tonnes in Yunnan Province and the opening of a new 100 000-tonne plant by Longding Aluminum focused on battery and light gauge foil. This ongoing overcapacity was recognized by both the US International Trade Commission (US ITC), which concluded in 2023 that removing trade measures would likely lead to continued harm, and the China Nonferrous Metals Industry Association, which reported that, as of 2016, China possessed more aluminium processing equipment than the rest of the world combined.
- (89) Both the increase in production and production capacity were significantly higher than the increase in domestic consumption in China.
- (90) As per the information provided in the request, China's household foil consumption in 2022 was estimated at approximately 322 000 tonnes, while production totalled 450 000 tonnes and capacity reached 516 000 tonnes, resulting in a spare capacity of 66 000 tonnes, which is slightly more than the consumption in the Union that was established at 62 625 tonnes in the RIP.
- (91) On that basis, the Commission found that there are substantial excess capacities available in the PRC and as a consequence, there is a strong likelihood that import volumes will significantly increase and exercise increased price pressure, should the anti-dumping measures be repealed.

3.3.2. *Possible absorption capacity of third country markets*

- (92) Anti-dumping measures are currently in force on imports of AHF originating in China in various countries such as Argentina, Mexico, Taiwan and the United States. The UK, post-Brexit, transitioned existing Union measures to maintain these duties. The existence of these trade barriers implies that the PRC exporters are unlikely to export significant quantities of AHF to these major markets.
- (93) India lifted its anti-dumping duties in 2022, and since then, imports of Chinese aluminium foil have significantly increased. This surge has raised concerns within the Indian domestic industry about the resurgence of dumping practices, highlighting the potential predatory behaviour of Chinese exporters following the removal of the measure. On 17 March 2025, the Indian Ministry of Finance announced a provisional anti-dumping duty of USD 619-USD 873 per mt on aluminium foil imports from China ⁽³⁰⁾.
- (94) Given the Chinese exporters' difficulties to sell to these markets due to the measures imposed by these other third countries on imports of AHF originating in China, if the current measures were allowed to expire, the Union market would become even more attractive to Chinese exporters seeking to export their excess production and use spare capacity.

3.3.3. *Attractiveness of the Union market*

- (95) The Union market is attractive for Chinese exporters, as evidenced by the fact that since the imposition of anti-dumping measures, Chinese exporters have made attempts to circumvent these restrictions. In 2021, anti-dumping measures applicable to Chinese imports were extended to Thailand following an anti-circumvention investigation that concluded on the existence of assembly operations, by subsidiaries of the Chinese producers, meant to circumvent the measures in force.
- (96) This attractiveness is quite evident considering the Union market selling prices. On the basis of the Chinese export statistics as reported in GTA, the average selling price on the Union market is 77 % higher than the average Chinese selling price to other third markets. This indicates that the Union market is attractive in terms of price levels as exports to the Union would yield higher profits. Consequently, it is likely that, should the measures be allowed to lapse, the Union market would become even more attractive to Chinese exporters.

⁽³⁰⁾ https://news.metal.com/newscontent/103232729/India-Imposes-Provisional-Anti-Dumping-Duty-on-Chinese-Aluminum-Foil-Imports?utm_source=chatgpt.com, accessed on 23 April 2025.

- (97) Furthermore, evidence shows that the market share of Chinese aluminium foil imports to the Union decreased significantly, from 13,4 % during the initial investigation period to just 1,02 % during the review investigation period. This sharp decline highlights the impact of the EU's anti-dumping measures. Should these measures lapse, it is likely that Chinese producers would have both the capacity and incentive to increase their exports to the Union market, likely leading to a recurrence of dumping practices.

3.4. Likelihood of recurrence of dumping

- (98) In addition to the continuation of dumping during the RIP analysed under Section 3.3, and considering the low market share of Chinese imports at 1,02 %, the Commission also analysed the likelihood of recurrence of dumping. In this regard, the Commission analysed the price pattern of Chinese exports to third countries during the RIP.
- (99) In the absence of more detailed publicly available information on China's exports to third countries and in the absence of cooperation by Chinese exporting producers, the Commission relied on data from GTA. The data was extracted using Chinese CN codes 7607 11 10, 7607 11 20 and 7607 11 90, which cover both the product concerned as well as other products that are not within the scope of the investigation (AHF with thickness below 0,007 mm and up to 0,2 mm). These statistics represented the most suitable available data and were considered sufficiently representative for assessing the likelihood of dumping recurrence.
- (100) According to this data set, the main destinations for Chinese exports during the RIP were India (88 344 tonnes), Mexico (65 635 tonnes) and Thailand (57 916 tonnes). Export prices to these markets were analysed to determine ex-works and CIF prices, applying the same transport, customs compliance, and other adjustments used for the export price in the EU.
- (101) Such prices were compared with the normal value as established under Sections 3.2.2 to 3.2.6 and expressed as a percentage of the average CIF value. This showed a price difference of 112 % for India, 111 % for Indonesia and 112 % for Thailand. The substantial price differences indicate a behavioral pattern among Chinese exporters to sell at lower prices in export markets. Hence, should the measures be allowed to lapse, it is likely that Chinese imports into the Union would significantly increase and will enter the Union market at dumped prices.

3.5. Conclusion

- (102) The investigation revealed that Chinese imports continued to enter the Union market at dumped prices. Given the currently low market share of these imports, the Commission also assessed the likelihood of a recurrence of dumping by analyzing Chinese exports to significant third-country markets. These exports were likewise found to be dumped, with dumping margins exceeding 111 % for India, Mexico, and Thailand.
- (103) Based on the findings outlined in Sections 3.3.1 (production capacity and spare capacity in China), 3.3.2 (possible absorption capacity of third-country markets), and 3.3.3 (attractiveness of the Union market), the Commission concluded that it is highly likely that Chinese producers would continue – and even significantly increase – exports of the product concerned to the Union at dumped prices if the measures were allowed to lapse.
- (104) Accordingly, there is substantial evidence indicating both the continued practice of dumping and, in any event, a strong likelihood of its recurrence should the existing measures be allowed to lapse.

4. INJURY

4.1. Definition of the Union industry and Union production

- (105) The like product was manufactured by 31 known producers in the Union during the period considered. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

(106) The total Union production during the review investigation period was established at around 65 540 tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, such as the request for the expiry review, the verified questionnaire replies from the sampled Union producers and the macro questionnaire submitted by the applicant containing data from the Union industry.

(107) As indicated in Section 1.2, three Union producers were selected for the sample, representing 33 % of the total Union production of the like product.

4.2. Union consumption

(108) The Commission established the Union consumption by adding the sales volume in the Union by the Union industry and the total imports into the Union as reported by Eurostat.

(109) Union consumption developed as follows:

Table 2
Union consumption (tonnes)

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Total Union consumption	59 891	70 820	63 585	62 625
<i>Index (2020 = 100)</i>	100	118	106	105

Source: Eurostat, data submitted by the Union industry and verified questionnaire replies from the sampled Union producers.

(110) Over the period considered, Union consumption increased by 5 %. In 2021, it rose sharply by 18 %, mainly due to the impact of the COVID-19 pandemic. During this period, retailers prioritized EU-produced goods to mitigate supply chain disruptions and to compensate for the suspension of imports from China. Additionally, as people stayed at home and cooked more frequently, the demand for food-related products, including aluminium foil in rolls, increased significantly. However, from 2022 onwards – including during the Review Investigation Period (RIP) – consumption began to decline. Compared to 2021, Union consumption dropped by 13 % during the RIP.

4.3. Imports from PRC

4.3.1. Volume and market share of the imports from the PRC

(111) The Commission established the volume of imports on the basis of the Eurostat database. The market share of imports was established on the basis of a comparison between import volumes and the Union market consumption as reported in Table 2 above.

(112) Imports into the Union from the PRC developed as follows:

Table 3

Import volume and market share

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Volume of imports from China (tonnes)	6	441	562	640
<i>Index (2020 = 100)</i>	100	7 480	9 527	10 842
Market share (%)	0	0,6	0,9	1
<i>Index (2020 = 100)</i>	100	6 325	8 974	10 369

Source: Eurostat.

(113) Despite their low market share, the imports from China continued during the period considered and their trend was increasing. Starting from 2020, when imports from China were nearly negligible, the imports increased considerably in 2021, a trend that persisted through 2022 and the RIP, resulting in an overall increase from a sales volume of 6 tonnes to 640 tonnes during the period considered, representing a market share of 1,02 % in the RIP.

4.4. Prices of imports from the country concerned

(114) The Commission established the prices of imports on the basis of statistical data from Eurostat, in the absence of cooperation from China. Price undercutting of the imports was established on the same basis.

(115) The average price of imports into the Union from PRC developed as follows:

Table 4

Import prices (EUR/tonne)

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Average PRC import price	3 797	3 224	4 708	5 247
<i>Index (2020 = 100)</i>	100	85	124	138

Source: Eurostat.

- (116) The average prices of Chinese imports increased during the period considered by 38 %. The prices first decreased in 2021 by 15 % and then increased from 2022 up to the RIP by 53 %.
- (117) Since there was no cooperation from the Chinese exporting producers the Commission could only establish an average price per tonne across a variety of product types by use of statistical data from Eurostat.
- (118) The Chinese export price thus determined was compared with the weighted average sales prices of the sampled Union producers to customers on the Union market during the RIP, adjusted to an ex-works level.
- (119) The outcome of this comparison, expressed as a percentage of the sampled Union producers' theoretical turnover during the review investigation period, showed that, on average, Chinese export prices to the Union were approximately 21 % lower than the Union industry's average prices.
- (120) However, as indicated in recital 113, due to the negligible volume of imports of AHF into the Union during the review investigation period, the prices of these sales were not considered representative.
- (121) The Commission took note of the fact that import volumes from PRC during the review investigation period were very low. Nevertheless, the low import volumes, combined with the risk of injurious pricing practices resuming if measures were lifted, support the conclusion that the continuation of the existing measures remains appropriate.

4.5. Imports from third countries other than the PRC

- (122) Imports of aluminium foil in rolls from third countries other than China originated mainly from Türkiye.
- (123) The (aggregated) volume of imports into the Union as well as the market share and price trends for imports of aluminium foil in rolls from other third countries developed as follows:

Table 5

Imports from third countries

Country		2020	2021	2022	RIP (1.1.2023–31.12.2023)
Türkiye	Volume (Tonne)	51	1 167	1 173	2 703
	Index	100	2 311	2 323	5 353
	Market share (%)	0,08	1,65	1,84	4,32
	Average price (EUR/Tonne)	2 627	3 790	5 532	4 684
Indonesia	Index	100	144	211	178
	Volume (Tonne)	0	172	262	427
	Index	100	17 200	26 230	42 700
	Market share (%)	0	0,24	0,41	0,68
	Average price (EUR/Tonne)	0	3 221	4 588	4 347
	Index	100	102	181	140

Country		2020	2021	2022	RIP (1.1.2023– 31.12.2023)
India	Volume (Tonne)	13	310	82	189
	<i>Index</i>	100	2 329	620	1 421
	Market share (%)	0,02	0,44	0,13	0,30
	Average price (EUR/Tonne)	3 071	3 140	5 565	4 292
	<i>Index</i>	100	102	181	140
Total of all third countries except China	Volume (Tonne)	88	3 151	3 102	4 892
	<i>Index</i>	100	3 585	3 529	5 566
	Market share (%)	0,1	4	5	8
	Average price (EUR/Tonne)	2 662	3 667	5 703	4 868
	<i>Index</i>	100	138	214	183

Source: Eurostat.

- (124) Import volumes from third countries other than the China significantly increased from 88 tonnes in 2020 to 4 892 during the review investigation period.
- (125) Since the total Union consumption decreased over the period considered, this increase translated into an increase of market share of imports from third countries over the same period from 0,1 % in 2020 to 8 % during the RIP.
- (126) The average price of imports from third countries other than the PRC overall increased by 83 % during the period considered but remained below the price levels of the Union industry as reported in Table 9.
- (127) During the period considered, imports of the product under review from other third countries came mainly from Türkiye, Indonesia and India and increased from 51 to 2 703 tonnes, from 0 tonnes in 2020 to 427 tonnes during the review investigation period and from 13 tonnes to 189 tonnes during the review investigation period respectively.

4.6. Economic situation of the Union industry

4.6.1. General remarks

- (128) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (129) As mentioned in recital 14, sampling was used to assess the economic situation of the Union industry.
- (130) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data supplied by the applicants. The data related to all Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the verified questionnaire replies from the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

- (131) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (132) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.6.2. Macroeconomic indicators

4.6.2.1. Production, production capacity and capacity utilisation

- (133) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 6

Production, production capacity and capacity utilisation

	2020	2021	2022	RIP (1.1.2023–31.12.2023)
Production volume (Tonne)	77 861	79 991	73 513	65 540
Index	100	103	94	84
Production capacity (Tonne)	106 289	115 440	105 917	98 020
Index	100	109	100	92
Capacity utilisation (%)	73	69	69	67
Index	100	95	95	91

Source: Macro Questionnaire.

- (134) The production volume of the Union industry decreased by 16 % over the period considered and followed the decrease of the Union consumption. There was an increase between 2020 and 2021 attributed to the positive effects of the COVID-19 pandemic. During this period, retailers prioritised ensuring product availability in response to supply chain disruptions and the suspension of imports from China.
- (135) The production capacity of the Union industry decreased by 8 % over the period considered. There was an increase between 2020 and 2021 (due to an increase in shifts) attributed to the positive effects of recovery after the COVID-19 pandemic.
- (136) Capacity utilisation decreased by 9 % over the period considered.

4.6.2.2. Sales volume and market share

- (137) The Union industry's sales volume and market share developed over the period considered as follows:

Table 7

Sales volume and market share

	2020	2021	2022	RIP (1.1.2023–31.12.2023)
Total sales volume on the Union market (Tonne)	59 798	67 228	59 921	57 094

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
<i>Index</i>	100	112	100	95
Market share (%)	100	95	94	91
<i>Index</i>	100	95	94	91

Source: Macro Questionnaire.

(138) The Union industry sales volume on the Union market decreased by 5 % during the period considered, following the trend of Union consumption. Union sales first increased by 12 % in 2021, for the reasons explained in recitals 111 and 136 and decreased from 2021 to the RIP by 17 %.

(139) Over the period considered the market share of the Union industry declined by 9 percentage points from 100 % to 91 %.

4.6.2.3. Growth

(140) During the period considered, Union consumption increased by 5 % while production and sales of the Union industry decreased by 16 % and 5 % respectively and the Union industry's market share declined by 8 %.

4.6.2.4. Employment and productivity

(141) Employment and productivity developed over the period considered as follows:

Table 8

Employment and productivity

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Number of employees	963	1 069	988	920
<i>Index</i>	100	111	103	96
Productivity (tonne/employee)	81	75	74	71
<i>Index</i>	100	92	92	88

Source: Macro Questionnaire.

(142) Employment of the Union industry decreased by 14 % during the period considered, reflecting a notable correlation between the number of employees involved in the production of the product under review and the volume of Union production. During this timeframe, there was first an increase from 2020 to 2021 by 11 % following a decrease between 2021 and the RIP by 15 percentage points.

(143) The productivity of the Union industry's workforce, measured in terms of output (tonnes) per employee, demonstrated a declining trend throughout the period considered.

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

- (144) All dumping margins established during the review investigation period were significantly above the *de minimis* level. At the same time the level of imports during the RIP was significantly limited, representing only 1 % of the market share. Therefore, the impact of the magnitude of the actual margins of dumping in the Union industry was rather limited. Consequently, the investigation shifted its focus to assess the likelihood of the recurrence and continuation of dumping, as well as the likelihood of the recurrence of injury, should the existing anti-dumping measures be repealed or amended. This approach was necessary to evaluate the potential future impact on the domestic industry and ensure the continued effectiveness of the trade defence measures.

4.6.2.6. Prices and factors affecting prices

- (145) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 9

Sales prices and cost of production in the Union (EUR/Tonne)

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Average unit sales price in the Union on the total market	3 484	3 630	5 698	5 674
<i>Index</i>	100	104	164	163
Unit cost of production	3 416	3 847	5 675	5 287
<i>Index</i>	100	113	166	155

Source: sampled Union producers.

- (146) The Union industry's average sales prices increased by 63 % over the period considered. First, they increased slightly from 2020 to 2021, by 4 % and then drastically by 59 % in the RIP compared to 2021.

- (147) The unit cost of production increased by 55 % over the period considered, following a similar trend as the sales price. From 2020 to 2021, the cost of production increased by 13 %. The surge of unit cost of production in the RIP was caused by a steep increase in energy and commodity prices, due to a global demand rebound following the COVID-19 pandemic and the military aggression in Ukraine. Although production costs increased significantly over the period considered, the Union industry was, with the exception of 2021, able to increase its sales prices accordingly to remain profitable.

4.6.2.7. Labour costs

(148) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 10

Average labour costs per employee

	2020	2021	2022	RIP (1.1.2023–31.12.2023)
Average labour costs per employee (EUR)	29 229	28 883	34 079	36 335
<i>Index</i>	100	99	117	124

Source: sampled Union producers.

(149) During the period considered average labour costs increased by 24 %. While the number of employees in the RIP decreased as mentioned in recital 142, the average cost per employee increased compared to 2020.

4.6.2.8. Inventories

(150) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 11

Inventories

	2020	2021	2022	RIP (1.1.2023–31.12.2023)
Closing stocks (Tonne)	29 663	28 141	34 905	18 395
<i>Index</i>	100	95	118	62
Closing stocks as a percentage of production	38	35	47	28
<i>Index</i>	100	93	125	74

Source: sampled Union producers.

(151) Over the period considered the stock of AHF of the Union industry decreased by 38 %. The stock had a peak in 2022 of 18 % and a sharp decrease during the review investigation period by 56 percentage points. This is in line with the decrease in the production and production capacity.

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

(152) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 12

Profitability, cash flow, investments and return on investments

	2020	2021	2022	RIP (1.1.2023-31.12.2023)
Profitability of sales in the Union to unrelated customers (% of sales turnover)	6	- 2	5	8
<i>Index</i>	100	- 32	78	126
Cash flow (EUR)	5 907 422	- 707 522	5 264 348	11 751 470
<i>Index</i>	100	- 12	89	199
Investments (EUR)	3 524 195	3 105 891	2 374 586	1 909 825
<i>Index</i>	100	88	67	54
Return on investments (%)	122	- 17	150	232
<i>Index</i>	100	- 14	122	189

Source: sampled Union producers.

(153) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.

(154) Overall, the profitability of the Union industry increased by 2 percentage points from 6 % to 8 % over the period considered. It first decreased from 6 % to minus 2 % in 2021 and then increased to 5 % in 2022 and to 8 % in the RIP.

(155) Net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow increased during the period considered by 99 %. It first decreased between 2020 and 2021 by 112 % and from then on increased until the RIP.

(156) Between 2020 and the review investigation period, investments decreased by 46 %. In general, investments aimed at improving quality and greening production. Return on investments is the profit in percentage of the net book value of investments. Return on investments sharply fluctuated over the period considered. From 2020 to the review investigation period the fluctuations ranged from - 114 % to 189 %. From 2020 to 2021 it strongly dropped, followed by a strong rebound in the review investigation period, to reach a level of 110 percentage points above the starting point of the period considered in 2020.

4.6.2.10. Conclusion on injury

(157) The measures in force ensured protection to the Union industry, allowing it to increase its market share, increase prices in line with the increased costs and to reach a profitable level and a positive return on investment at the end of the period considered.

(158) On the other hand, the Union industry experienced a decrease in production, production capacity and a decreasing capacity utilisation.

- (159) Furthermore, despite the measures in force, Chinese exporters continued to export the product concerned in increasing volumes, from negligible quantities in 2020 to 640 tonnes during the RIP and to expand their market share, which went up from almost 0 % to 1 % during this period.
- (160) At the same time, imports from third countries increased both in absolute volume and in market share during the period considered. Although the average prices of these imports were below those of the Union industry, the Commission, as set out in recital 127 concluded that the Union industry did not suffer material injury during the review investigation period. However, given the price undercutting and the increasing volume of such imports, there is a risk that, in the absence of measures, these imports could cause material injury to the Union industry in the future
- (161) On the basis of the above, the Commission concluded that the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

5. LIKELIHOOD OF RECURRENCE OF INJURY

- (162) The Commission concluded in recital 161 that the Union industry did not suffer material injury during the review investigation period. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury, originally caused by the dumped imports from the PRC if the measures were allowed to lapse.
- (163) Despite the existing measures, the Union market proved to continue being an attractive market for Chinese exporting producers in terms of size and pricing. Chinese imports of the product concerned continued to enter the Union market at significantly dumped prices. The substantial spare capacity in China, combined with trade defence measures in place in several third markets on Chinese exporting producers – highlighting a consistent pattern of dumping – supports the likelihood of recurrence of injury that, should the antidumping measures be allowed to lapse. It would in that case be highly likely that Chinese exports to the Union would rapidly gain market share at the expense of the Union industry, which would face an immediate drop in its sales volumes and an increase in its fixed costs per unit. The increase in fixed costs combined with a decrease in sales prices in a shrinking market would immediately worsen the situation for the Union industry. Consequently, the Union industry would become loss-making, the overall economic situation of the Union industry would be negatively affected, and material injury linked to the dumped/subsidised imports would recur.

5.1. Imports from third countries

- (164) Import volumes from third countries other than the China significantly increased from 88 tonnes in 2020 to 4 892 tonnes during the review investigation period.
- (165) Since the total Union consumption decreased over the period considered, this increase translated into market share of the imports from third countries over the same period from 0,1 % in 2020 to 8 %.
- (166) While Chinese import prices showed an increasing trend over the period considered, they remained consistently below the prices of the Union industry. More significantly, when compared to the Union target price, the gap is even more pronounced. During the review investigation period, the average price of Chinese imports stood at EUR 5 246 per tonne, whereas the average Union sales price was EUR 5 674 per tonne, and the target price was set at EUR 5 708 per tonne. This persistent undercutting, particularly in relation to the target price, indicates that Chinese imports continue to exert downward pressure on prices in the Union market. In view of this price disparity, and in the absence of trade defence measures, there is a clear risk that such undercutting could lead to material injury to the Union industry in the future.

- (167) The Commission also analysed whether the Chinese weighted export prices to third countries other than the Union, adjusted to a Union landed price, undersold the Union industry when compared with the Union industry target price during the RIP. In view of the lack of cooperation by Chinese exporters, the Commission based its analysis on data in the expiry review request. The analysis identified four third countries where the Chinese exporting producers sold the product concerned during the review investigation period at prices below approximately 35 % of the average Union industry's target price.
- (168) As explained in Section 3.3.1, there are substantial excess capacities in the PRC, which largely exceed the total Union consumption during the RIP. In addition, the Commission has found no elements that could indicate any significant increase of domestic demand of the product under review in the PRC or in any other third country marked in the near future. The Commission therefore concluded that domestic demand in PRC or in other third country markets could not absorb the available capacity in the PRC.
- (169) In conclusion, the analysis demonstrated – on the basis of facts available – that the Chinese exporting producers were able to sell at prices significantly below the Union target price. In view of the significant spare capacities available in China, it was also noted that large volumes of aluminium foil in rolls could potentially be produced to be sold on the EU market. The Commission thus concluded that, should measures be allowed to lapse, the Chinese exporters would be able to exercise significant price pressure and thus cause injury to the Union industry
- (170) Another indication of the Union market's attractiveness is the fact that since the beginning of the imposition of the measures, there were attempts for circumvention from Chinese exporters which were identified and neutralized in 2021. In its anti-circumvention investigation ⁽³¹⁾, the Commission found that Thai producers which are known to export their products to the Union were all subsidiaries of Chinese aluminium household foil producers who are subject to anti-dumping duties when exporting from the PRC.
- (171) Average price of imports from third countries other than the PRC overall increased by 83 % during the period considered but remained below the price levels of the Union industry, as reported in Table 9.
- (172) During the period considered, imports of the product under review from other third countries came mainly from Türkiye, Indonesia, and India.
- (173) Average prices of imports from the PRC decreased by 15 % between 2020 and 2021, increased significantly in 2022 and during the RIP.
- (174) As indicated in recital 113, due to the negligible volume of imports of AHF into the Union during the review investigation period, the price of these sales were not considered as representative and could not be used to draw any conclusions concerning prices of imports from the PRC into the Union and the pricing behaviour of the exporting producers.
- (175) On the basis of the above, the Commission concluded that the absence of measures would, in all likelihood lead to a significant increase in dumped imports from PRC at injurious price. If the measures were allowed to lapse the recovery of the Union industry will be nullified.

⁽³¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1475&from=EN>.

5.2. Export performance of the Union industry

(176) The volume of exports of the sampled Union producers developed over the period considered as follows:

Table 13

Export performance of the sampled Union producers

	2020	2021	2022	RIP (1.1.2023– 31.12.2023)
Export volume (Tonne)	7 261	5 370	4 995	4 382
Index	100	74	69	60
Average price (EUR/Tonne)	3 317	3 850	5 803	5 306
Index	100	116	175	160

Source: sampled Union producers.

(177) During the period considered the exports of the sampled Union producers decreased by 40 % and the average prices increased by 60 %. The exports of the Union industry to unrelated customers decreased significantly, they followed a similar pattern as the overall Union production which decreased by 16 %.

(178) Overall, it was concluded that the export performance of the Union industry was negative.

6. UNION INTEREST

(179) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers, and users.

6.1. Interest of the Union industry

(180) Although the anti-dumping measures had a tempering effect on the volume of dumped imports entering the Union market, as set out in Section 4.6.2.9, the Union industry remained in an instable situation, as confirmed by the negative trends of injury indicators such as production, production capacity, capacity utilisation, employment, export sales and investments.

(181) Should the measures be allowed to lapse, it is likely that the influx of substantial volumes of dumped imports from the country concerned would cause further injury to the Union industry. This influx would be expected to cause, amongst others, loss of Union market share, decrease in Union sales prices, decrease in Union capacity utilisation and in general a serious deterioration of the Union industry's financial situation.

(182) The Commission thus concluded that the continuation of the anti-dumping measures in force would be in the interest of the Union industry.

6.2. Interest of users and unrelated importers

(183) The Commission contacted all known users and unrelated importers. No users or unrelated importers came forward and cooperated in this investigation by submitting a questionnaire reply. Given the lack of interest shown by users and unrelated importers, and in the absence of any indications that the conclusions reached in previous investigations had changed, the continuation of the measures was not considered being against the interest of users and importers.

6.3. Conclusion on Union interest

- (184) On the basis of the above, the Commission concluded that there were no compelling reasons of Union interest against the continuation of the existing measures on imports of aluminium foil in rolls from the PRC.
- (185) Following disclosure, the applicants commented on the European Commission's decision to maintain anti-dumping duties on aluminium foil rolls from China, indicating that the continuation of the measures will sustain fair competition, prevents market distortion, and supports the continued recovery and sustainability of Union producers. The Commission took good note of this comment.

7. ANTI-DUMPING MEASURES

- (186) On the basis of the conclusions reached by the Commission on continuation and recurrence of dumping, recurrence of injury and Union interest, the anti-dumping measures applicable to imports of aluminium foil in rolls originating in the PRC should be maintained.
- (187) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the application of individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(5) of this Regulation. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other companies'
- (188) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty and exemptions 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(5) of this regulation, the customs authorities of Member States must 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 lower rate of duty or exemption is justified, in compliance with customs law.
- (189) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, *inter alia*, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (190) The individual company anti-dumping duty rates specified in this Regulation are exclusively applicable to imports of the product under review originating in the PRC and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other companies'. They should not be subject to any of the individual anti-dumping duty rates.
- (191) A company may request the application of these individual anti-dumping duty rates if it subsequently changes the name of its entity. The request must be addressed to the Commission ⁽³²⁾. 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*.

⁽³²⁾ European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi 170, 1040 Brussels, Belgium.

- (192) An exporter or producer that did not export the product concerned to the Union during the period that was used to set the level of the duty currently applicable to its exports may 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 period that was used to set the level of the duty applicable to its exports; (ii) it is not related to a company that did so and thus is subject to the anti-dumping duties; and (iii) it has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.
- (193) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽³³⁾ 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.
- (194) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of aluminium foil in rolls currently falling under CN codes ex 7607 11 11 and ex 7607 19 10 (TARIC codes 7607 11 11 11, 7607 11 11 19, 7607 19 10 11 and 7607 19 10 19) and originating in the PRC.
2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Duty (%)	TARIC additional code
CeDo (Shanghai) Ltd, Shanghai	14,2	B299
Ningbo Times Aluminium Foil Technology Co. Ltd, Ningbo	15,6	B300
Ningbo Favored Commodity Co. Ltd, Yuyao City	14,6	B301
Able Packaging Co. Ltd, Shanghai	14,6	B302
Guangzhou Chuanlong Aluminium Foil Product Co. Ltd, Guangzhou	14,6	B303
Ningbo Ashburn Aluminium Foil Products Co. Ltd, Yuyao City	14,6	B304

⁽³³⁾ 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>).

Company	Duty (%)	TARIC additional code
Shanghai Blue Diamond Aluminium Foil Manufacturing Co. Ltd, Shanghai	14,6	B305
Weifang Quanxin Aluminium Foil Co. Ltd, Linqu	14,6	B306
Zhengzhou Zhuoshi Tech Co. Ltd, Zhengzhou City	14,6	B307
Zhuozhou Haoyuan Foil Industry Co. Ltd, Zhouzhou City	14,6	B308
Zibo Hengzhou Aluminium Plastic Packing Material Co. Ltd, Zibo	14,6	B309
Yuyao Caelurn Aluminium Foil Products Co. Ltd, Yuyao	14,6	B310
All other companies	35,6	B999

3. The definitive anti-dumping duty applicable to imports originating in the People's Republic of China, as set out in paragraph 2, is hereby extended, at a rate of 35,6 % to imports of the same certain aluminium foil in rolls consigned from Thailand, whether declared as originating in Thailand or not (TARIC codes 7607 11 11 11 and 7607 19 10 11).

4. The application of the individual duty rates specified for the companies mentioned in paragraph 2 and exemptions from extensions of the measures after anti-circumvention investigations mentioned in paragraph 3 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 his/her name and function, drafted as follows: *'I, the undersigned, certify that the (volume) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in [country concerned]. I declare that the information provided in this invoice is complete and correct.'* Until such invoice is presented, the duty applicable to all other companies shall apply.

5. 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) originating in the People's Republic of China during the period between 1 October 2010 to 30 September 2011 ('original investigation period');
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which have or could have cooperated in the investigation that led to the duty; and
- (c) it has either actually exported the product under review originating in the People's Republic of China or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the original investigation period.

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

Article 2

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, 6 August 2025.

For the Commission
The President
Ursula VON DER LEYEN
