



2025/2081

20.10.2025

COMMISSION IMPLEMENTING REGULATION (EU) 2025/2081

of 17 October 2025

imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of steel track shoes originating in the People's Republic of China

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE

1.1. Initiation

- (1) On 23 August 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of steel track shoes ('STS') originating in the People's Republic of China ('the country concerned' or 'the PRC') on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 12 July 2024 by Duferco Travi e Profilati S.p.A. ('Duferco' or 'the complainant'). The complaint was made by the Union industry of STS in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

- (3) The Commission made imports of STS originating in the PRC subject to registration by Commission Implementing Regulation (EU) 2024/2721 of 24 October 2024 ⁽³⁾ ('the registration Regulation').

1.3. Provisional measures

- (4) In accordance with Article 19a of the basic Regulation, on 25 March 2025, the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry ('pre-disclosure'). Interested parties were invited to comment on the accuracy of the calculations within three working days. No comments were received on the accuracy of the calculations. Two interested parties, Liebherr-Werk Ehingen GmbH ('Liebherr'), an importer of steel track shoes, and Italtactor ITM S.p.A. ('Italtactor'), a producer in the Union and an importer of STS, provided comments on matters others than the accuracy of the calculation. These comments concerned the product scope of the investigation and are addressed further below in recitals 26 and following.

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

⁽²⁾ Notice of Initiation of an anti-dumping proceeding concerning imports of steel track shoes originating in the People's Republic of China (OJ C, C/2024/5264, 23.8.2024, ELI: <http://data.europa.eu/eli/C/2024/5264/oj>).

⁽³⁾ Commission Implementing Regulation (EU) 2024/2721 of 24 October 2024 making imports of steel track shoes originating in the People's Republic of China subject to registration (OJ L, 2024/2721, 25.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2721/oj).

- (5) On 22 April 2025, the Commission imposed provisional anti-dumping duties on imports of STS originating in the People's Republic of China by Commission Implementing Regulation (EU) 2025/780 of 16 April 2025 ⁽⁴⁾ ('the provisional Regulation').

1.4. Subsequent procedure

- (6) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), the importers Liebherr, Linser Industrie Service GmbH ('Linser'), and Italtractor, as well as exporters AsiaTrak (Tianjin) Ltd. and Caterpillar Undercarriage (Xuzhou) Co. Ltd., which are both part of the Caterpillar Group, USCO SpA ('USCO'), an importer of STS, and Astrak Group consisting of five importers in the Union ('Astrak') filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation. The importer of steel track shoes mentioned in recital 7, Verhoeven Grondverzetmachines B.V. ('Verhoeven'), also provided comments.
- (7) Following provisional disclosure, Verhoeven took issue that in the complaint, Duferco identified itself as the sole representative of the Union industry and noted that it has been involved in the importation of STS for many years but had not been contacted by the complainant prior of filing the complaint.
- (8) The Union industry within the meaning of Article 4 of the basic Regulation shall be interpreted as referring to the Union producers as a whole of the like products or a major proportion thereof. Importers, therefore, do not form part of the Union industry. In addition, the complainant Union industry is under no obligation to inform any of the interested parties of the existence of such complaint, which is made available to all interested parties at the day of the initiation of the investigation.
- (9) The parties who so requested were granted an opportunity to be heard. Hearings took place with two importers of STS, Liebherr and Verhoeven.
- (10) The Commission continued to seek and verify all the information it deemed necessary for its final findings. When reaching its definitive findings, the Commission considered the comments submitted by interested parties and revised its provisional conclusions when appropriate.
- (11) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports of STS originating in the PRC ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.
- (12) Comments following final disclosure were received on 25 July 2025.
- (13) Parties who so requested were also granted an opportunity to be heard. A hearing took place with the importer Astrak.

1.5. Sampling

- (14) Following provisional disclosure, Verhoeven, an unrelated importer, claimed that its Chinese supplier of STS had not been approached by the Commission in order to participate in the investigation, despite its willingness to cooperate. Moreover, Verhoeven claimed that this producer had submitted documentation but was never formally involved as an interested party in the active investigation phase. On the other hand, according to Verhoeven, three other parties were approached but subsequently failed to cooperate.

⁽⁴⁾ Commission Implementing Regulation (EU) 2025/780 of 16 April 2025 imposing a provisional anti-dumping duty on imports of steel track shoes originating in the People's Republic of China (OJ L, 2025/780, 22.4.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/780/oj).

- (15) The Commission noted that Verhoeven did not identify any of the companies it was referring to and therefore the Commission was not able to assess these claims. The Commission noted that it informed all known exporting producers about the initiation of a new investigation based on the details provided by the complainant. Before initiation, the Commission also requested the Government of the People's Republic of China ('GOC') to provide the details of any additional producers of STS in China. However, the GOC did not provide the details of any additional producer. The Notice of Initiation invited all interested parties to cooperate and to provide the Commission with information necessary for the investigation. All Chinese exporting producers of STS that came forward following the publication of the Notice of Initiation were accepted as interested parties. The information provided by the exporting producers in the sampling stage were duly taken into consideration and formed the basis for the selection of the sample of exporting producers. None of the non-sampled exporting producers requested individual examination. Therefore, this claim was rejected.
- (16) Astrak claimed that it was not mentioned in the complaint as known importer/user and was not notified of the initiation of the investigation and had therefore no opportunity to cooperate from the start of the investigation.
- (17) As mentioned in recital 4 of the provisional Regulation, the Commission invited all interested parties to contact it in order to participate in the investigation. In this regard, it is irrelevant whether the company was mentioned in the complaint or not and therefore this claim was rejected.
- (18) In the absence of further comments on the sampling of Union producers, unrelated importers, and exporting producers after the imposition of provisional measures, the Commission confirmed its conclusions set out in recitals 6 to 11 of the provisional Regulation.

1.6. Questionnaire replies and verification visits

- (19) Following provisional disclosure, the Caterpillar Group claimed that the Chinese exporting producers had practical difficulties replying to the questionnaire, because they supplied STS to other companies in China, including the Caterpillar Group, which in turn produced track groups and full track groups. Consequently, such Chinese exporting producers were unable to provide full details in relation to export prices and volumes. The Caterpillar Group based these allegations on replies filed by certain Chinese exporting producers in response to follow-up questions by the Commission regarding the information provided in the sampling forms⁽⁹⁾. In these replies, the Chinese exporting producers concerned informed the Commission that they were unable to determine whether the STS sold domestically were re-exported to the Union market.
- (20) However, none of the Chinese exporting producers of STS raised with the Commission any practical difficulties in replying to the questionnaire as the reason behind their non-cooperation. Caterpillar drew inferences from different pieces of information in the open file which were taken out of context. The Commission disagreed with the Caterpillar Group and considered that the claimed practical difficulties in replying to the questionnaire were unsubstantiated. Therefore, the claim was rejected.
- (21) In the absence of any other comments in this regard, the Commission confirmed its conclusions set out in recitals 12 to 22 of the provisional Regulation.

1.7. Investigation period and period considered

- (22) In the absence of comments concerning the investigation period ('IP') and the period considered, the Commission confirmed its conclusions set out in recital 23 of the provisional Regulation.

⁽⁹⁾ t24.007987, t24.007990 and t24.007986.

1.8. Individual examination

- (23) Following the provisional disclosure, Komatsu Machinery Manufacturing (Shandong) Co., Ltd. ('Komatsu') submitted that it did not purchase all the STS from China, but also from Japan, and requested to clarify whether this affected the rejection of the individual examination request.
- (24) The Commission considered that the additional element did not affect the conclusion that the request for individual examination could not be granted.
- (25) In the absence of any other comments in this regard, the Commission confirmed its conclusions set out in recital 24 of the provisional Regulation.

2. PRODUCT UNDER INVESTIGATION, PRODUCT CONCERNED AND LIKE PRODUCT

- (26) Following provisional disclosure and several parties came forward requesting the Commission to exclude certain product types from the scope of the current investigation.
- (27) Liebherr, an importer and user of a specific type of cast STS came forward requesting to exclude these products from the scope, on the grounds that they show significant differences in physical and technical characteristics and have different end-uses as compared to the products produced by the Union industry and were not competing with the latter. They were also produced using completely different production processes.
- (28) This party submitted that the product imported by it is used in mining excavators and crawler cranes that need specific floor plates (steel track shoes) made from cast steel, rather than the track shoes produced by the complainant Union producer, which are made from rolled steel profiles. Cast STS imported by Liebherr are specifically designed to withstand the high load of crawler cranes and mining excavators and are therefore significantly larger and heavier compared to the STS produced by the Union industry. Cast STS imported by Liebherr, and the product produced by the Union industry would therefore not be interchangeable.
- (29) The complainant opposed to the exclusion of cast STS, first, on the grounds that the request was submitted outside the deadline to comment on the product scope of the investigation, as set out in the Notice of Initiation, and that the company was not cooperating in the investigation prior to submitting its request. Referring to previous practice, they considered such delayed request should not be accepted by the Commission, as this would allow parties to selectively engage in an investigation which would undermine the fairness and equal treatment of the interested parties. The complainant also claimed that the information provided was inconsistent.
- (30) Furthermore, the complainant argued that the claim of Liebherr was not supported by any objective and verifiable evidence. In particular, they contested the relevance of a technical opinion of TÜV SÜD Autoservice GmbH provided by Liebherr and claimed that it did not show that the product imported by Liebherr is functionally or commercially distinct from the STS produced and sold by the complainant Union producer.

- (31) On substance, the complainant argued that the product type imported by Liebherr fell within the product definition of the Notice of Initiation and that it had the same basic technical and physical characteristics and basic end-uses as the product under investigation, that is, enabling the movement and support of tracked vehicles (i.e., provide structural support and facilitate the movement of tracked vehicles). The complainant claimed that the products imported by Liebherr had only minor differences in dimension and production method but were essentially produced in the same industrial framework (i.e., the earth moving machinery sector) and were thus functionally interchangeable with the product produced in the Union. The fact that the STS imported by Liebherr were tailor made would be irrelevant, unless the differences introduced would alter the products' essential identity. Moreover, a perfect two-way substitutability would not be required to consider that two products fall within the same product scope when they share fundamental technical characteristics and are produced within the same industrial framework. To support these arguments the complainant referred to case law⁽⁶⁾ and a previous investigation concerning imports of certain seamless pipes and tubes originating in the PRC⁽⁷⁾.
- (32) The complainant further argued that STS are always manufactured and assembled for use on a specific earth-moving machine. Duferco also explained that they would consistently collect and store all relevant technical specifications for each type of earth-moving machines; and in order to remain competitive adapt their production process and finishing operations to customise the STS produced. This would allow the company to be able to produce several thousand distinct configurations of STS designed to be compatible with virtually all earth-moving machinery currently in use across the Union. They also claimed that the two other Union producers would have the technological capability, industrial infrastructure and expertise necessary to produce casted STS that would be functionally equivalent to those for which the exclusion had been requested.
- (33) Furthermore, the complainant argued that the mere fact that cast STS were produced using a different production process would not be a valid basis to exclude them from the product scope, unless such process would result in a substantial difference in the products, which would, however, not be the case here. In this regard, the complainant referred to the ruling of the General Court in *Brosmann*⁽⁸⁾. While the complainant recognised that the different production processes may influence certain design possibilities or pricing structures of the STS produced, those distinctions would only be relevant when they result in a product that is functionally or commercially distinct. However, in the present case, the physical and technical differences would be of a minor nature without substantially putting into question that they were still STS designed for integration in track chains, which is the defining feature of the product under investigation.
- (34) Finally, the complainant, referring to previous practice⁽⁹⁾, claimed that the fact that the Union industry was not producing certain product types is not a valid reason to exclude these product types from the product scope, as such non-production might itself be a consequence of injurious dumping. In any event, they claimed that Italtractor, one of the Union producers, would be producing cast STS in the Union.

⁽⁶⁾ Case T-394/13, *Photo USA Electronic Graphic, Inc. v. Council*, ECLI:EU:T:2014:964, paragraph 48.

⁽⁷⁾ Commission Implementing Regulation (EU) 2017/804 of 11 May 2017 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross section of an external diameter exceeding 406,4 mm, originating in the People's Republic of China (OJ L 121, 12.5.2017, p. 3, ELI: http://data.europa.eu/eli/reg_impl/2017/804/oj), at recital 27.

⁽⁸⁾ Case T-401/06, *Brosmann Footwear and Others v. Council*, ECLI:EU:T:2010:67, paragraph 135.

⁽⁹⁾ Council Regulation (EC) No 393/2009 of 11 May 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain candles, tapers and the like originating in the People's Republic of China (OJ L 119, 14.5.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/393/oj>) at recital 18.

- (35) The Commission considered that while the request to exclude certain cast STS came outside the deadline set out in the Notice of Initiation, it was provided prior to the pre-disclosure within the meaning of Article 19a of the basic Regulation. As acknowledged by the Commission in recital 35 of the provisional Regulation, although the Commission was unable to analyse this request in time for the imposition of provisional measures, it would nonetheless further investigate this claim and take a decision at the definitive stage of the investigation. Indeed, the Commission considered that in this specific case, there was sufficient time to analyse the request, which is in line with established practice, and therefore the claim of the complainant in this regard was rejected.
- (36) On substance, the investigation has shown that, despite falling within the current product description, the cast STS as imported by Liebherr have significant physical and technical differences as compared to the product produced by the complainant Union producer and are used in different specific applications. In particular, in comparison to the forging/rolling process, the casting process provides significantly higher design flexibility, which allows for a different stress distribution and optimization. Consequently, cast STS offer mechanical properties that cannot always be achieved through forging, particularly where weight distribution, internal cavities, and complex stress-bearing geometries are critical. This is the case for heavy-duty applications such as cranes lifting heavy loads. By contrast, the complainant's products are produced by cutting forged/rolled steel profiles to length, and therefore have a much simpler and more uniform structure. Moreover, a key characteristic of the complainant's products is the existence of grousers, which the products imported by Liebherr lack, as they are not relevant for their specific uses.
- (37) The products produced by the Union industry were considered to have different key technical and physical characteristics imported by Liebherr.
- (38) In addition, in contrast to what was claimed by the complainant, the investigation revealed that this type of STS is currently not produced and cannot be produced by the Union industry in the near future. As far as the complainant is concerned, this would require heavy investments that are very unlikely to be carried out in the short or medium term. Also, the complainant did not claim that it would be able to produce this type of STS, nor did it provide any evidence in this regard. As such, there was no evidence in the investigation file that the complainant had the intention to produce this type of product in the near future. In the case of Italtractor, a Union producer that did not support the complaint, the investigation has shown that while it produced some type of cast STS, the type produced by it was not in competition with products produced by the Chinese exporting producers (such as the product imported by Liebherr). As above, the investigation file did not reveal any information or evidence that Italtractor would be able to produce this type of product and is likely to produce it in the near future. The same was true for the third Union producer that provided a statement clarifying that, contrary to what the complainant claimed, it does not currently possess casting technology for the production of cast steel track shoes. Therefore, it was not able to produce the product type imported by Liebherr.
- (39) Regarding the argument that the mere fact that the Union industry was not producing this type of STS may in itself be a consequence of the injurious dumping from the Chinese imports was not supported by any evidence. For instance, the complainant Union producer did not provide any evidence that it produced this type of STS in the past and had to discontinue it due to the dumped imports from China. They also did not have the appropriate machinery and production process to start producing cast STS in the near future. The fact that they claimed to produce several thousand distinct configurations of STS did not invalidate the fact that these STS are made from rolled steel profiles, in contrast to cast STS and that they did not produce the specific product imported from Liebherr. This argument was therefore rejected.
- (40) On the basis of the above, the Commission concluded that cast STS imported by Liebherr should be excluded from the scope of the current investigation. The product type to be excluded is STS exceeding a length of 380 mm, height of 140 mm and weight of 118 kg, without grousers of any shape with the dimension 1 mm or more.

- (41) Following the final disclosure, Italtractor requested the exclusion of forged STS on the grounds that they cannot be produced by the complainant and due to their alleged different technical characteristics resulting from a different production process. Italtractor asserted that forged STS had a different final shape with curved grousers as opposed to linear grousers produced by the complainant. Furthermore, Italtractor claimed that forged STS had a higher design flexibility allowing variations in height along the length of the STS allowing for optimised distribution of steel and bending resistance. Italtractor claimed also that the exclusion of this product type followed the same logic as the exclusion of cast STS and could have been deduced from its earlier comments.
- (42) However, the claim was received at a very late stage of the investigation. Based on the evidence on the file of the investigation, the Commission found that forged STS have the same or similar use as other types of the product concerned, which would not support a product exclusion. Indeed, the complainant produced a variety of different types of STS used in a variety of earth-moving machinery. At this late stage of the investigation the Commission could not ascertain to what extent the forged STS were indeed technically different from the one produced by the complainant in a way that it resulted in a different product used in different applications. Furthermore, there was also a third producer in the Union market that did not cooperate and where the Commission was not able to ascertain whether it produced forged STS and thus whether there were other suppliers of forged STS in the Union market. Even if there was no production of forged STS in the Union, forged STS clearly falls within the product scope of the investigation provided in recital 25 of the provisional Regulation. Italtractor provided no evidence demonstrating that forged STS does not compete with STS produced by the Union industry. Forged STS is therefore a product type of STS with a level of substitution with the STS produced by the Union industry and therefore a level of competition and competitive pressure exists between the two. It follows that the product exclusion request submitted by Italtractor was not only impossible to be verified at this stage of the investigation but was also unsubstantiated.
- (43) It is also noted that each request for exclusion from the product scope has to be examined on its own merits and within its own factual context and the conclusions made in relation for one product type cannot be transposed to the request of exclusion of other product types. At this late stage of the investigation, the Commission is unable to further assess the merits of the exclusion request. The Commission notes that Italtractor's previous submissions did not include any request for product exclusion. Such requests must be clear and provide comprehensive information and evidence showing that an exclusion is possible and warranted. The Commission cannot be expected to 'deduce' that general statements against the imposition of measures on certain product types are requests for product exclusion. Those claims were therefore rejected.
- (44) Linser, an importer and user of STS requested the exclusion of a specific type of STS they imported from China, that is STS with bent ends, on the grounds that the STS produced by the Union Industry had certain technical drawbacks in comparison to the STS imported from China. This company did not substantiate its request with sufficient evidence. In particular, the investigation could not confirm that such products were not or could not be produced by the Union industry. This claim was therefore rejected.
- (45) Following the final disclosure, Linser reiterated its request to exclude STS with bent ends, considering that they cannot be produced by the Union industry.
- (46) However, no additional substantive evidence was provided and the conclusions in recitals 25 to 28 of the provisional Regulation were confirmed. The claim was therefore rejected.
- (47) USCO, an importer and user of STS requested the exclusion of STS with rubber pads, on the grounds that they are not produced in the Union market. The company claimed that the product consisted of a steel structure enclosed with rubber, while the steel contained in the product is less than 15 % of its overall value.
- (48) The complainant claimed, as set out in recital 29 above, that this request was submitted outside the deadline indicated in the Notice of Initiation and that the company did not cooperate during the investigation prior to submitting its request. The complainant also submitted that the product imported by USCO falls within the product definition and is, despite minor technical or physical differences, commercially interchangeable with the products produced in the Union. As mentioned above in recital 31, the complainant argued that perfect two-way substitutability as such is not required, and products may still fall under the same product scope. They also claimed that the STS with rubber pads have the same main basic end-uses and applications, following the same line of arguments as set out in recitals 31 to 34.

- (49) The Commission considered that USCO did not provide any evidence supporting its claim. In particular, the product description explicitly includes STS with rubber pads in the product scope of the investigation. This claim was therefore rejected and there was no need to address the arguments provided by the complainant in detail.
- (50) Two Chinese subsidiaries of the Caterpillar Group, which are exporters of track groups and STS (but do not produce STS themselves), also requested an exclusion of the STS they export to the Union (either standalone or incorporated in track groups). The Caterpillar companies claimed that the subject STS are tailor made to their strict technical specifications. Moreover, they claimed that production of such STS requires specific equipment, which represents significant investments (EUR 0,5–1,5 million for each product), and which the Union industry currently does not possess.
- (51) The complainant objected to this request arguing similarly to what is set out in recitals 29 to 34 above, namely that the products exported by Caterpillar Group have the same basic technical and physical characteristics and the same basic end-uses as the product produced in the Union. The mere fact that it is produced using another production process or is not perfectly substitutable with the product produced in the Union, is no valid reason to exclude such product types from the product scope, as long as they do not fall within fundamentally different product categories. They added that customised production is a standard practice in industrial supply chains and does not automatically imply that the product in question is functionally or commercially distinct from others within the same family.
- (52) The Commission considered that Caterpillar Group did not support their claim with sufficient evidence, and they did not show that the product exported by them is not interchangeable with the product produced in the Union. This claim was therefore rejected and there was no need to address the arguments provided by the complainant Union producer in detail.
- (53) Astrak claimed that STS imported by it are primarily intended for the aftermarket, while STS produced and sold by the complainant are destined to the OEM market. They would therefore have different end-uses and should not be considered as like products. This company did not provide evidence that the products imported by it had significant different technical, physical or chemical characteristics than the product under investigation. Likewise, the company did not explain to what extent the products were used in different applications. This claim was therefore rejected.
- (54) Following the final disclosure, Astrak noted that the only EU manufacturer, Duferco, is not able to manufacture all product types that will be subject to the duty, including bent or winged track shoes, or track shoes with rubber bonded.
- (55) However, the importer did not further substantiate this claim, and it was therefore rejected.
- (56) In the absence of any other comments concerning the product under investigation, the product concerned, the like product and the product scope, the Commission confirmed its conclusions set out in recitals 25 to 35 of the provisional Regulation.

3. DUMPING

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

- (57) No comments were received on the procedure for the determination of the normal value under Article 2(6a) of the basic Regulation and the findings in recitals 36 to 40 of the provisional Regulation are therefore confirmed.

3.2. Normal value

- (58) No comments were received on the findings in recitals 41 to 43 of the provisional Regulation which are therefore confirmed.

3.2.1. *Existence of significant distortions*

- (59) No comments on the existence of significant distortions with the meaning of Article 2(6a) of the basic Regulation were received and the findings in recitals 44 to 86 of the provisional Regulation are therefore confirmed.

3.2.2. *Representative country*

- (60) No comments were received on the findings in recitals 87 to 101 of the provisional Regulation which are therefore confirmed.

3.2.3. *Sources used to establish undistorted costs*

Natural gas

- (61) Following provisional disclosure, the Caterpillar Group claimed that the benchmark for gas in Türkiye used in the normal value calculation was too high when compared to gas prices in its manufacturing facility in France.
- (62) The Commission noted at the outset that this claim was brought far beyond the expiry of the deadline for the comments on the single Note for the file on the sources for the determination of the normal value which was on 25 November 2024. In any case, the Commission further noted that the benchmark for gas was based on the Turkish Statistical Institute and reflected the price of gas for industrial users, as indicated in recital 110 of the provisional Regulation. Thus, the price of gas used constituted a reasonable and reliable benchmark for prices paid by a producer in Türkiye. The Caterpillar Group did not explain why or by how much the gas benchmark would not be correct, besides assuming that prices were too high compared to gas prices in France. Therefore, this claim was rejected.
- (63) Moreover, the Caterpillar Group claimed that the gas prices used were unreliable and resulted in an overstated normal value because the domestic producer price index used to update the prices to the investigation period did not reflect the actual evolution of gas prices in Türkiye. In order to show the trend of gas prices in Türkiye, the Caterpillar Group provided a report by PriceWaterhouseCoopers (PwC) ⁽¹⁰⁾.
- (64) The complainant disagreed with this claim highlighting the longstanding practice of the Commission expressively affirming the reliability and objectivity of data originating from the Turkish Statistical Institute. They argued that the data provided by Caterpillar group, that is the PwC report, do not rely on primary data, but draw from unspecified third-party resources. PwC, as a private consultancy firm, would not have the same level of access to verified national datasets, nor would the reporting carry the same institutional authority. There would therefore be no reason to consider the findings in the PwC report more reasonable than official national statistics submitted by a government source.
- (65) As mentioned above in recital 51, the Caterpillar Group's claim was brought far beyond the expiry of the deadline for the comments on the single Note for the file on the sources for the determination of the normal value which was on 25 November 2024. In any event, the Commission made recourse to indexation because the Turkish Statistical Institute stopped publishing gas prices in 2022 and the domestic producer price index was considered the most appropriate for such indexation. The data on gas prices submitted by the Caterpillar Group did not cover the investigation period and could therefore not be considered as more accurate than the one shown in the producer price index. Moreover, for one of the sources of the PwC report (the Energy Exchange Istanbul – EPIAŞ or EXIST), the domestic reference price is a general price resulting from a weighted average of prices. Therefore, it is not a specific price for an industrial operator, as opposed to the benchmark reported by the Turkish Statistical Institute. Therefore, this claim was rejected.

⁽¹⁰⁾ PwC, *Overview of the Turkish Electricity Market*, September 2023, pp. 75 and 76, available at: <https://www.pwc.com.tr/overview-of-the-turkish-electricity-market>.

Manufacturing overhead costs, SG&A costs and profits

- (66) The Caterpillar Group requested the Commission to provide the level of manufacturing overhead costs used for the production of STS.
- (67) The Commission found the request to be justified and made available in the open file the level of manufacturing overhead costs on which it relied.
- (68) No other comments were received in this respect, and therefore the Commission confirmed the findings set out in recitals 102 to 119 of the provisional Regulation.

3.3. Export price

- (69) Following provisional disclosure, the Caterpillar Group contested the determination of the export prices based on a set of invoices for the supply of 10 types of STS by five exporting producers to users in the Union during the investigation period, as included in the complaint. They argued that full details of these offers and invoices were not made available to interested parties that were therefore not able to comment on the representativeness of these offers and/or invoices or otherwise. The Caterpillar Group claimed that such evidence should in any event not have been used, but instead, the export prices should have been based on the information provided by the customs authorities from two Member States regarding import volumes of STS. In that regard, Caterpillar Group requested that a non-confidential summary of the data provided by the customs authorities should be disclosed to the interested parties.
- (70) In contrast to what was claimed by Caterpillar Group, details of the offers and/or invoices from Chinese exporting producers were made available in the non-confidential file and the claim that such information was not disclosed was therefore rejected. Regarding the information provided by the customs authorities, the Commission informed Caterpillar Group that the replies of the customs authorities were by nature confidential and were not susceptible of summarisation. The replies did not allow the Commission to determine import volume or prices for the purposes of the investigation. The claim that export prices should have been based on information provided by the national customs authorities was therefore rejected.
- (71) No other comments were received with regard to the determination of the export price, and therefore, the Commission confirmed the findings set out in recital 120 of the provisional Regulation.

3.4. Comparison

- (72) No comments were received on the comparison between the normal value and the export price and therefore the Commission confirmed the findings set out in recitals 121 to 124 of the provisional Regulation.

3.5. Dumping margin

- (73) In the absence of any comments concerning the dumping margin calculation, the Commission confirmed the findings set out in recitals 125 to 127 of the provisional Regulation.
- (74) The definitive dumping margins expressed as a percentage of the cost, insurance and freight (CIF) Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin (%)
All imports originating in country concerned	62,5

4. INJURY

4.1. Definition of the Union industry and Union production

- (75) In the absence of any comments with respect to the definition of the Union industry and Union production, the Commission confirmed its conclusion set out in recitals 128 and 129 of the provisional Regulation.

4.2. Union consumption

- (76) Following provisional disclosure, the Caterpillar Group criticised that the determination of the Union consumption relied entirely on the methodology and data provided by the complainant. They claimed that the methodology used for the calculation of the Union consumption was not adequately verified and that the Commission did not seek the views of other parties on the assumptions made by the complainant. Caterpillar group contested certain assumptions with regard to the share of excavators in tracked machines and the replacement interval for STS and provided assumptions that differed from those of the complainant.
- (77) The information on which basis the Commission determined the total consumption of STS in the Union was included in the non-confidential version of the complaint and made available in the non-confidential file from the day of initiation of the investigation. All parties that registered as interested parties had access to this file and had the opportunity to comment. Furthermore, the Commission disclosed in the provisional Regulation the methodology to determine Union consumption of STS and invited interested parties to comment. The argument that the Commission did not seek the views of interested parties is therefore rejected.
- (78) Caterpillar Group did not provide any further evidence concerning their assumptions made and did not show that they would be more appropriate than the ones used by the complainant. This claim was therefore rejected.
- (79) In the absence of any other comments with respect to the Union consumption, the Commission confirmed its findings set out in recitals 130 to 133 of the provisional Regulation.

4.3. Imports from the country concerned

4.3.1. *Volume and market share of the imports from the country concerned*

- (80) Following provisional disclosure, the Caterpillar Group, as already mentioned in recital 69, requested the Commission to provide a non-confidential summary of the information received by the customs authorities from two Member States regarding import volumes of STS. As set out in recital 70, the replies of the customs authorities contained was by nature confidential and was not susceptible of summarisation basis. The replies did not allow the Commission to determine the import volumes or import prices for the purposes of the investigation. This claim was therefore rejected.
- (81) In the absence of any other comments with respect to the import volume and market share of the imports from the country concerned, the Commission confirmed its findings set out in recitals 134 to 137 of the provisional Regulation.

4.4. Prices of the imports from the country concerned and price undercutting

- (82) As set out in recital 69, following provisional disclosure, the Caterpillar Group argued that the Commission did not disclose the information contained in the complaint on the basis of which the Commission established the import prices of STS. This information consisted of a set of invoices and offers from five Chinese exporting producers of STS. As mentioned above in recital 70, this information was included in the non-confidential file of the investigation and the claim was therefore rejected.

- (83) Furthermore, following provisional disclosure, the Caterpillar Group claimed that import prices should be based on the information received from the customs authorities, as mentioned in recital 69 above, which would be a better basis than the set of invoices included in the complaint. They also argued that such information should be disclosed in a summarised form to the interested parties.
- (84) As set out in recitals 70 and 80, the information provided by the customs authorities in question was by nature confidential and was not susceptible for summarisation. In any event, on the basis of such information, the import volume and import prices of STS could not be established and such information was therefore not used in the determination of the import price.
- (85) The claims of Caterpillar Group in this respect were therefore rejected.
- (86) In the absence of any further comments with respect to the prices of the imports from the country concerned and price undercutting, the Commission confirmed its findings set out in recitals 138 to 143 of the provisional Regulation.

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

- (87) In the absence of comments with respect to the economic situation of the Union industry, the Commission confirmed its conclusions set out in recitals 144 to 177 of the provisional Regulation.

5. CAUSATION

- (88) In accordance with Article 3(6) of the basic Regulation, the Commission examined at provisional stage whether the dumped imports from the country concerned caused material injury to the Union industry. In accordance with Article 3(7) of the basic Regulation, the Commission examined whether other known factors could at the same time have injured the Union industry. The Commission ensured that any possible injury caused by factors other than the dumped imports from the country concerned was not attributed to the dumped imports. These factors are: the imports from third countries and the export performance of the Union industry.

5.1. **Effects of the dumped imports**

- (89) In the absence of comments with respect to the effects of the dumped imports, the Commission confirmed its conclusions set out in recitals 179 to 181 of the provisional Regulation.

5.2. **Effects of other factors**

- (90) Following provisional disclosure, Italtractor submitted that the decline in sales, production volume and employment was caused by a global contraction of the construction and agricultural industries, and only partially by the imports from China (and the Republic of Korea ('Korea')).
- (91) This company did not provide any evidence in support of its claim. In contrast to the company's claim, the Union consumption of STS increased by 3 % during the period considered which did not indicate a contraction in demand on the Union market. During this time, the Chinese imports increased their market share by 23 %, i.e. from 49 % in 2021 to 59 % in the investigation period (i.e., by 10 percentage points). This increase took place at the expense of the Union industry that lost 42 % market share, i.e. it decreased from 31 % in 2021 to 18 % during the investigation period (i.e. by 13 percentage points). The claim that the injury was caused by a contraction in demand in the Union industry was therefore rejected.
- (92) As set out in Table 12 of the provisional Regulation, over the period considered, imports from Korea were at very low levels when compared to Chinese imports and market shares were relatively stable (between 3 % and 5 %). The average import price from Korea showed an increasing trend (+ 20 % during the period considered) and were throughout the period considered above the average sales price of the Union industry on the Union market. Korean STS imports did therefore not cause any injury to the Union industry. The claim that the injury was partially caused by the imports of STS from Korea was therefore rejected.

- (93) Astrak claimed that the injury suffered by the Union industry was caused by a decline in the OEM market in the Union rather than the dumped imports from China. This claim was not supported by the facts of the investigation. As shown in table 3 and 6 of the provisional Regulation, Chinese imports gained significant market share (+ 10 percentage points) to the expense of the Union industry, that lost significant market share (- 13 percentage points) during the period considered, while the Union consumption (table 2 of the provisional Regulation) increased during the same period (+ 3 %). It is recalled that import prices decreased over the period considered (table 4 of the provisional Regulation), significantly undercutting the Union industry sales prices by 28,8 % (recital 143 of the provisional Regulation). This claim was therefore rejected.
- (94) Astrak also claimed that the loss of employment is due to the investment in machinery that replaced work force rather than the Chinese imports. This statement was not supported by any evidence. As established in recital 172 of the provisional Regulation, investments during the period considered were overall at a low level and mainly made to achieve efficiency gains and to maintain existing facilities. This claim was therefore rejected.
- (95) Astrak furthermore claimed that Chinese prices were in line with the development of world steel prices and energy cost in China. Stock levels were a consequence to the decrease in demand in the OEM market. As above, these statements were not supported by evidence. Regarding cost, the Commission established that the Union industry was not able to increase its sales prices in line with the increase in its cost due to the price pressure of Chinese imports. These claims were therefore rejected.
- (96) In the absence of any other claims regarding causation, the Commission confirmed the findings set out in recitals 182 to 191 of the provisional Regulation.

6. LEVEL OF MEASURES

- (97) In the absence of any comments regarding the level of the measures, the Commission confirmed its findings set out in recitals 192 to 202 of the provisional Regulation.
- (98) Following the above assessment, the definitive anti-dumping duties should be set as below in accordance with Article 7(2) of the basic Regulation.

Country	Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
China	All imports originating in the country concerned	62,5	63,8	62,5

7. UNION INTEREST

- (99) Following the pre-disclosure, the provisional disclosure and the publication of the provisional Regulation, several interested parties came forward to submit comments concerning the Union interest. The Commission took these claims into account and assessed them in detail below.

7.1. Interest of the Union industry

- (100) Following pre-disclosure and the provisional disclosure, Italtractor claimed that the imposition of measures would be to the advantage of Korean imports rather than the Union industry. Italtractor claimed that since no anti-dumping duties will be applicable to imports from Korea, these imports will be able to target customers in the Union to the expense of Italtractor's own sales of STS on the Union market. Italtractor provided some information concerning its production, as well as purchases from the complainant and its imports from China. It also provided information on its resales of STS.

- (101) It is first recalled that Italtractor did not cooperate as a Union producer, nor as an importer of STS by filling in the questionnaire destined to those parties. The information provided following the provisional disclosure was very limited and could not be verified anymore. In addition, the information provided did not substantiate the claims made. Regarding Korean STS imports, as outlined in recital 92, these remained at low levels and at prices above the average sales price of the Union industry on the Union market throughout the period considered. Korean imports therefore did not cause any injury to the Union industry during the period considered.
- (102) As set out in recital 205 of the provisional Regulation, the Commission considered that the duty would have as a consequence an increase of the price levels of the Chinese imports and therefore relieve the Union industry from the price suppression caused by them. The claim that the Union industry would not benefit from the imposition of measures was therefore rejected.
- (103) In the absence of any further comments with respect to the interest of the Union industry, the Commission confirmed its conclusions set out in recitals 205 to 208 of the provisional Regulation.

7.2. Interest of unrelated importers and traders

- (104) Following provisional disclosure, one importer, Verhoeven, submitted that the imposition of duties would result in a price inflation, that is an increase in the purchase price for STS for importers with direct consequences on their margins and final price to their customers in the EU. This claim was not supported by any evidence. Verhoeven did not cooperate in the investigation by replying to a questionnaire and only came forward at a very late stage of the investigation. It did not supply any figures underlying its claims that were therefore rejected.
- (105) In the absence of any other comments with respect to the interest of unrelated importers and traders, the Commission confirmed its conclusions set out in recitals 209 to 212 of the provisional Regulation.

7.3. Interest of users

- (106) Following provisional disclosure, the Caterpillar Group claimed that the interest of producers of track groups and full track groups were not taken into consideration in the provisional Regulation. They asserted that the findings did not take into account the negative effects of the imposition of duties on these users and the industry manufacturing earth-moving equipment. They claimed that the duties would lead to increased prices for track groups and full track groups that would have a negative impact on the demand of these product in the Union, as well as on third country (export) markets. The imposition of the duties would therefore not be in the broader Union interest.
- (107) The Caterpillar group did not provide any evidence supporting this claim. None of the producers of track groups or full track groups cooperated in the investigation by providing a questionnaire reply. The Commission was therefore not able to determine the potential impact of the duty, if any, on the resale volumes or prices of track groups and full track groups in the Union or in third countries, as well as any impact on the companies' profitability. This claim was therefore rejected.
- (108) Astrak claimed that measures will lead to sharp price increases on the Union market that will disproportionately affect users. This claim was not supported by any evidence and was therefore rejected.
- (109) In the absence of any further comments with respect to the interest of users, the Commission confirmed its conclusions set out in recitals 213 to 216 of the provisional Regulation.

7.4. Supply on the Union market

- (110) Following provisional disclosure, one of the importers, Verhoeven, claimed that the complainant would be unwilling and/or unable to supply all product types, particularly those that need to be produced to specific requirements. They also asserted that the complainant refused to supply STS in the past to it. This party further argued that the complainant's production capacity cannot meet the entire demand in the Union and that if anti-dumping duties are imposed, the supply of STS in the Union would be limited, and there would be extended delivery times to the detriment of the customers in the Union. This party alleged that given the complainant's limited production capacity, it would prioritize the delivery of 'standard volumes' to the detriment of customers in the Union that are dependent on specialised and customised products. Similarly, Astrak claimed that the complainant refused to supply it in the past, or had long lead-times and high prices, and that there will be supply shortages on the Union market.
- (111) None of these statements was supported by sufficient evidence and the Commission therefore rejected these claims. In any event, the aim of the anti-dumping duties is not to close the Union market to imports from third countries, but to restore the level playing field. In this specific case, a number of other third countries exported STS to the Union, and these exports will still be able enter the Union without being subject to any anti-dumping duties. All claims in this regard were therefore rejected.
- (112) In the absence of any other comments with respect to the supply on the Union market, the Commission confirmed its conclusions set out in recitals 217 to 219 of the provisional Regulation.

7.5. Other claims

- (113) Following the publication of the provisional Regulation, Italtractor claimed that the complainant is the sole Union producer of steel profile sections in the Union used in the production of STS and that the imposition of measures will create a monopoly on the Union market. This would give the complainant the possibility to increase its sales prices to the detriment of its customers in the Union. Similarly, Verhoeven and Astrak claimed that the complainant had a (de facto) monopoly in the Union and that measures are likely to create an unfair market situation, as they will eliminate competition from other third country markets. Astrak asserted that the complainant mis-used its position in the Union market, creating an unsafe economic environment for the final customer; and by referring to previous case-law that the Commission had a duty to assess this aspect under Article 21 of the basic Regulation.
- (114) None of these claims was supported by any evidence. The investigation has shown that there are two other Union producers on the Union market, and that there were imports into the Union from a number of other third countries, such as Turkey, Korea and India, which together represented a market share of 23 % during the investigation period. Therefore, the claim that the imposition of measures would result in the complainant having a monopoly in the Union that would lead to an unfair market situation was rejected.
- (115) Following the final disclosure, Astrak and Italtractor reiterated their claim of a potential monopoly creation due to the measures and the potential creation of an unfair market situation.
- (116) Astrak did not provide any additional substantive evidence in support of its claim and therefore, the claims were rejected.
- (117) Italtractor contested that its claim had not been supported by sufficient evidence highlighting the quantitative evidence it provided in relation to STS sourced from the complainant and arguing that other interested parties made similar claims.

- (118) Following provisional disclosure, Italtraktor provided information on its production, imports and sales of STS, as well as purchases of steel profile sections. Italtraktor asserted that the complainant is vertically integrated i.e. it produces steel profile sections that are an essential input for STS. Italtraktor noted that the complainant uses the steel profile sections in its own production process but also sells them to third parties such as Italtraktor, while at the same time they are competing when selling STS on the Union market. To support its claim, following the final disclosure, Italtraktor provided information on purchase prices of steel profile sections and cost data of STS.
- (119) The information provided by Italtraktor following the provisional and the final disclosure did not support its claims and could not devalue the findings of the Commission outlined in recital 114. The mere fact that input material from different suppliers have different prices, and that those prices may increase (or decrease) depending on the supplier does not, as such, support the claim of a potential monopolistic situation of the complainant. Regarding the alleged monopolistic position of Duferco regarding STS, no specific conclusions could be made on the basis of the information provided on purchases and imports of STS. In addition, Italtraktor never fully cooperated with the investigation to an extent that would allow the Commission to verify the data provided. Therefore, the claims made in this regard were rejected.
- (120) Following provisional disclosure, Verhoeven also claimed that measures would be against the broader Union interest as they would be against the principles of an open, fair and competitive market. However, anti-dumping measures are aimed to address unfair trading practices and to restore the level playing field in the Union. They are therefore not in contradiction to an open, fair and competitive market. The current investigation has established significant dumping by Chinese imports causing material injury to the Union industry. There were no reasons of Union interest to refrain from the imposition of the measures. Therefore, the imposition of measures is justified under the basic Regulation. The investigation also revealed that the Union market is an open market with imports entering the Union from several other third country markets. This claim was therefore rejected.
- (121) Moreover, following provisional disclosure, the same party argued that the complainant would be misusing the anti-dumping instrument in order to eliminate competition and to shield the Union market from competition. For the reasons set out in recital 120, this claim was rejected. In addition, the complainant submitted a well-documented complaint to the Commission, containing sufficient prima facie evidence within the meaning of Article 5 of the basic Regulation and on the basis of which the Commission decided that it was justified to initiate the current investigation.
- (122) Finally, Verhoeven claimed that the complainant itself would be exporting steel products to third country markets, thus applying double standards. However, the fact that a Union producer is exporting to other third countries is irrelevant and not in contradiction of seeking protection from unfair trading practices in the Union. Exporting to other third countries does not in any way impact the complainant's right to file a complaint requesting the initiation of an anti-dumping investigation in the Union. This claim was therefore rejected.
- (123) Following provisional disclosure, Liebherr claimed that the Commission should grant an end-use exemption to it for the imports of cast STS from China. Since the Commission concluded, as set out in recitals 27 to 40, that these products should not be included in the product scope, this claim was redundant.

7.6. Conclusion on Union interest

- (124) In the absence of any further comments with respect to the Union interest, the Commission confirmed its conclusions set out in recitals 220 to 222 of the provisional Regulation.

8. DEFINITIVE ANTI-DUMPING MEASURES

8.1. Definitive measures

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

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

Country	Company	Definitive anti-dumping duty (%)
China	All imports originating in the country concerned	62,5

(127) The anti-dumping rate specified in this Regulation was established on the basis of the findings of this investigation. Therefore, it reflects the situation found during this investigation. This duty rate is exclusively applicable to imports of the product concerned originating in the country concerned.

(128) As explained in recital 227 of the provisional Regulation, as STS sold part of assembled products such as track groups or full track groups fall within the product scope, the duties imposed on such assembled products when imported into the Union from the country concerned should reflect only the value of the STS. The Commission provisionally established an average percentage of the value corresponding to the STS incorporated into the assembled products, amounting to 55 % of the value of a track group and 50 % of a full track group.

(129) Several parties claimed that these percentages were overstated and requested these to be reviewed. One of the parties, the Caterpillar Group, claimed that no duty at all should be levied on STS incorporated in the assembled product. Specifically, Caterpillar Group argued that the Commission cannot impose anti-dumping duties on track groups and full track groups but only on standalone STS, as the Commission did not investigate the impact of imports on Union producers of track groups and full track groups and it did not consider that Chinese producers of track groups and full track groups as exporting producers for the purpose of the investigation. Caterpillar Group referred to the WTO Panel Report on EC – Salmon (Norway) ⁽¹¹⁾ and to the General Court's judgment in JSC Kirovo-Chepetsky Khimichesky Kombinat v Council ⁽¹²⁾ to support its arguments.

(130) The complainant disagreed with the view of the Caterpillar Group that anti-dumping duties cannot be imposed on track groups and full track groups, highlighting that STS assembled within a track chain, including track groups and full track groups have been included in the product scope. The complainant also disagreed with the Caterpillar Group's interpretation of the General Court's judgment in JSC Kirovo-Chepetsky Khimichesky Kombinat v Council, as this judgment dealt with the extension of the product scope following an interim review under Article 11(3) of the basic Regulation and is therefore not relevant in the present case. The complainant also noted that the duties are not imposed on the assembled product as a whole, but rather to the STS component within the assemblies.

⁽¹¹⁾ WTO Panel Report, EC – Salmon (Norway) (2008), paragraph 7.115 and footnote 289.

⁽¹²⁾ Case T-348/05, JSC Kirovo-Chepetsky Khimichesky Kombinat v Council, ECLI:EU:T:2008:327, paragraphs 61-63.

- (131) In response to the claims made with regard to the value of STS in assembled products, the complainant noted that these were not supported by any evidence and should therefore be rejected. The complainant also rejected that the level of the provisional duties was 'disproportionate' as they were the result of objective calculations based on the evidence collected during the investigation. Finally, the complainant suggested that alternatively to the percentages established provisionally, importers should declare the value of STS when importing the assembled products and submit to the customs authorities an invoice specifying the value of STS, accompanied by a declaration confirming the accuracy of this value. In case of non-compliance, the application of the anti-dumping duty should be based on the thresholds as specified in the provisional Regulation.
- (132) The Commission considered that assembled products as such are indeed not part of the product scope of the investigation and anti-dumping duties are not applied to those assembled products, but rather only on the STS incorporated into the assembled product and imported into the Union. This is in line with the Commission's practice in previous cases where the product concerned was imported into the Union as an assembled product ⁽¹³⁾.
- (133) Furthermore, the Commission considered that the references to the WTO Panel Report on EC – Salmon (Norway) and to the General Court's judgment in JSC Kirovo-Chepetsky Khimichesky Kombinat v Council are not relevant to the present case. The EC – Salmon (Norway) Panel Report concerned the scope of the domestic industry ⁽¹⁴⁾. The Kirovo judgment concerned the issue of extending the product scope to address circumvention. Both cases therefore address different legal issues and were not relevant to the question of how to apply the anti-dumping duty in the current investigation. This claim was therefore rejected.
- (134) Concerning the share of the STS value in the assembled products, the Commission reviewed the information available after provisional disclosure, and considered it more appropriate, in order to ensure that the anti-dumping duties are only applied on STS, that the value of the STS must be entered in the declaration for release for free circulation for imports of assembled products.
- (135) In order to ensure the effectiveness of the measures, the Commission, however, considered to fix a threshold below which the proportion of STS in the total value of an assembled product should not be considered for the application of the duty. The threshold is fixed at the lowest percentage reported by interested parties in the context of the present investigation, i.e. at 31 % of the total value of an assembled track chain.
- (136) This provision should only apply to imports of track groups and full track groups, as STS sold as a component larger than full track groups, such as undercarriages or complete tracked machines, fall outside the product scope because STS represent only a relatively small fraction of the overall value of these larger components.
- (137) The Commission rejected the complainant's request to apply the anti-dumping duty based on the thresholds as specified in the provisional Regulation in case of non-compliance by importers. Indeed, the Commission considered that in the case at hand the import declarations provide a more accurate basis for determining the duty to be paid, while the minimum threshold based on the information provided by interested parties also addresses the concern of possible non-compliance of importers.
- (138) Following the final disclosure, two companies of the Caterpillar Group reiterated their comments regarding the application of the duty to track groups and full track groups. The exporting producer claimed that the previous case practice of the Commission related to 'assembled products' does not support the approach in this case. The Caterpillar Group referred to the Steel Wind Towers case ⁽¹⁵⁾, where the Commission assessed dumping and injury

⁽¹³⁾ See, for example, Commission Implementing Regulation (EU) 2021/2239 of 15 December 2021 imposing a definitive anti-dumping duty on imports of certain utility scale steel wind towers originating in the People's Republic of China (OJ L 450, 16.12.2021, p. 59, ELI: http://data.europa.eu/eli/reg_impl/2021/2239/oj).

⁽¹⁴⁾ The EU had not considered salmon filleters as part of the domestic industry whereas the product scope of the investigation included salmon fillets.

⁽¹⁵⁾ Implementing Regulation (EU) 2021/2239.

for the 'assembled product' after examining the costs of production of all the components in detail and where duties were applied to the product whether or not assembled. The Caterpillar Group repeatedly criticised the approach to impose a duty on 'assembled products' without taking into account the costs of production of all other components in addition to the sole dutiable component and without assessing injury to Union producers of these assembled products. The exporting producer considered this approach as inconsistent with the Basic anti-dumping Regulation.

(139) With regard to the Kirovo judgement, the Caterpillar Group agreed that this concerned the extension of an existing anti-dumping duty in a review but repeatedly claimed that the principle still applies to the investigation. The Caterpillar Group argued that for the Kirovo judgment, the principle on which the Court based its decision is entirely pertinent and applies equally to the present case and in extension reviews. The Caterpillar Group considered also that the case at hand made the same error as described in the WTO Panel Report on *EC – Salmon (Norway)*, as it did not examine injury or the absence thereof of the part of the Union industry producing track groups and full track groups.

(140) The Caterpillar Group reiterated its request to exclude track groups and full track groups from the duty. In case the Commission would still proceed with the application of the duty to track groups and full track groups, the exporter requested refinements regarding the application. First, the exporter considered that the minimum of 31 % is not justified, considering that there are many products related to track groups, including a lower proportion of STS. The exporter claimed that operators should be able to benefit from a lower percentage than 31 % if it represents the actual value of the STS. The Caterpillar Group further argued that precluding this benefit would be inconsistent with the general EU law principle of equal treatment, which requires that comparable situations must not be treated differently⁽¹⁶⁾. Second, to the extent that a fixed percentage such as 31 % is to be established, Caterpillar Group argued that it should be used as a default level, i.e. a percentage that applies if the actual value is not declared, rather than as a minimum level. The exporting producer raised concerns about the practical application which would be solved with the use of an appropriate fixed percentage.

(141) The Commission underlined that the current anti-dumping duties are not applicable to assembled products, but only on the STS incorporated into assembled products. The Commission disagrees with Caterpillar Group's argument that in the Steel Wind Towers investigation the Commission assessed dumping and injury for the assembled product after examining the costs of production of all the components in detail while in the present case, by contrast, it is proposed to impose a duty on assembled products without taking into account the costs of production of all other components in addition to the sole dutiable component (here, STS). The product scope of the Steel Wind Tower investigation was limited to steel wind towers, whether assembled or not, but, more importantly, also when imported as part of a wind turbine. In other words, the wind turbine is a further assembled product incorporating a steel wind tower. Upon import into the Union of an assembled wind turbine, the anti-dumping duty concerning steel wind towers will apply to the wind turbine only as regards the value of the steel wind tower incorporated in the wind turbine, based on the value declared in the commercial invoice that is presented to the Member States' customs authorities⁽¹⁷⁾. Moreover, it is incorrect to state that, in the Steel Wind Tower investigation, the Commission assessed dumping and injury for an assembled product incorporating the steel wind tower (i.e., the wind turbine) and that it examined the costs of production of all the components of such wind turbine. It is clear from the Regulation imposing definitive anti-dumping duties on imports of steel wind towers from the PRC that the assessment was limited to the steel wind towers themselves and not wind turbines overall⁽¹⁸⁾.

⁽¹⁶⁾ See for example, tractor products, i.e. bulldozers and loaders, and the average for excavators. See for example, Case C-127/07, Arcelor Atlantique and Lorraine and Others, ECLI:EU:C:2008:728, paragraph 23; Case C-264/18, P.M. and Others v Ministerraad, ECLI:EU:C:2019:472, paragraph 28; Case C-220/17, Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG v Land Berlin, ECLI:EU:C:2019:76, paragraph 36. The principle of non-discrimination is similarly enshrined under Article 21 of the Charter of Fundamental Rights of the European Union.

⁽¹⁷⁾ Article 2 of Implementing Regulation (EU) 2021/2239.

⁽¹⁸⁾ See, for example, recital 37 of Implementing Regulation (EU) 2021/2239 on product scope, as well as recitals 230 onwards describing the factors of production of steel wind towers (and not wind turbines). See also recital 434 where steel wind tower producers are described as Union producers who sell the steel wind towers to wind turbine producers, who assemble the steel wind towers with a full wind turbine and were therefore considered as users in the investigation.

- (142) Similarly, in the present investigation, the Commission investigated STS, which can be further assembled into larger components such as track groups and full track groups. As such, following the findings of its investigation, it proposes to impose anti-dumping duties on STS. To the extent that such STS are incorporated in a further assembled product such as track groups and full track groups, the anti-dumping duty concerning STS will apply to the value of such incorporated STS (and not to the (full) track group). Furthermore, the Commission considered that the above should also address Caterpillar Group's claims concerning the difference between (full) track groups and standalone STS. In particular, such differences are not relevant in the present case considering the anti-dumping duty is not applied to the track groups and full track groups as a whole, but only to the extent of the value of the STS incorporated in such products, as explained above. In light of the foregoing, these claims were rejected.
- (143) With regard to the Kirovo judgement and the WTO Panel Report on EC – Salmon, the Commission noted that Caterpillar Group did not explain why the relevant findings would be applicable in a completely different legal and factual context. The Commission upheld its conclusion of the provisional Regulation that both references are irrelevant to the investigation and the claims were rejected.
- (144) The Commission established the threshold on the lowest percentage that was reported by interested parties, including Caterpillar Group as an average calculation. Moreover, the Caterpillar Group never fully cooperated to an extent that would allow the Commission to verify the data it is relying on in its comments. This percentage was considered as representative and used to ensure the effectiveness of the measure. Considering that the companies did not provide any additional substantive evidence, the claim was rejected.

8.2. Definitive collection of the provisional duties

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

8.3. Retroactivity

- (146) As mentioned in section in recital 3, the Commission made imports of the product under investigation subject to registration.
- (147) During the definitive stage of the investigation, the data collected in the context of the registration was assessed. The Commission analysed whether the criteria under Article 10(4) of the basic Regulation were met for the retroactive collection of definitive duties.
- (148) The Commission's analysis showed no further substantial rise in imports in addition to the level of imports which caused injury during the investigation period, as prescribed by Article 10(4)(d) of the basic Regulation. For this analysis, the Commission compared the monthly average import volumes during the investigation period with the monthly average import volumes during the period from the month following the initiation of this investigation (i.e., September 2024) until the last full month preceding the imposition of provisional measures (i.e., March 2025). The comparison shows a significant decrease (approximately 80 %) in the average monthly imports between the two periods.
- (149) Consequently, the Commission concluded that the conditions for retroactive collection of the duties were not met.
- (150) Following provisional disclosure, Verhoeven requested that duties should not be collected retroactively because it would mean an extraordinary and irreparable financial burden to its company. Given the conclusions set out in the above recital, i.e. that the conditions for retroactive collection of the duties were not met, this claim was redundant.

9. FINAL PROVISION

(151) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽¹⁹⁾, 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.

(152) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of certain types of steel shoes, with or without rubber pads attached thereto, whether or not assembled in a track chain, with a maximum length of 3 000 mm, used on machines currently falling under headings 8426, 8429 or 8430, or conveyor belts currently falling under heading 8428, originating in the People's Republic of China.

The product concerned by the definitive anti-dumping duty is currently classified under CN codes ex 8431 39 00, ex 8431 49 20 and ex 8431 49 80 (TARIC codes 8431 39 00 22, 8431 39 00 39, 8431 49 20 10, 8431 49 20 29, 8431 49 80 10 and 8431 49 80 29).

2. Steel track shoes exceeding a length of 380 mm, height of 140 mm and weight of 118 kg, without grousers of any shape with the dimension 1 mm or more currently classified under CN codes ex 8431 39 00, ex 8431 49 20 and ex 8431 49 80 (TARIC codes 8431 39 00 15, 8431 39 00 27, 8431 49 20 05, 8431 49 20 20, 8431 49 80 05 and 8431 49 80 20) shall be excluded from the definitive duty.

3. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the products described in paragraph 1 shall be 62,5 %.

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

Article 2

1. Where a declaration for release for free circulation is presented in respect of a track chain referred to in Article 1(1), originating in the People's Republic of China, the net, free-at-Union-frontier price, before duty, of the steel shoes assembled in the track chain referred to in Article 1(1) shall be entered in the relevant field of that declaration. Where the net, free-at-Union-frontier price, before duty, of steel track shoes is lower than 31 % of the net, free-at-Union-frontier price, before duty, of the assembled track chain, or where the net, free-at-Union-frontier price, before duty, of the steel shoes assembled in the track chain is not entered in the declaration, the anti-dumping duties referred in Article 1(3) shall apply to an amount equal to 31 % of the price of the assembled track chain.

2. A valid commercial invoice shall be presented to the Member States' customs authorities. It shall contain information sufficiently detailed to allow the Member States' customs authorities to assess the accuracy of the declared net, free-at-Union-frontier price, before duty, of the steel shoes referred to in Article 1(1).

3. Member States shall, on a monthly basis, inform the Commission of the net, free-at-Union-frontier price, before duty, declared for the steel shoes referred to in Article 1(1) imported as part of a track chain referred to in Articles 1(1).

⁽¹⁹⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

Article 3

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/780 imposing a provisional anti-dumping duty on imports of steel track shoes originating in the People's Republic of China shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

The product exclusion under Article 1(2) shall also apply to the provisional anti-dumping duty under Implementing Regulation (EU) 2025/780.

Article 4

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

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

Done at Brussels, 17 October 2025.

For the Commission
The President
Ursula VON DER LEYEN
