



2025/2589

19.12.2025

COMMISSION IMPLEMENTING REGULATION (EU) 2025/2589

of 18 December 2025

imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of choline chloride 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 31 October 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of choline chloride 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 17 September 2024 by Balchem Italia Srl ('Balchem') and Taminco BV ('Taminco') ('the complainants'). The complaint was made by the Union industry of choline chloride 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 the product concerned subject to registration by Commission Implementing Regulation (EU) 2025/92 ⁽³⁾ ('the registration Regulation').

1.3. Provisional measures

- (4) In accordance with Article 19a of the basic Regulation, on 2 June 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. Interested parties were invited to comment on the accuracy of the calculations within three working days.
- (5) Although the invitation for comments was limited to the accuracy of the calculations ⁽⁴⁾, three exporting producers, Jinan Pharmaceuticals ('Jinan'), Shandong Aocter Feed Additives Co. Ltd. ('Aocter'), Shandong FY Feed Technology Co., Ltd. ('FY Feed') and its related company, Shandong Yinfeng Biological Technology Co., Ltd ('YB'), and one unrelated importer, Kirsch Pharma GmbH ('Kirsch'), submitted a number of comments on substance. These comments were subsequently repeated after the provisional disclosure and are addressed below in Sections 1.4 and 2.2 below.

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

⁽²⁾ OJ C, C/2024/6602, 31.10.2024, ELI: <http://data.europa.eu/eli/C/2024/6602/oj>.

⁽³⁾ Commission Implementing Regulation (EU) 2025/92 of 20 January 2025 making imports of choline chloride originating in the People's Republic of China subject to registration (OJ L, 2025/92, 21.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/92/oj).

⁽⁴⁾ The pre-disclosure document explicitly states that: 'Comments should be limited to the accuracy of calculations. At this stage, the Commission only takes comments regarding clerical errors into consideration. These include errors in addition, subtraction, or other arithmetic function, error resulting from inaccurate copying, duplication, application of inconsistent units of measurement or conversion rates and any other similar type of error which the Commission considers to be clerical. Any other comments will be considered only after the disclosure of provisional measures'.

- (6) On 30 June 2025, the Commission imposed provisional anti-dumping duties on imports of choline chloride originating in the People's Republic of China by Commission Implementing Regulation (EU) 2025/1288 ⁽⁵⁾ ('the provisional Regulation').

1.4. Subsequent procedure

- (7) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), one unrelated importer, Kirsch, and three exporting producers, Jinan, FY Feed and Aocter, and the China Chamber of Import/Export of Foodstuffs, Native Produce and Animal By-products ('CFNA') ⁽⁶⁾ filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation.
- (8) The parties who so requested were granted an opportunity to be heard. Hearings took place with the unrelated importers Van Eeghen NV (hereafter 'Van Eeghen') and Kirsch.
- (9) In its comments to the provisional measures, CFNA submitted that the Commission had failed to adequately disclose its determination of the scope of the Union industry, did not disclose any key data regarding the Union industry's production capacity, output, sales, exports, and consumption of different forms of choline chloride, and did not disclose the specific methodology used to calculate the dumping margin (only disclosing the profit margin and environmental and labour costs). It found and criticised that the disclosed information was limited to the final conclusions without revealing the underlying reasoning or calculation process and considered that this constitutes procedural defects of insufficient disclosure, rendering the review procedure substantially meaningless, excluding interested parties from information access, preventing them from examining and verifying the Commission's preliminary determination, and from raising substantial challenges or counter-evidence, which seriously damaged the ability of interested parties including CFNA to reasonably exercise defense rights, and undermining procedural justice. After final disclosure, some of these comments were repeated.
- (10) The Commission disagreed. It clarified that the calculations of dumping and injury are company specific and they contain confidential details, therefore, the confidential details are only disclosed to the parties concerned. The methodologies underlying these calculations and the resulting duty levels are, however, fully explained in Sections 3.5 and 6.1 of the provisional Regulation, for dumping and injury margins respectively. The Commission had also, in the provisional Regulation, explained the determination of the Union industry.
- (11) The Commission also provided and assessed the key data of the Union industry that CFNA submitted it found to be missing and explained the sources of these data.
- (12) 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.
- (13) 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 choline chloride originating in the People's Republic of China ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure. Parties who so requested were also granted an opportunity to be heard.
- (14) Following final disclosure, Aocter, CFNA, FY Feed, Kirsch and YB submitted comments. A hearing took place with Kirsch.

⁽⁵⁾ Commission Implementing Regulation (EU) 2025/1288 of 27 June 2025 imposing a provisional anti-dumping duty on imports of choline chloride originating in the People's Republic of China (OJ L, 2025/1288, 30.6.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1288/oj).

⁽⁶⁾ CFNA represents in this proceeding exporting producers: Taian Havay Chemicals Co., Ltd, Liaoning Biochem Co., Ltd., Shandong Aocter Feed Additives Co., Ltd. and Shandong FY Feed Technology Co., Ltd.

1.5. Claims on initiation

- (15) In the absence of any comments on initiation, the conclusions set out in recitals (6) to (12) of the provisional Regulation were confirmed.

1.6. Sampling

- (16) In the absence of any comments on sampling, the conclusions in recitals (13) to (17) of the provisional Regulation were confirmed.

1.7. Questionnaire replies and verification visits

- (17) The Commission corrected a clerical error in recital (20) of the provisional Regulation. Not one unrelated importer and one user, but rather two importers of the product under investigation (Kirsch and Van Eeghen) submitted a questionnaire reply.
- (18) With that change, and in the absence of any comments, recitals (18) to (21) of the provisional Regulation were confirmed.

1.8. Investigation period and period considered

- (19) It is recalled that the investigation period runs from 1 October 2023 to 30 September 2024 and the period considered from 1 January 2021 to the end of the investigation period. In the absence of any comments, recital (22) of the provisional Regulation was confirmed.

2. PRODUCT CONCERNED AND LIKE PRODUCT**2.1. Product under investigation, product concerned and like product**

- (20) In the absence of any comments, recitals (23) to (30) of the provisional Regulation were confirmed.

2.2. Claims regarding product scope

- (21) Following pre-disclosure and the imposition of provisional measures, comments regarding the product scope were submitted in writing and/or presented in a hearing by the exporting producer Jinan, the unrelated importers Kirsch and Van Eeghen, CFNA, the complainants and Algrý Química.

2.2.1. Claims to exclude choline chloride destined for food applications**2.2.1.1. Claims and views of interested parties on these claims**

- (22) Jinan, Kirsch and Van Eeghen reiterated the claim already made at the provisional stage that food grade and feed grade choline chloride should be considered as distinct products in view of the existing differences in term of production process, purity and different market behaviour, including prices. In view of these differences, they insisted that food grade choline chloride should be excluded from the measures. The complainants and Algrý Química supported the Commission's provisional decision not to exclude food grade choline chloride from the product scope of the investigation.
- (23) With regard to the production process, in recital (34) of the provisional Regulation the Commission found that choline chloride for human consumption and choline chloride for feed applications are manufactured in the same way, but that choline chloride sold to the food industry has higher testing standards and need test certificates. In its comments to the provisional measures, Van Eeghen underlined that the production process of food grade choline chloride is more structured and implies higher investments and production costs, is subject to a stricter quality control and its packaging has technical features which are not present in that of feed grade choline chloride. Kirsch also claimed that the production costs of food grade choline chloride are inherently higher than those for feed grade.

- (24) The complainants submitted that choline chloride, in whatever form, purity and concentration, derives from the same raw materials and is obtained by the same chemical process, resulting eventually in the same chemical output. Therefore, it considered that choline chloride for feed applications and choline chloride for food applications represent two types of the same product. Algrý Química, the sole Union producer that served both markets in the period considered, declared to produce liquid choline chloride for feed and food applications, both deriving from the same production process. It however noted that the food grade receives a further processing for centrifugation and crystallisation, entailing additional production costs.
- (25) With regard to purity, Jinan, Van Eeghen and Kirsch claimed that food grade choline chloride is a pure substance in the form of crystals or crystallin powder, with a purity level above 98 %, while feed grade choline chloride has a lower level of purity, usually below 90 %. This claim was contested by the complainants⁽⁷⁾, who submitted that the purity criteria for food grade choline chloride is essentially the same as those set for choline chloride for feed applications. That conclusion was based on a comparison of the purity requirements for feed grade choline chloride as laid down in Commission Implementing Regulation (EU) No 795/2013⁽⁸⁾ concerning the authorisation of choline chloride as a feed additive for all animal species, on the one hand, and, on the other, Article 5(3) of Regulation (EC) No 1925/2006 of the European Parliament and of the Council⁽⁹⁾ on the addition of vitamins and minerals and of certain other substances to foods, Article 4(4) of Directive 2002/46/EC of the European Parliament and of the Council⁽¹⁰⁾ on the approximation of the laws of the Member States relating to food supplements and Article 15(5) of Regulation (EU) No 609/2013 of the European Parliament and of the Council⁽¹¹⁾ on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control.
- (26) Van Eeghen and Kirsch further claimed, with reference to the Food Chemical Codex (FCC)⁽¹²⁾, that food grade choline chloride has higher standards in terms of testing and quality controls to certify the purity level required by the applicable regulations for human consumption. The complainants contested that the different testing standards for food grade choline chloride would result in significantly higher costs.
- (27) In view of the differences in purity level, production process and different end-uses, Jinan, Van Eeghen and Kirsch claimed that the price level and market behaviour of food grade choline chloride is substantially different from that of feed grade choline chloride. In their submissions, Jinan and Kirsch claimed that the price of food grade choline chloride is 5 to 8 times higher than that of feed grade choline chloride. The difference in pricing would be due to higher requirements in purity level and additional phases in the production process.
- (28) The complainants submitted that the use of choline chloride (for feed or food) is not a major cost driver, since the same raw materials and chemical process are used to obtain both types of choline chloride. According to the complainants, the primary cost factors impacting the unit price are the form (e.g. crystalline powder, choline chloride on a carrier) and volume.
- (29) Algrý Química submitted that the sale price of food grade choline chloride is indeed higher than feed grade choline chloride, reflecting the additional processing costs and the specific market behaviour of food grade customers. Algrý Química did however neither quantify the additional costs, nor the price difference between the two different product types.

⁽⁷⁾ Submission registered with TRON reference t25.007798.

⁽⁸⁾ Commission Implementing Regulation (EU) No 795/2013 of 21 August 2013 concerning the authorisation of choline chloride as a feed additive for all animal species (OJ L 224, 22.8.2013, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2013/795/oj).

⁽⁹⁾ Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (OJ L 404, 30.12.2006, p. 26, ELI: <http://data.europa.eu/eli/reg/2006/1925/oj>).

⁽¹⁰⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51, ELI: <http://data.europa.eu/eli/dir/2002/46/oj>).

⁽¹¹⁾ Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35, ELI <http://data.europa.eu/eli/reg/2013/609/oj>).

⁽¹²⁾ Evidence provided is subject to copyright and cannot be disclosed.

- (30) Kirsch further submitted that there is insufficient EU production capacity for food-grade choline chloride to meet Union market demand. This claim was however not substantiated by evidence. On this issue, the complainants informed the Commission that they can produce choline chloride for the food market with very low additional investments and in a short time. They submitted that they would be ready to do so if the demand is there and the market conditions are fair. Also, Algrý Química submitted that it would increase its output, if the market conditions are fair, in case of demand.
- (31) Van Eeghen also claimed that the investigation should follow the approach adopted by the Commission Decision 2012/343/EU ⁽¹³⁾ on imports of soy protein from PRC, where the Commission made a distinction between food and feed use and the product scope was reduced following a request by the complainant. Van Eeghen also made reference to settled case-law, elaborating from the Judgement of the General Court, 28 February 2017, *Yingli Energy*, Case T-160/14, ECLI:EU:T:2017:125, para. 111 ⁽¹⁴⁾, the Judgement of the General Court, 25 January 2017, *Rusal Armenal ZAO*, Case T-512/09 RENV, ECLI:EU:T:2017:26, para. 151 ⁽¹⁵⁾ and the Judgement of the General Court, 21 June 2023, *Guangdong Haomei New Materials and Guangdong King Metal Light Alloy Technology*, Case T-326/21, ECLI:EU:T:2023:347, para. 66 ⁽¹⁶⁾.
- (32) In recital (35) of the provisional Regulation reference was made to a submission of Algrý Química which pointed at the risk of circumvention of the measures on feed grade choline chloride if food grade choline chloride would be excluded from the measures. After the imposition of provisional measures, Van Eeghen considered that the risk of circumvention is negligible, since it considered that the differences in form, pricing and packaging between the two types of applications would allow custom checks to easily distinguish between the two types of the product concerned. Kirsch submitted that diverting food grade choline chloride into feed grade choline chloride would not be economically convenient and practically viable due to the regulatory requirements applicable to the food grade product types. After final disclosure, Kirsch submitted that the risk of circumvention of the measures in case of exclusion of food grade choline chloride is negligible as circumvention can easily be prevented.
- (33) The complainants disagreed and considered the risk of circumvention real and present. This would be in essence because of (i) a very similar purity between the two products; (ii) the fact that all producers active on the Union market can produce it; and (iii) the fact that liquid choline chloride could be imported into the Union in a liquid form allegedly for crystallisation, i.e. for the food market thus duty free, but once customs cleared, it could be sold to the feed market.

2.2.1.2. Analysis of the comments by the Commission

- (34) As a preliminary comment, the Commission recalled that an important rule for determining whether product types constitute a single product is that they share the same basic physical, technical and/or chemical characteristics. In other words, the existence of different production processes, if any, are not *per se* relevant in determining whether a product type is a distinct product, provided that the product types obtained from these processes are alike in terms of the basic physical, technical and chemical characteristics. In the same vein, a different end-use may not be a decisive factor if the basic physical, technical and chemical characteristics are the same and differences in costs and prices do not *per se* justify the conclusion that a certain product group should be considered as a different product, as long as this type shares the same basic physical, technical and chemical characteristics as the product concerned.
- (35) On substance, the Commission acknowledged that both sides agree that the first phase of the production process is similar or identical for both food grade and feed grade choline chloride, with the subsequent production of food grade choline chloride entailing stricter requirements than feed grade choline chloride in terms of testing and

⁽¹³⁾ Commission Decision 2012/343/EU of 27 June 2012 terminating the anti-dumping proceeding concerning imports of certain concentrated soy protein products originating in the People's Republic of China (OJ L 168, 28.6.2012, p. 38, ELI: <http://data.europa.eu/eli/dec/2012/343/oj>).

⁽¹⁴⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62014TJ0160>.

⁽¹⁵⁾ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62009TJ0512\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62009TJ0512(01)).

⁽¹⁶⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62021TJ0326>.

quality controls. Likewise, the centrifugation and crystallisation processes represent a further processing step from liquid into solid after the purification process of choline chloride for food grade. Notwithstanding that food grade choline chloride could undergo a specific purification and subsequent drying process, the purity level does not constitute a distinctive mark between the two product types ⁽¹⁷⁾. In view of these considerations, the Commission considered the production process for the two product types not fundamentally different.

- (36) The Commission noted that food grade and feed grade choline chloride have different sale prices which are defined by different customer groups and, also, additional production, testing and certification steps for the food grade product types. These additional steps however appear to be limited and no interested party submitted verifiable figures showing the difference in production costs. In any event, as explained in recital (34) above, even a markedly different selling price does not constitute an element to justify the exclusion of a product type from the product scope.
- (37) The Commission recalled that the food grade market is relatively small and is estimated to account for 5 % of the Union market at most. Therefore, and in view of the fact that the three Union producers all indicated that they have the capacity and willingness to serve the food market once a level playing field is established, the Commission considered that the security of supply for food grade choline chloride is not at risk.
- (38) The Commission finally noted that the risk of circumvention could materialise in different ways, noting that form, price and packaging could be adapted for that purpose may the food grade choline chloride be excluded from the product scope.
- (39) With regard to Van Eeghen's claim summarised in recital (31) above, the Commission noted that in Decision 2012/343/EU the request of the complainant to exclude simple soy protein concentrates of a kind used in animal feeding from the product scope had been accepted in view of inconsistent data concerning the EU industry, taking into account the clear technical, chemical and market-related differences between the two types of soy protein. The Commission considered the inconsistency of data as a relevant factor triggering the reduction of product scope in the Decision 2012/343/EU. In that case, following the limitation of the product scope, the sole company producing the product type excluded from the product scope was considered no longer part of the Union industry as it only produced the excluded product type. The Commission considered that the circumstances leading to the limitation of the product scope and the revision of the Union industry in that soy protein case do not apply in this proceeding, since Algry Quimica, a Union producer of choline chloride, produces both food and feed grade choline chloride and the complainants have indicated that they can and will produce it once that becomes economically viable. Therefore, the claim of Van Eeghen that the current product exclusion request should be accepted in view of the Commission's course of action as summarised in Decision 2012/343/EU is rejected.

2.2.1.3. Conclusion

- (40) As explained in recital (26) of the provisional Regulation, choline chloride is produced in three subsequent reaction processes. First, methanol and ammonia react to form trimethylamine ('TMA'). TMA is then reacted with hydrochloric acid ('HCl') to form trimethylamine hydrochloride. Third, trimethylamine hydrochloride reacts with ethylene oxide to form liquid choline chloride. This is chemically the only way to produce choline chloride and sets the basic chemical characteristics, no matter the grade, form or use. The same raw materials and the same reaction chemistry is used to produce choline chloride – whether in its final form it is for feed or for human use. Once liquid choline chloride is so made, it can be used for both feed and food applications.
- (41) The Commission analysed the arguments submitted in support of the claim for the exclusion of food grade choline chloride from the product scope in recitals (34) to (37) above. It confirmed the homogeneity of the product scope in this investigation. In addition, the Commission concluded that restricting the measures to feed grade choline chloride only had the potential to undermine the effectiveness of the measures at the expense of the Union industry by creating a risk of circumvention.

⁽¹⁷⁾ According to the *Assessment of the feed additive consisting of choline chloride for all animal species for the renewal of its authorisation* released by EFSA, 'the current authorisation sets a minimum purity content of choline chloride in the active substance of 99 % on anhydrous basis'.

2.2.2. *Other product scope claims*

- (42) After the imposition of provisional measures, CFNA claimed that the Commission should limit the product scope only to one of the two types of the product under investigation, i.e. primary or processed choline chloride, or alternatively to conduct independent assessments. CFNA submitted that primary choline chloride (not mixed with carriers) and processed choline chloride have different market dynamics, as the primary choline chloride offers the EU market with supply chain diversification and price competitiveness, while the processed choline chloride enter in direct competition with EU producers.
- (43) In the Notice of Initiation, the Commission announced that the product under investigation is choline chloride, in all forms and purities, whether or not on a carrier, with a minimum choline chloride content of 30 % by weight, excluding calcium phosphoryl choline chloride tetrahydrate. Interested parties were informed that comments on the product scope should be provided to the Commission within 10 days of the date of publication of the Notice of Initiation. CFNA had not provided any comments until the submission referred to in the previous recital. Moreover, its claim of different market dynamics was not substantiated. The claim of CFNA is therefore rejected.

2.2.3. *Conclusion on product scope*

- (44) On the basis of the above, recitals (31) to (36) of the provisional Regulation were confirmed.

3. DUMPING

- (45) Following provisional disclosure, the sampled exporting producers Aocter, FY Feed, YB and CFNA and the unrelated importer Van Eeghen commented on the provisional dumping findings.
- (46) Van Eeghen added to their product exclusion request (see Section 2.2.1 above) that there was no evidence of dumping in relation to food grade of choline chloride.
- (47) The Commission noted that Van Eeghen failed to substantiate its request. Moreover, the Commission recalled that where the product exclusion request in relation to food grade choline chloride is rejected (recital (41)), the question of calculating a separate dumping margin for food grade choline chloride is moot.

3.1. **Normal value**

- (48) The details of the calculation of the normal value were set out in recitals (45) to (141) of the provisional Regulation.

3.1.1. *Existence of significant distortions*

- (49) Following provisional disclosure, CFNA commented on the existence of significant distortions in the PRC.
- (50) CFNA argued that the so-called market distortions lack basis, and the documents cited in the complaint do not prove the existence of so-called distortions affecting China's choline chloride industry. They reiterated that (i) China's choline chloride industry is mainly privately owned; (ii) the government does not participate in or support the choline chloride industry; and (iii) even if state-owned shares exist, they are limited to investment rights (such as dividend rights) and do not involve enterprise operations.
- (51) Regarding these claims the Commission recalls that in recitals (54) to (77) of the provisional Regulation it examined on its own right whether the choline chloride sector in the PRC is subject to significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation. That analysis covered the examination of the substantial government interventions in China's economy in general, but also the specific market situation in the relevant sector including the product concerned.

- (52) Indeed the issues referred in claims (i) and (iii) of CFNA were examined by the Commission in recitals (55) to (64) of the provisional Regulation where it was assessed whether the choline chloride sector in the PRC is being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the Chinese authorities, within the meaning of the first indent of Article 2(6a)(b) of the basic Regulation. It was established, therein, that at least one choline chloride producer, i.e. Tianli Energy, was controlled by a state-owned enterprise ('SOE') and that Sinochem Group and Sinopec Group, both central SOEs, produce ethylene oxide necessary to produce choline chloride. Also, another producer Shandong Hualu Huasheng Chemical Co., Ltd, of which 32,08 % of its shares are state-owned, is the largest Chinese domestic producer of trimethylamine, another input to produce choline chloride.
- (53) Regarding the issues referred in claim (ii) of CFNA, these were examined by the Commission in recitals (65) to (77) of the provisional Regulation in the context of the second and third indent of Article 2(6a)(b) of the basic Regulation, where it was concluded that the government of China ('GOC') has measures in place to induce operators to comply with the public policy objectives of supporting encouraged industries. Such measures affect the chemical industry in China, which in turn includes and affects the choline chloride industry in China. Such measures impede market forces from operating freely.
- (54) On the basis of the above, the claims of CFNA were dismissed. In the absence of any other comments recitals (45) to (103) of the provisional Regulation were confirmed.

3.1.2. *Representative country*

- (55) No comments were received as to the choice of the appropriate representative country in accordance with Article 2(6a)(a), first indent of the basic Regulation. Thus, the conclusions in recitals (104) to (114) of the provisional Regulation were confirmed.

3.1.3. *Factors of production*

- (56) After provisional disclosure, Aocter claimed that for the sake of determining manufacturing overheads the Commission had double-counted certain cost items. The claim was rejected by the Commission. The underlying details of that claim were sensitive and were therefore addressed by the Commission in a sensitive reply to Aocter.
- (57) After final disclosure, Aocter reiterated that the Commission had still double-counted certain research and development costs, which were reflected under manufacturing overheads in the dumping calculation.
- (58) The Commission confirmed that research and development costs were not double-counted when constructing the normal applicable to Aocter, as already pointed out in the final disclosure.

3.1.3.1. *Corn cob powder*

- (59) Following provisional disclosure, FY Feed and YB claimed that the data disclosed at 8-digit commodity code level, were no sufficient basis to obtain a representative benchmark for corn cob powder. Moreover, according to FY Feed and YB, the import price and the export price of corn cobs might be distorted because the Brazilian and Mexican corn industry benefitted from subsidies and other government support. As a consequence, FY Feed and YB requested to consider using the import price of corn cob powder from Malaysia as a more appropriate benchmark, given that Malaysia's import volume was the highest among the four initially proposed representative countries, which were Mexico, Thailand, Brazil, and Malaysia.
- (60) The Commission considered the claims made by FY Feed and YB as inconsistent. The volumes underlying the Brazilian export prices of materials including corn cob powder were much greater (more than 487 000 tonnes) than Malaysia's import volumes from undistorted sources (under 20 000 tonnes), which FY Feed and YB considered a more appropriate basis for determining a benchmark in relation to corn cob powder. Moreover, FY Feed and YB failed to provide any analysis substantiating to what extent the alleged subsidies may have impacted the Brazilian import and export prices of corn cob powder. The Commission therefore rejected the claims and the benchmark stated in the provisional Regulation was thus confirmed. The claim regarding any subsidies to the Mexican corn industry was considered irrelevant, as the Commission did not propose to use Mexican data.

3.1.3.2. Choline chloride, 50 % liquid

- (61) Following provisional disclosure, FY Feed and YB claimed that the benchmark price for choline chloride 50 % liquid ('CC50') was neither reasonable nor representative. No non-confidential summary of that claim was provided by FY Feed and YB. Moreover, the Commission recalled that, as pointed out in the second note on the sources for the determination of the normal value, that a significant proportion of the total imports of CC50 into Brazil, Malaysia, Mexico or Thailand originated in China. Therefore, the import prices of CC50 into these respective countries appear to be, on the one hand, distorted by the significant volumes of imports from China, and on the other hand, unreliable due to the insignificant volumes from other third countries. For this reason, the Commission considered it more appropriate to use the broadest possible volume of transactions to establish a reliable and undistorted basis for a benchmark. Therefore, the Commission confirmed the use of the price of imports from all countries into all countries (excluding China and countries listed in Annex 1 of Regulation (EU) 2015/755 of the European Parliament and of the Council ⁽¹⁸⁾) as an international benchmark. The claim was therefore dismissed.
- (62) After final disclosure, FY Feed and YB reiterated their claim, saying that the unit price of CC50 proposed by the Commission was unreasonably high. These parties, referred to the customs classification of finished choline chloride, which encompassed both animal feed grade and food use grade, of which prices varied significantly, and of 50 % liquid choline chloride, which was the intermediate product used to produce finished choline chloride. Both products were classified under the same HS code 2923 10. This overlapping classification made it impossible to differentiate the respective data for the two aforementioned product types, thereby distorting the import data specifically for CC50 and contributing to the currently inflated benchmark prices.
- (63) The Commission referred to the previous recital (61) and reconfirmed that in certain cases, for the sake of determining benchmarks, it is necessary to rely on the broadest possible volume of transactions to establish a reliable and undistorted basis for a benchmark. The renewed claim was therefore rejected.
- (64) Furthermore, after final disclosure FY Feed and YB proposed that the cost and consumption of CC50 should be restored to reflect the upstream raw material costs and consumptions based on the verified data of YB.
- (65) The Commission notes that when constructing a normal value based on cost of production reflecting benchmarks in accordance with Article 2(6a)(a) of the basic Regulation, it is necessary to reflect the factors of production that are used by the exporting producer as such. In the case at hand the legal entity which was the exporting producer was FY Feed, which used indeed CC50 for the applied production step. Therefore, it was impossible to reflect the costs and the factors of production incurred by the upstream supplier YB, as the parties have invoked. Thus, the Commission rejected this proposal.

3.1.3.3. Steam

- (66) Pursuant to provisional disclosure, Aocter claimed that the characteristics of the steam used by Aocter resulted in a more favourable energy efficiency than expressed by the provisional benchmark.
- (67) The Commission accepted the claim. The underlying benchmark calculation was sensitive in that it related to the specific situation of Aocter. The thus calculated steam benchmark, which was only applied to Aocter, amounted to [400 – 450] CNY/tonne.

3.1.3.4. Labour

- (68) Pursuant to provisional disclosure, FY Feed and YB opposed to using the labour cost of 2022, amounting to 97,98 CNY per hour. FY Feed and YB retrieved from the ILO database 24,18 CNY per hour for the year 2023, and 24,27 CNY per hour for the year 2024, applying to the industrial sector in Brazil. For the Brazilian manufacturing industry, FY Feed and YB retrieved 24,30 CNY per hour and 24,28 CNY for the years 2023 and 2024 respectively.

⁽¹⁸⁾ 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>).

- (69) The Commission agreed with FY Feed and YB and used the simple average labour cost per hour of both the industrial and the manufacturing sector in the years 2023 and 2024 as an updated benchmark. The result was 24,26 CNY per hour. The corrected benchmark was applied to all sampled exporting producers.

3.2. Export price

- (70) Following provisional disclosure, Aocter submitted claims concerning the Commission's calculation of the export price. The Commission partly accepted these claims. The underlying details of the claims were sensitive and were therefore addressed in a sensitive reply to Aocter.

3.3. Comparison

- (71) In the absence of any comments, the findings set out under recitals (148) to (151) of the provisional Regulation were confirmed.

3.4. Dumping margins

- (72) As described in recitals (67), (69) and (70), following claims from interested parties, the Commission revised the dumping margins.

- (73) 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 (%)
Aocter	205,5
FY Feed	510,3
YB	510,3
Other cooperating companies	364,8
All other imports originating in the People's Republic of China	510,3

4. INJURY

4.1. Definition of the Union industry and Union production

- (74) After provisional disclosure, CFNA reiterated its position stated in recital (160) of the provisional Regulation that dryers of the product under investigation should be considered as producers, as it considered the drying activity as a substantial production phase. However, its comments on dryers to be considered part of the Union industry did not bring further elements to invalidate the Commission's analysis in recitals (161) to (163) of the provisional Regulation. Therefore, the Commission confirmed that dryers are not included in the definition of the Union industry for the purpose of this investigation, since dryers did not cooperate in the investigation, the drying process does not result in any meaningful changes to the chemical composition and, out of the three EU producers, two of them were fully integrated, including the drying process in their activities. CFNA's subsidiary claim that the Commission should conduct an independent assessment on the existence of material injury on dryers, separated from the analysis made for producers, became therefore moot.

- (75) Kirsch claimed that the two complainants are active only in the feed grade segment, and their market share refers only to this segment, letting the food grade segment not sufficiently covered by the investigation. Therefore, Kirsch requested the Commission to conduct a separate analysis for the two grades to establish whether the food grade segment is injured. After final disclosure, CFNA also submitted that a segmented analysis should be made as prices and customer groups of feed and food grade choline chloride are different.

- (76) The Commission recalled, as explained in recital (183) of the provisional Regulation, that the macro-data presented in that Regulation comprise all three Union producers, i.e. they include the data of Algry Química that had significant production and sales in the food grade segment. Furthermore, the Commission confirmed in recitals (40) and (41) above that food and feed grade choline chloride should be considered one single product for the purpose of this investigation. In addition, the Commission noted that the conditions for a segmented injury analysis, as spelled out in recital (165) of the provisional Regulation, are not met as there are representative Union industry sales and imports from the country concerned in both segments. Finally, any possible price differences between the two types of products are already taken into account in the dumping and injury margin calculations as those types are reported separately by the interested parties. On that basis, the conditions for a segmented analysis between food grade choline chloride and feed grade choline chloride are not met and the claim is rejected.
- (77) In absence of other comments, the Commission confirmed its conclusions set out in recitals (158) to (166) of the provisional Regulation.

4.2. Union consumption

- (78) In absence of comments on Union consumption, the Commission confirmed the conclusions set out in recitals (167) to (170) of the provisional Regulation.

4.3. Imports from the country concerned

- (79) CFNA criticised the Commission's method to establish import volumes and values on the basis of imports under one particular tariff code, as choline chloride is imported under several CN codes, some of which also include other products. A detailed explanation describing that methodology was the subject of Note to the File t25.005185, which had been made available to interested parties on the same day as the provisional Regulation. In particular, CFNA claimed that the vast majority of Chinese imports would be in the form of feed additives with carriers, which are not included under CN code 2923 10 on which, it claimed, the Commission's analysis was based. Therefore, it submitted that CN code 2923 10 cannot completely reflect the import situation of the product concerned. After final disclosure, FY Feed and Yinfeng submitted that HS code 2923 10 encompasses the classification both finished choline chloride and 50 % choline chloride, claiming that imports data could be distorted.
- (80) The Commission clarified, as stated in recital (171) of the provisional Regulation and in the mentioned Note to the File, that it had not based its analysis on CN code 2923 10 but on the 10-digit TARIC code 2923 10 00 90, which concerns choline chloride only. In addition, CFNA, FY Feed and Yinfeng did not propose any alternative methodology to establish import volumes and prices. CFNA and FY Feed and Yinfeng comments were therefore rejected.
- (81) After final disclosure, CFNA pointed out that the export price trend pictured by imports under either CN code 2923 10 or the 10-digit TARIC code 2923 10 00 90 is incomplete, as imports of choline chloride under the CN codes ex 2309 90 31, ex 2309 90 96 and ex ex 3824 99 96 are not included in such analysis.
- (82) The Commission noted that the claim was not related to the data under Table 4 of the provisional Regulation but entirely based on the Chinese UN Comtrade export prices to the Union provided by CFNA for CN code 2923 10 and those of all HS codes covering the product ⁽¹⁹⁾. The Commission noted that those prices for CN code 2923 10 and for all relevant HS codes show a similar trend. They both show an increase in 2022 and a subsequent decrease in 2023 and during the investigation period. The claim was therefore rejected.
- (83) Kirsch claimed that the volume of imports from the country concerned is similar to the volume of imports from other third countries in 2023 and during the investigation period and that therefore, the injury to the Union industry could not be attributed only to the imports from the country concerned.

⁽¹⁹⁾ TRON submission t25.007296.

- (84) The Commission clarified that imports from the country concerned amount to 20 024 tonnes in 2023 and 22 626 tonnes in the investigation period (Table 3 of the provisional Regulation), while the imports from other countries amounted to 3 962 in 2023 and 3 089 in the investigation period (Table 12 of the provisional Regulation). On that basis, the claim of Kirsch was rejected.
- (85) Kirsch also claimed, without providing any evidence, that Algry Química, the sole Union producer of food grade choline chloride, had increased the sale price of that product type over the past years, and argued that this alleged increase in sale price shows that no price suppression occurred due to imports from the PRC during the period considered. The Commission rejected the claim as the analysis detailed in recital (180) of the provisional Regulation of price suppression was a country wide analysis regarding all imports volumes and prices from the country concerned compared with the data of the Union industry concerning its overall costs of production and the resulting loss of profitability. Therefore, this claim was rejected.
- (86) Following comments on provisional disclosure concerning the underselling margin (see recital (113)), the undercutting margin, which stood between 35 % and 41 % according to recital (179) of the provisional Regulation, had to be likewise updated, showing a weighted average undercutting margin of between 31 % and 39 %.
- (87) In the absence of other comments on imports from the country concerned, the Commission confirmed the conclusions set out in recitals (171) to (178) and (180) of the provisional Regulation.

4.4. Economic situation of the Union industry

4.4.1. General remarks

- (88) In absence of any comments, the Commission confirmed recitals (181) to (187) of the provisional Regulation.

4.4.2. Macroeconomic indicators

4.4.2.1. Production, production capacity and capacity utilisation

- (89) In absence of any comments, the Commission confirmed recitals (188) to (191) of the provisional Regulation.

4.4.2.2. Sales quantity and market share

- (90) In absence of any comments, the Commission confirmed recitals (192) and (193) of the provisional Regulation.

4.4.2.3. Growth

- (91) In absence of any comments, the Commission confirmed recital (194) of the provisional Regulation.

4.4.2.4. Employment and productivity

- (92) In absence of any comments, the Commission confirmed recitals (195) to (197) of the provisional Regulation.

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

- (93) In absence of any comments, the Commission confirmed recitals (198) and (199) of the provisional Regulation.

4.4.3. *Microeconomic indicators*

4.4.3.1. Prices and factors affecting prices

(94) In absence of any comments, the Commission confirmed recitals (200) and (201) of the provisional Regulation.

4.4.3.2. Labour costs

(95) In absence of any comments, the Commission confirmed recitals (202) to (203) of the provisional Regulation.

4.4.3.3. Inventories

(96) In absence of any comments, the Commission confirmed recitals (204) to (205) of the provisional Regulation.

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

(97) In absence of any comments, the Commission confirmed recitals (206) to (211) of the provisional Regulation.

4.5. **Conclusion on injury**

(98) In light of the above, the Commission concluded, based on the findings disclosed in the provisional Regulation, that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation and that recitals (212) to (214) of the provisional Regulation were, therefore, confirmed.

5. CAUSATION

5.1. **Effects of the dumped imports**

(99) Van Eeghen claimed there is no indication of dumping of food grade choline chloride since the sale price of it increased over the past eight years.

(100) Van Eeghen claimed that, in absence of indication of dumping in the food grade choline chloride, no indication of material injury to the Union industry is present within the food grade segment. As explained in recital (47) above, the Commission rejected the claim of no dumping of that product type, inter alia, pointing at the fact that food grade choline chloride and feed grade choline chloride are considered a single product for the purpose of this investigation. The conclusion in that recital that the issue of calculating a separate dumping margin for food grade choline chloride is therefore moot applies mutatis mutandis to the findings of injury. The claim was therefore rejected.

(101) In absence of any other comments, the Commission confirmed recitals (216) to (218) of the provisional Regulation.

5.2. **Effects of other factors**

5.2.1. *Imports from third countries*

(102) Kirsch claimed that in terms of volumes, in 2023 and during the investigation period imports from other countries were similar to those from the country concerned.

(103) The Commission noted that the interpretation by Kirsch of the figures reported in the provisional Regulation regarding imports from the country concerned and other third countries is not correct. In its submission, Kirsch mentioned that imports from third countries amounted to 7 000 tonnes and those from the country concerned to 8 000 tonnes for 2023 and the investigation period. The Commission confirmed recitals (172) and (221) of the provisional Regulation, where it is stated that imports from the country concerned amounted to 20 024 tonnes in 2023 and 20 626 tonnes in the investigation period and that imports from other third countries amounted to 3 962 tonnes in 2023 and 3 089 tonnes in the investigation period. The claim of Kirsch was therefore rejected.

(104) In absence of any comments, the Commission confirmed recitals (219) to (224) of the provisional Regulation.

5.2.2. *Export performance of the Union industry*

(105) In absence of any comments, the Commission confirmed recitals (225) to (227) of the provisional Regulation.

5.2.3. *Increase of raw materials and energy prices*

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

5.2.4. *Decrease in consumption*

(107) In absence of any comments, the Commission confirmed recitals (230) and (231) of the provisional Regulation.

5.2.5. *Other factors*

(108) In absence of any comments, the Commission confirmed recital (232) of the provisional Regulation.

5.3. **Conclusion on causation**

(109) In absence of any other comments, the Commission confirmed recitals (233) to (235) of the provisional Regulation.

6. LEVEL OF MEASURES

6.1. **Injury margin**

(110) CFNA claimed that the inclusion in the injury margin of future production costs related to compliance costs linked to environmental and labour legal requirements for one of the Union producers, as per Article 7(2d) of the basic Regulation, are of doubtful occurrence as it would lack positive evidence and an objective examination and the Commission's conclusions would therefore be based on pure possibilities or presumptions. It referred to the WTO Appellate Body Report in the US – Hot Rolled Steel case⁽²⁰⁾ which noted that investigations must rely on 'affirmative, objective and verifiable' evidence, not speculation or assumptions.

(111) The Commission confirmed that the nature and amount of the costs referred to in recital (242) of the provisional Regulation has been ascertained during the verification visits of the Union producers on the basis of past occurrence. Noting the legal obligation of such costs, the Commission confirmed the certainty of the future occurrence of these costs. The claim is therefore rejected.

(112) FY Feed and YB submitted comments on the calculation of their CIF prices in the underselling calculations. In particular, they claimed that the Commission had undervalued the applicable customs duties as it would not have applied them to all relevant tariff headings which have customs duties for imports from the PRC. They claimed that this error would have undervalued that CIF price and therefore unduly increased the underselling margin.

(113) The Commission reviewed the calculations and found that indeed it had erroneously not applied the customs duty rates consistently, when found appropriate, to the export prices of the sampled exporting producers. Therefore, it corrected this clerical error which resulted in a revision of all injury margins.

(114) After provisional disclosure, Aocter submitted comments on the calculation of the CIF value used for the calculation of the injury margin, claiming that the Commission should have used the actual ocean freight of the product under investigation imported into the EU.

⁽²⁰⁾ https://www.wto.org/english/tratop_e/dispu_e/184abr_e.pdf, para. 192.

- (115) As Aocter noted in their submission, the CIF value used in the calculation of the injury margin was based on the CIF values reported by Aocter. These data were based on reasonable estimates, which were made by Aocter itself and were part of the verification that took place at the premises of Aocter. The Commission saw no reason to correct these CIF values. Thus, this claim was rejected.
- (116) In absence of any other comments, the Commission confirmed recitals (236) to (245) of the provisional Regulation.

7. UNION INTEREST

7.1. Interest of the Union industry

- (117) In the absence of comments on the interest of the Union industry, the Commission confirmed recital (251) of the provisional Regulation.

7.2. Interest of unrelated importers

- (118) In the absence of comments on the interest of unrelated importers, the Commission confirmed recital (253) of the provisional Regulation.

7.3. Interest of users

- (119) After the imposition of provisional measures, CFNA submitted that the anti-dumping duties will almost completely block imports from China which it submitted had a market share of 87 %. The measures would in CFNA's view therefore inevitably cause severe market volatility.
- (120) The Commission first noted that the Chinese market share in the investigation period was not 87 %, but [32 %-37 %], as shown in Table 3 of the provisional Regulation. Moreover, CFNA's claim was not substantiated, and the Commission also noted that the Union industry's production capacity is exceeding the consumption in the Union. On that basis, the claim that the measures would cause severe market volatility disproportionately affecting users or any other parties was rejected.
- (121) After final disclosure, CFNA commented that many users had established supply relationships with Chinese exporters and the imposition of measures would therefore nevertheless disrupt the Union supply chain. Kirsch submitted that the imposition of anti-dumping measures could affect negatively the supply chain for food grade choline chloride, with effects on the production of infant formula and clinical nutrition in the Union.
- (122) The Commission recalled that the imposition of measures would restore a level-playing field and thus ensure a stable supply chain of choline chloride, from multiple sources, in the Union market in favour of the EU users. As indicated in recital (37), the food grade market accounts for 5 % of the Union market at most and the injurious dumping had led the Union industry to focus for its survival on the large feed market. With anti-dumping measures in place, the Union industry can be expected again to also focus on the food market and use more capacity for serving it, to the benefit of the relevant user industry. On that basis, the Commission considered that the measures will not unduly affect the user supply chain. The claims from CFNA and Kirsch were therefore rejected.
- (123) In the absence of other comments on the interest of users, the Commission confirmed recital (256) of the provisional Regulation.

7.4. Conclusion on Union interest

- (124) In the absence of other comments on Union interest, the Commission confirmed recital (257) 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) In the hearing after final disclosure, Kirsch proposed a tariff rate quota for a quantity corresponding to their imports, applicable to food grade choline chloride only. Having established that there are no compelling reasons to exclude food grade choline chloride from the product scope (see Section 2.2.1 above) and that it is in the Union interest to impose measures, the Commission considered that tariff-rate quota for a specific product type would undermine the effectiveness of the measures. The Commission rejected Kirsch's request accordingly.
- (127) On the basis of the above, the definitive anti-dumping duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Company	Definitive anti-dumping duty (%)
Shandong Aocter Feed Additives Co., Ltd.	115,9
Shandong FY Feed Technology Co., Ltd.	90,0
Shandong Yinfeng Biological Technology Co., Ltd.	90,0
Other cooperating companies	94,9
All other imports originating in the People's Republic of China	115,9

- (128) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflect the situation found during this investigation in respect to these companies. These duty rates are thus exclusively applicable to imports of the product under investigation originating in the country concerned and produced by the named legal entities. Imports of the product concerned manufactured by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and should be subject to the duty rate applicable to 'all other imports originating in the People's Republic of China'.
- (129) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽²¹⁾. 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*.
- (130) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the proper application of the individual anti-dumping duties. The application of individual anti-dumping duties is only applicable upon presentation of a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this Regulation. Until such invoice is presented, imports should be subject to the anti-dumping duty applicable to 'all other imports originating in the People's Republic of China'.

⁽²¹⁾ Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu; European Commission, Directorate-General for Trade, Directorate G, Wetstraat 170 Rue de la Loi, 1040 Brussels, Belgium.

- (131) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this Regulation, the customs authorities of Member States should carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the rate of duty is justified, in compliance with customs law.
- (132) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume, in particular 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, an anti-circumvention investigation may be initiated, provided that the conditions for doing so are met. 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.
- (133) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other imports originating in the People's Republic of China should apply not only to the non-cooperating exporting producers in this investigation, but also to the producers which did not have exports to the Union during the investigation period.
- (134) Exporting producers that did not export the product concerned to the Union during the investigation period should be able to request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the investigation period; (ii) it is not related to an exporting producer that did so; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.

8.2. Definitive collection of the provisional duties

- (135) 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. Retroactive collection

- (136) As mentioned in Section 1.2 above, the Commission made imports of the product under investigation subject to registration.
- (137) 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.
- (138) Pursuant to Article 10(4)(d) of the basic Regulation, there needs to be, 'in addition to the level of imports which caused injury during the investigation period, a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied'.
- (139) For this analysis, the Commission first compared the monthly average import volumes of the product concerned during the investigation period with the monthly average import volumes during the period from the month following the investigation period until the last full month preceding the imposition of provisional measures. The Commission established an increase of Chinese imports by 34 %.
- (140) However, since the initiation of the current investigation, prices of Chinese imports have increased, and they were 29 % higher average prices in the investigation period. The Commission has no information on the file that in spite of such price increase the Union industry would be additionally injured.

(141) On that basis, and in particular in view of the significant price increase of Chinese imports since the initiation of the investigation, the Commission concluded that the conditions as set out in Article 10(4) of the basic Regulation for the retroactive application of the definitive anti-dumping duty were not met.

9. FINAL PROVISION

(142) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽²²⁾, 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.

(143) 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 choline chloride, in all forms and purities, whether or not on a carrier, with a minimum choline chloride content of 30 % by weight, excluding calcium phosphoryl choline chloride tetrahydrate with CAS number 72556-74-2, currently falling under CN codes ex 2923 10 00, ex 2309 90 31, ex 2309 90 96, ex 2106 and ex 3824 99 96 (TARIC additional codes as listed in paragraph 2 and in the Annex to this Regulation) and originating in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the products described in paragraph 1 and produced by the companies listed below, shall be as follows:

Company	Definitive anti-dumping duty (%)	TARIC additional code
Shandong Aocter Feed Additives Co., Ltd., Liaocheng City, Shandong Province	115,9	89RB
Shandong FY Feed Technology Co., Ltd, Binzhou City, Shandong Province	90,0	89RC
Shandong Yinfeng Biological Technology Co., Ltd. Zouping City, Shandong Province	90,0	89RD
Other cooperating companies listed in the Annex	94,9	See Annex
All other imports originating in the People's Republic of China	115,9	89YY

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

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

⁽²²⁾ 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 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/1288 imposing a provisional anti-dumping duty on imports of choline chloride 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.

Article 3

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

- (a) it did not export the goods described in Article 1(1) during the period of investigation (1.10.2023 to 30.9.2024);
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which could have cooperated in the original investigation; and
- (c) it has either actually exported the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.

Article 4

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, 18 December 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Chinese cooperating exporting producers not sampled:

Name	TARIC additional code
Liaoning Biochem Co., Ltd	89RE
Be-Long (North) Corporation	89RF
Shandong Jujia Biotech Co., Ltd	89RG
Taian Havay Chemicals Co., Ltd	89RH