



2024/2661

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/2661

of 14 October 2024

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

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 ('the basic Regulation') ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

- (1) By Regulation (EU) No 1039/2012 ⁽²⁾, the Council imposed anti-dumping duties on imports of aluminium radiators, originating in the People's Republic of China ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.
- (2) By Regulation (EU) 2019/59 ⁽³⁾ the European Commission ('the Commission') prolonged the definitive anti-dumping measures on imports of aluminium radiators originating in the People's Republic of China ('China') following an expiry review (the 'previous expiry review').
- (3) The anti-dumping duties currently in force are at rates ranging between 12,6 % and 56,2 % on imports from the sampled exporting producers, 21,2 % on the non-sampled cooperating companies and 61,4 % on all other companies in China.

1.2. Request for an expiry review

- (4) Following the publication of a notice of impending expiry ⁽⁴⁾ the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.
- (5) The request for review was lodged on 17 October 2023 by the International Association of Aluminium Radiator Manufacturers ('the applicant') on behalf of the Union industry of aluminium radiators in the sense of Article 5(4) of the basic Regulation. The request for review was based on the grounds that the expiry of the measures would be likely to result in recurrence of dumping and recurrence of injury to the Union industry.

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

⁽²⁾ Council Implementing Regulation (EU) No 1039/2012 of 29 October 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of aluminium radiators originating in the People's Republic of China (OJ L 310, 9.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2012/1039/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2019/59 of 14 January 2019 imposing a definitive anti-dumping duty on imports of aluminium radiators originating in the People's Republic of China following an expiry review under Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and the Council (OJ L 12, 15.1.2019, p. 13, ELI: http://data.europa.eu/eli/reg_impl/2019/59/oj).

⁽⁴⁾ OJ C 138, 21.4.2023, p. 4.

1.3. Initiation of an expiry review

- (6) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 12 January 2024 the Commission initiated an expiry review with regard to imports into the Union of aluminium radiators originating in China on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ('the Notice of Initiation') ⁽⁹⁾.

1.4. Review investigation period and period considered

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

1.5. Interested parties

- (8) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known producers in China, the authorities of China and known importers about the initiation of the expiry and invited them to participate.
- (9) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.6. Sampling

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

1.6.1. Sampling of Union producers

- (11) The Commission stated in the Notice of Initiation that it had provisionally selected a sample of Union producers.
- (12) Pursuant to Article 17(1) of the basic anti-dumping Regulation, the criterion used for the selection of the sample was the representativity in terms of volume of production and sales of the like product in the Union between 1 October 2022 and 30 September 2023.
- (13) This sample consisted of three Union producers, all located in Italy, and accounted for more than 65 % of estimated total production of the like product in the Union.
- (14) The Commission invited interested parties to comment on the provisional sample. Since no comments were received, the Commission confirmed the provisionally selected sample as the definitive sample.

1.6.2. Sampling of importers

- (15) To decide whether sampling was necessary and, if so, to select a sample, the Commission invited unrelated importers and their representative associations to make themselves known and provide the information specified in the Notice of Initiation. No unrelated importer came forward.

⁽⁹⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of aluminium radiators originating in the People's Republic of China (OJ C, C/2024/680, 12.1.2024, ELI: <http://data.europa.eu/eli/C/2024/680/oj>).

1.6.3. *Sampling of producers in China*

- (16) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all producers in China to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China to identify and/or contact other producers, if any, that could be interested in participating in the investigation. No replies were received.
- (17) Consequently, the Commission informed the authorities of China that in the absence of cooperation it intended to resort to the use of facts available under Article 18 of the basic Regulation when examining the continuation or recurrence of dumping. No response was received.

1.7. **Replies to the questionnaire**

- (18) Questionnaires for Union producers, as well as those for importers, users and producers in China were made available online on the day of the initiation.⁽⁶⁾
- (19) The Commission sent a questionnaire concerning the existence of significant distortions in China within the meaning of Article 2(6a)(b) of the basic Regulation to the Government of the People's Republic of China ('GOC').
- (20) Questionnaire replies were received from the three sampled Union producers.
- (21) Neither the GOC nor any producer in China provided a questionnaire reply.

1.8. **Verification**

- (22) The Commission sought and verified all the information deemed necessary for the determination of likelihood of continuation or recurrence of dumping and injury and of the Union interest.
- (23) The Commission carried out verification visits pursuant to Article 16 of the basic Regulation at the premises of the three sampled Union producers:
- Fondital S.p.A, Brescia, Italy;
 - Global di Fardelli Ottorino & Co, S.r.l, Bergamo, Italy;
 - Radiatori 2000 S.p.A, Bergamo, Italy.

1.9. **Subsequent procedure**

- (24) On 8 August 2024, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.
- (25) The comments made by interested parties were considered by the Commission and taken into account, where appropriate. No parties requested a hearing.

2. **PRODUCT UNDER REVIEW AND LIKE PRODUCT**

2.1. **Product under review**

- (26) The product under review is the same as in the original investigation and in the previous expiry review, namely aluminium radiators and elements or sections of which such radiator is composed, whether or not such elements are assembled in blocks, excluding radiators and elements and sections thereof of the electrical type, currently falling under CN codes ex 7615 10 10, ex 7615 10 80, ex 7616 99 10 and ex 7616 99 90 (TARIC codes 7615 10 10 10, 7615 10 80 10, 7616 99 10 91, 7616 99 90 01 and 7616 99 90 91) ('the product under review').

⁽⁶⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2711>.

2.2. Like product

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

3. DUMPING

3.1. Preliminary remarks

- (29) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether dumping was taking place during the review investigation period and whether dumping was likely to continue or recur upon a possible expiry of the measures in force.
- (30) As mentioned in recital (16), none of the producers from China cooperated in the investigation. Therefore, on 21 February 2024 the Commission informed the Chinese authorities and all interested parties that due to the absence of cooperation, the Commission intended to apply Article 18 of the basic Regulation concerning the findings with regard to China. The Commission did not receive any comments nor requests for an intervention of the Hearing Officer in this regard.
- (31) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular information in the request for review, and information obtained from cooperating parties in the course of the review investigation (namely, the applicant) and information from other publicly available sources, in particular the Global Trade Atlas ('GTA')⁽⁷⁾.

3.2. Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation for the imports of aluminium radiators originating in China

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

⁽⁷⁾ <https://www.spglobal.com/marketintelligence/en/mi/products/maritime-global-trade-atlas.html>.

3.3. Existence of significant distortions

- (35) In recent investigations concerning the aluminium sector in China ⁽⁸⁾, the Commission found that significant distortions in the sense of Article 2(6a)(b) of the basic Regulation were present.
- (36) In those investigations, the Commission found that there is substantial government intervention in China resulting in a distortion of the effective allocation of resources in line with market principles ⁽⁹⁾. In particular, the Commission concluded that in the aluminium sector, not only does a substantial degree of ownership by the GOC persist in the sense of Article 2(6a)(b), first indent of the basic Regulation ⁽¹⁰⁾, but the GOC is also in a position to interfere with prices and costs through State presence in firms within the meaning of Article 2(6a)(b), second indent of the basic Regulation ⁽¹¹⁾. The Commission further found that the State's presence and intervention in the financial markets, as well as in the provision of raw materials and inputs have an additional distorting effect on the market. Indeed, overall, the system of planning in China results in resources being concentrated in sectors designated as strategic or otherwise politically important by the GOC, rather than being allocated in line with market forces ⁽¹²⁾. Moreover, the Commission concluded that the Chinese bankruptcy and property laws do not work properly in the sense of Article 2(6a)(b), fourth indent of the basic Regulation, thus generating distortions in particular when maintaining insolvent firms afloat and when allocating land use rights in China ⁽¹³⁾. In the same vein, the Commission found distortions of wage costs in the steel sector according to Article 2(6a)(b), fifth indent of the basic Regulation ⁽¹⁴⁾, as well as distortions in the financial markets in the sense of Article 2(6a)(b), sixth indent of the basic Regulation, in particular concerning access to capital for corporate actors in China ⁽¹⁵⁾.

⁽⁸⁾ Commission Implementing Regulation (EU) 2023/112 of 18 January 2023 imposing a definitive anti-dumping duty on imports of certain aluminium road wheels originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 18, 19.1.2023, p. 66, ELI: http://data.europa.eu/eli/reg_impl/2023/112/oj); Commission Implementing Regulation (EU) 2022/402 of 9 March 2022 imposing a definitive anti-dumping duty on imports of certain aluminium foil originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 83, 10.3.2022, p. 7, ELI: http://data.europa.eu/eli/reg_impl/2022/402/oj); Commission Implementing Regulation (EU) 2021/546 of 29 March 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of aluminium extrusions originating in the People's Republic of China (OJ L 109, 30.3.2021, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2021/546/oj); Commission Implementing Regulation (EU) 2021/582 of 9 April 2021 imposing a provisional anti-dumping duty on imports of aluminium flat-rolled products originating in the People's Republic of China (OJ L 124, 12.4.2021, p. 40, ELI: http://data.europa.eu/eli/reg_impl/2021/582/oj); Commission Implementing Regulation (EU) 2021/983 of 17 June 2021 imposing a provisional anti-dumping duty on imports of aluminium converter foil originating in the People's Republic of China (OJ L 216, 18.6.2021, p. 142, ELI: http://data.europa.eu/eli/reg_impl/2021/983/oj).

⁽⁹⁾ Implementing Regulation (EU) 2022/402, recitals 50-52; Implementing Regulation (EU) 2021/582, recitals 125-131 and 185-188; Implementing Regulation (EU) 2021/983, recitals 80-86 and 140-143.

⁽¹⁰⁾ Implementing Regulation (EU) 2023/112, recital 45; Implementing Regulation (EU) 2022/402, recital 39; Commission Implementing Regulation (EU) 2020/1428 of 12 October 2020 imposing a provisional anti-dumping duty on imports of aluminium extrusions originating in the People's Republic of China (OJ L 336, 13.10.2020, p. 8, ELI: http://data.europa.eu/eli/reg_impl/2020/1428/oj), recitals 98-104; Implementing Regulation (EU) 2021/582, recitals 132-137; Implementing Regulation (EU) 2021/983, recitals 87-92.

⁽¹¹⁾ Implementing Regulation (EU) 2023/112, recital 46; Implementing Regulation (EU) 2022/402, recitals 40-42; Implementing Regulation (EU) 2021/582, recitals 138-143; Implementing Regulation (EU) 2021/983, recitals 93-98. While the right to appoint and to remove key management personnel in State Owned Enterprises ('SOEs') by the relevant State authorities, as provided for in the Chinese legislation, can be considered to reflect the corresponding ownership rights, CCP cells in enterprises, state owned and private alike, represent another important channel through which the State can interfere with business decisions. According to the China's company law, a CCP organisation is to be established in every company (with at least three CCP members as specified in the CCP Constitution) and the company shall provide the necessary conditions for the activities of the party organisation. In the past, this requirement appears not to have always been followed or strictly enforced. However, since at least 2016 the CCP has reinforced its claims to control business decisions in SOEs as a matter of political principle. The CCP is also reported to exercise pressure on private companies to put 'patriotism' first and to follow party discipline. In 2017, it was reported that party cells existed in 70 % of some 1,86 million privately owned companies, with growing pressure for the CCP organisations to have a final say over the business decisions within their respective companies. These rules are of general application throughout the Chinese economy, across all sectors, including the producers of aluminium wheels and the suppliers of their inputs.

⁽¹²⁾ Implementing Regulation (EU) 2023/112, recitals 51-63; Implementing Regulation (EU) 2022/402, recitals 43-45; Implementing Regulation (EU) 2021/582, recitals 144-166; Implementing Regulation (EU) 2021/983, recitals 99-120.

⁽¹³⁾ Implementing Regulation (EU) 2023/112, recital 64; Implementing Regulation (EU) 2022/402, recital 46; Implementing Regulation (EU) 2021/582, recitals 167-171; Implementing Regulation (EU) 2021/983, recitals 121-125.

⁽¹⁴⁾ Implementing Regulation (EU) 2023/112, recital 65; Implementing Regulation (EU) 2022/402, recital 47; Implementing Regulation (EU) 2021/582, recitals 172-173; Implementing Regulation (EU) 2021/983, recitals 126-127.

⁽¹⁵⁾ Implementing Regulation (EU) 2023/112, recital 66; Implementing Regulation (EU) 2022/402, recital 48; Implementing Regulation (EU) 2021/582, recitals 174-184; Implementing Regulation (EU) 2021/983, recitals 128-139.

- (37) Like in previous investigations concerning the aluminium sector in China, the Commission examined in the present investigation whether it was appropriate or not to use domestic prices and costs in China, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation. The Commission did so on the basis of the evidence available on the file, including the evidence contained in the request, and in the Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defence Investigations ⁽¹⁶⁾ ('Report') as well as in its updated version ('updated Report') ⁽¹⁷⁾, which relies on publicly available sources. 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 under review.
- (38) The request alleged that due to the existence of significant distortions in China, domestic prices and costs of the Chinese aluminium industry cannot be used in the present case. To support its position, the applicant referred to the Report, especially the sections concerning the aluminium sector ⁽¹⁸⁾, to previous Commission investigations of aluminium and downstream products ⁽¹⁹⁾, to Chinese legislation, as well as to additional studies.
- (39) In particular, the applicant commissioned a study, 'China Household Aluminum Radiators Industry Market Research Report' ('the Study'), updated as of October 2023. The Study showed that China is not only the world's largest producer of bauxite, the main source of aluminium, but also the world's largest producer of aluminium, and '[a]ccording to the data released by the International Aluminum Association and the International Energy Deployment, in 2020, China's aluminum production increased by 5 % year-on-year, while the rest of the world only increased by 0,3 %, and even the production of aluminum in some regions declined. China accounts for 57,2 percent of global aluminium production. Overall, China's aluminum production has shown an upward trend. China's 2022 aluminum production reached 40 million tons, once again accounting for more than half of global aluminum production. China is also one of the world's largest consumers of aluminum'.
- (40) The applicant furthermore sustained that the boom that the aluminium industry experienced in China was led by favorable government policies encouraging SOEs to enter the primary aluminum production sector and private owned enterprises to enter the aluminum manufacturing sectors.
- (41) More specifically, the request pointed out that significant regional state aid initiatives by China government also confirm the distortive nature of the China government interventions, supporting the aluminium sector in the provinces as follows:
- in Zhejiang, i) strengthen the implementation of the national tax reduction policy; ii) increase employment stability support; iii) increase support for epidemic prevention; iv) increase financing services; and v) increase support for stabilization;
 - in Shanghai, i) support the innovative development of small and medium sized enterprises; ii) assist small and medium sized enterprises in their digital transformation; iii) create an integrated development ecosystem for large, medium and small enterprises; iv) strengthen financial empowerment services for small and medium sized enterprises; v) increase efforts to rescue small and medium sized enterprises; and vi) strengthen precise services for small and medium sized enterprises;

⁽¹⁶⁾ Commission Staff working document SWD(2017) 483 final/2, 20 December 2017, available at: [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2017\)483&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2017)483&lang=en).

⁽¹⁷⁾ Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, SWD(2024) 91 final, 10 April 2024, available at: [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2024\)91&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2024)91&lang=en).

⁽¹⁸⁾ See Report – Section 15. For instance, paragraph 15.2 states that: '[t]here are numerous plans, directives and other documents pertaining to aluminium, issued at the national, regional and municipal level, clearly showing the high degree of intervention of the Chinese government in the aluminium sector. Through these and other instruments, the government directs and controls virtually every aspect of the development and functioning of the sector.'

⁽¹⁹⁾ Implementing Regulation (EU) 2021/582, recital 188; Implementing Regulation (EU) 2021/983, recital 143.

- in Shandong, i) further increase the financial support for relief efforts; ii) further promote tax and fee reductions; iii) further strengthen financing support; iv) further alleviating the pressure of rising costs; v) further optimize scientific electricity management; and vi) further expand market space.

- (42) In conclusion, the request took the position that prices or costs are not the result of free market forces because they are affected by substantial government intervention within the meaning of Article 2(6a)(b) of the Basic Regulation. On that basis, according to the request, it is not appropriate to use domestic prices and costs to establish normal value in this case.
- (43) The GOC did not comment or provide evidence supporting or rebutting the existing evidence on the case file, including the Report and the additional evidence provided by the applicant, on the existence of significant distortions and/or appropriateness of the application of Article 2(6a) of the basic Regulation in the case at hand.
- (44) Consequently, when examining in the present investigation whether it was appropriate or not to use domestic prices and costs in China, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission did so on the basis of the evidence available on the file, including the evidence contained in the request, as well as in the updated Report. The Commission further supplemented these evidentiary elements with its own research on the various criteria relevant to confirm the existence of significant distortions in China, as established also in its previous investigations in this respect.
- (45) In the sector of the product under review, a substantial degree of ownership, control, policy supervision or guidance by the GOC persists in the sense of Article 2(6a)(b), first indent of the basic Regulation. In China, enterprises operating under the ownership, control and/or policy supervision or guidance by the state represent an essential part of the economy. The GOC and the Chinese Communist Party ('CCP') maintain structures that ensure their continued influence over enterprises, and in particular SOEs ⁽²⁰⁾. However, CCP interventions into operational decision making have become the norm not only in SOEs, but also in private companies ⁽²¹⁾, with CCP claiming leadership over virtually every aspect of the country's economy.
- (46) Since there was no cooperation from Chinese exporters of the product under review, the exact ratio of the private and state-owned producers could not be determined. However, the investigation established that the sector of the product under review is served both by SOEs and private companies ⁽²²⁾. For instance, several producers are private, including the Unbeatable Group ('Unbeatable') ⁽²³⁾, Zhejiang Navas Industry and Trade, formerly known as Yongkang Sanghe Radiator ⁽²⁴⁾ ('Zhejiang Navas'), China Botai ⁽²⁵⁾ and China Flyhigh ⁽²⁶⁾, while China's largest aluminium producer, China Aluminum Corporation ('Chinalco') ⁽²⁷⁾, is a SOE, with more than 35 % of public ownership ⁽²⁸⁾.
- (47) Furthermore, the GOC exerts guidance on enterprises also by setting specific objectives and policies for the sector, which all industry participants, regardless of their private or public nature, are obliged to comply with.

⁽²⁰⁾ Updated Report – Chapter 5, p. 120-131.

⁽²¹⁾ Article 33 of the CCP Constitution, Article 19 of the Chinese Company Law. See as well updated Report – Chapter 3, p. 47-50.

⁽²²⁾ See the updated Report as well – p. 422 and p. 441.

⁽²³⁾ See at: <http://www.unbeatable.cn/> (accessed on 5 July 2024).

⁽²⁴⁾ See at: <http://www.zjsanghe.com/company> (accessed on 5 July 2024).

⁽²⁵⁾ See at: <http://cn.china-botai.com/product-507627-1.html> (accessed on 5 July 2024).

⁽²⁶⁾ See at: <http://cn.chinaflyhigh.com/company> (accessed on 5 July 2024).

⁽²⁷⁾ See at: <https://www.chinalco.com.cn/xwzx/> (accessed on 5 July 2024).

⁽²⁸⁾ See at: <https://www.chinalco.com.cn/xwzx/> (accessed on 5 July 2024).

- (48) To give an example, the Standard Conditions Applicable to the Aluminium Industry ('Standard Conditions')⁽²⁹⁾, issued by the Ministry of Industry and Information Technology ('MIIT') in 2020, set the overall framework for the operation of the aluminium industry at the central level. Nominally, the Standard Conditions pursue the objective to: '[p]romote the supply-side structural reform of the aluminium industry, promote the technological development of the industry, and promote the high-quality development of the industry' and provide that: '[b]auxite mining, alumina, electrolytic aluminium and secondary aluminium production must comply with national and local industrial policies, mineral resource plans, environmental protection and energy conservation laws, regulations and policies, mining laws, regulations and policies, safety production laws, regulations and policies, industry development plans and other requirements' ⁽³⁰⁾.
- (49) The Shandong Province 14th Five Year Plan ('FYP') on Aluminium Industry Development ('Shandong Plan')⁽³¹⁾ lists the following targets: '[b]y 2025, the value of aluminium industry output will reach RMB 800 billion, the end-products' market size shall continue to expand, with high value-added products accounting for over 60 %, and the ratio of aluminium material production volume/electrolytic aluminium production volume will exceed the national average [...]. The province will evolve into a major aluminium industrial cluster with significant domestic and overseas influence' ⁽³²⁾.
- (50) In September 2022, the Standing Committee of the People's Congress of Guangxi Zhuang Autonomous Region issued the Decision on Promoting the High-quality Development of the Aluminium Industry ('Guangxi Decision')⁽³³⁾ and specified the goals regarding cultivating leading enterprises and steering the development path of SOEs in the province: 'Cultivate and introduce a group of leading enterprises with core competitiveness. Establish an 'industrial chain leader' system in the aluminium industry, for enterprises leading the alumina and electrolytic aluminium industrial chains, to implement a comprehensive energy efficiency evaluation and incentive mechanism covering the whole industry [...] Strengthen efforts to foster small and medium-sized enterprises in the aluminium industry, focus on building up a group of specialized, professional, special and new 'little giant' enterprises in the field of aluminium deep processing, as well as champion enterprises in the field of aluminium manufacturing industry; and further promote the brand of Guangxi Aluminium. Improve the development quality and efficiency of aluminium-related state-owned enterprises, support Guangxi Investment Group and other state-owned enterprises to optimize and integrate their internal aluminium business; take and use capital to deploy the aluminium industry chain across provinces and countries via mergers and acquisitions, participating or controlling equity interest or other methods, so as to implement coordinated development of the whole industrial chain and build up leading enterprises in the aluminium industry with national influence and international competitiveness' ⁽³⁴⁾.
- (51) Not only, government control and policy supervision can be also observed at the level of the relevant industry associations. Indeed, Chinese industry associations are to guarantee that industry implements the policies of the GOC. This responsibility is confirmed by the fact that in their activity, they liaise closely with State authorities, which is reflected in their statutes.
- (52) For instance, China Non-Ferrous Metals Fabrication Industry Association ('CNFA')⁽³⁵⁾ notably states in Article 3 of its Articles of association that the organisation '[a]dheres to the overall leadership of the Communist Party of China, establishes an organization of the Communist Party of China, carries out Party activities, and provides the

⁽²⁹⁾ See at: https://www.miit.gov.cn/zwgk/zcwj/wjfb/yclgy/art/2020/art_824a381780ea4607821b89b4b848976e.html (accessed on 5 July 2024).

⁽³⁰⁾ Ibidem, Point 1.1.

⁽³¹⁾ See at: <https://h5.drcnet.com.cn/docview.aspx?version=integrated&docid=6289467&leafid=3046&chnid=1024> (accessed on 5 July 2024).

⁽³²⁾ Ibidem, Section II.3.

⁽³³⁾ See at: <https://gxrd.gov.cn/html/art175354.html> (accessed on 5 July 2024).

⁽³⁴⁾ Ibidem, point XV.

⁽³⁵⁾ See at: <https://www.cnfa.net.cn/index.aspx> (accessed on 5 July 2024).

necessary conditions for the activities of the Party organization' and 'accepts the professional guidance, supervision and management by the entities in charge of registration and management, by entities in charge of Party building, as well as by the relevant administrative departments in charge of industry management' ⁽³⁶⁾. According to Article 6, the scope of the Association's business is, inter alia, the following: '[i]n accordance with the general policy and general task of establishing a socialist market economic system put forward by the Party and the state, and in view of the actual situation of the industry, actively put forward suggestions and opinions on industry development, industry policies, laws and regulation' ⁽³⁷⁾. Moreover, the conditions to be eligible as a representative of the Association include the adhesion to the leadership of the Communist Party of China, support socialism with Chinese characteristics, resolutely implement the Party's line, principles and policies, and possess good political qualities ⁽³⁸⁾.

- (53) As to the GOC being in a position to interfere with prices and costs through State presence in firms in the sense of Article 2(6a)(b), second indent of the basic Regulation, CCP cells in enterprises, state-owned and private alike, represent an important channel through which the state can interfere with business decisions. During the investigation, the Commission established the existence of personal connections between producers of the product under review and the CCP, such as CCP members among the senior management or members of the board of directors in a number of companies manufacturing the product under review.
- (54) For instance, Chinalco's chairman and Chinalco's director and general manager, are respectively the party secretary and the party deputy-secretary of Chinalco's party organization. Not only, in 2024, all units of Chinalco Group launched the Party Discipline Study and Education: '[t]he deployment meeting of the Party Discipline Study and Education of Chinalco Group emphasized that party organizations at all levels should strengthen the combination of learning and application, combine the Party Discipline Study and Education with the implementation of the annual implementation system of the strategic planning of Chinalco Group's "4 + 4+N+ annual key projects", and strive to achieve annual goals and tasks, and effectively transform the learning results into an inexhaustible driving force for accelerating the construction of a world-class excellent aluminium company with strong comprehensive competitive advantages, and provide strong political guarantees for striving to write a new chapter of Chinalco's modernization' ⁽³⁹⁾.
- (55) Also privately owned enterprises in the aluminium radiators industry are subject to party interference. For example, the Chairman and Secretary of the Party Branch of Jiangsu Unbeatable Group Co., Ltd., was appointed in 2021 among the best 100 CCP members in Nantong Municipality ⁽⁴⁰⁾. Moreover, Qidong Municipality (situated within the territory of Nantong, in the Jiangsu province) organised CCP learning sessions with Unbeatable Group: 'In her speech, [...] said that the construction of the On-site Teaching Point of the Unbeatable Group in the High-tech Zone is closely linked to the actual situation of the district and town, in line with the characteristics of the enterprise, and fully reflects the theme of high-level party building leading high-quality development.' ⁽⁴¹⁾.
- (56) Further, policies discriminating in favour of domestic producers or otherwise influencing the market in the sense of Article 2(6a)(b), third indent of the basic Regulation are in place in the sector of the product under review.

⁽³⁶⁾ See at: <https://www.cnfa.net.cn/about/1546.aspx> (accessed on 5 July 2024).

⁽³⁷⁾ Ibidem.

⁽³⁸⁾ Ibidem, Article 21.

⁽³⁹⁾ See at: https://www.chinalco.com.cn/dqjs/dqjs_djdt/202404/t20240422_126423.html (accessed on 5 July 2024).

⁽⁴⁰⁾ See at: <https://dj.nantong.gov.cn/ntdjw/tzgg/content/67ee1ab2-abb2-4bc3-a57e-52281c699398.html> (accessed on 5 July 2024).

⁽⁴¹⁾ See at: <https://www.qddj.gov.cn/Dj/ShowInfo/ItemInfo/3996/gbjy> (accessed on 12 July 2024).

- (57) The aluminium industry keeps being regarded as a key industry by the GOC⁽⁴²⁾. This is confirmed in the numerous plans, directives and other documents focused on aluminium, issued at national, provincial, and municipal level, which have been documented in detail by the Commission in previous investigations of the sector⁽⁴³⁾, as well as in the Updated Report⁽⁴⁴⁾.
- (58) At national level, for instance, the 14th FYP on Developing the Raw Materials Industry⁽⁴⁵⁾ includes provisions ensuring availability of aluminium as raw material: 'Implement actions to overcome shortages in key materials; [...] Implement actions to consolidate and improve bulk basic materials and, on the basis of optimised production processes, guide enterprises to use the new generation information technologies such as industry internet so as to improve the overall competitiveness of [...], high-strength aluminium alloy, [...]'. The plan further calls for capacity control in the aluminium sector: 'Strictly control newly increased production capacity. Improve and strictly implement production capacity replacement policies for [...] the electrolytic aluminium sector, prevent the disorderly development of [...] and aluminium oxide'. The plan also entails geographical distribution of different industries in China, under the chapter 'Ensure guidance towards a reasonable layout'. The chapter reads as follows: 'The layout of new production capacity will be improved. [...] Implement national and regional key strategies, regional coordination development strategies, and key functional areas strategies, and encourage the raw materials industry to optimize and adjust its spatial layout. [...] Ensure the orderly layout of coastal areas with projects using overseas resources such as aluminium oxide'. The plan further talks about the creation of industrial clusters: 'Foster standardized industry clusters. [...], foster the shift in the layout of the electrolytic aluminium sector from "coal – electricity – aluminium" to "clean energy, such hydropower, wind power – aluminium"'. The plan lastly provides for a promotion of advanced technologies in the aluminium sector, promotion of the sector transformation. As can be seen from the above list, the aluminium sector is closely monitored and steered by the central government and the sector is to a large extent shaped by governmental intervention rather than by free market forces.
- (59) At local level, the extent of China's interference into the aluminium industry is more evident. One such example is the Shandong Plan, which, alongside the goals described in recital (49) above sets out support measures for the local aluminium enterprises in the following terms: 'Increase policy and regulatory support. Actively implement various national and provincial-level support policies, provide support to eligible industrial clusters, key products and key technologies. Support enterprises undertaking major national and provincial projects. Make good use of the package of policies supporting key energy transition projects, foster pioneering enterprises by providing support from aspects including fiscal incentives, land supply, green energy allocation, tax cuts, and technological innovations, and implement tax incentives for aluminium recycling. Encourage provincial-level equity investment funds to invest in the R & D and industrialisation of new key products, and attract investment from social capital'⁽⁴⁶⁾.
- (60) In Yunnan, the Yunnan Province Action Plan on Reshaping the Whole Chain of Nonferrous Metals and New Material Industries with New Advantages 2021-2023 ('Yunnan Plan')⁽⁴⁷⁾ contains, inter alia, measures to lower the operating costs of the aluminium industry by means of preferential tax policies: 'Implement preferential tax policies for the development of the western region, and duly conduct investigation and registration of relevant enterprises for the green silicon industry, green aluminium industry and non-ferrous metal deep processing industry listed in the catalogue of encouraged industries in the western region; provide unsolicited advice and services to help enterprises reduce their tax burden'⁽⁴⁸⁾.

⁽⁴²⁾ Updated Report – Part III, chapter 15, p. 427.

⁽⁴³⁾ Implementing Regulation (EU) 2023/112, recitals 51-63; Implementing Regulation (EU) 2021/582, recitals 147-155; Implementing Regulation (EU) 2021/983, recitals 102-109.

⁽⁴⁴⁾ Updated Report – Part III, chapter 15, paragraph 15.3, p. 427.

⁽⁴⁵⁾ See at: https://www.miit.gov.cn/zwgk/zcwj/wjfb/tz/art/2021/art_2960538d19e34c66a5eb8d01b74cbb20.html (accessed on 5 July 2024).

⁽⁴⁶⁾ See Section VIII.2 of the Shandong Plan.

⁽⁴⁷⁾ Available at: http://www.yn.gov.cn/zttg/lqhm/lqzc/djzc/202202/t20220223_236886.html (accessed on 5 July 2024).

⁽⁴⁸⁾ See Section IV.3(3) of the Yunnan Plan.

- (61) The Guangxi Decision, as already demonstrated in recital (50) sets out several objectives for the aluminium industry development in the province. Furthermore, it mandates that: '[b]y 2030, the ratio of aluminium production to electrolytic aluminium production will exceed 2:1, and the proportion of refined and deep processed aluminium products in aluminium products will exceed 60 %. Government bodies shall organize and implement projects to extend and strengthen the industry chain and create a profitable aluminium deep processing industry which has both quantity and quality, and focus on developing and creating advantages in the following sectors: aluminium for lightweight automobiles, aluminium for new energy sources such as photovoltaics and batteries, aluminium used for power, aluminium used for food and medicine packaging, aluminium for electronic appliances, and aluminium for construction and home furnishing. Continued support shall be provided for the development of high-end products such as aluminium for aerospace, ships, and railways [...]' ⁽⁴⁹⁾.
- (62) In addition to the above, the aluminium radiators producers have also benefitted from financial support measures, which clearly reveal the interest of the state in this sector. For instance, Zhejiang Navas benefitted from the public Guarantee of Yongkang Municipality State Owned Capital Investment holding, for a loan of RMB 10 million that was still outstanding in 2022 ⁽⁵⁰⁾.
- (63) In sum, the GOC has measures in place to induce operators to comply with the public policy objectives of supporting encouraged industries, including the production of the main inputs used in the manufacturing of the product under review. Such measures impede market forces from operating freely.
- (64) The present investigation has not revealed any evidence that the discriminatory application or inadequate enforcement of bankruptcy and property laws according to Article 2(6a)(b), fourth indent of the basic Regulation in the aluminium would not affect the manufacturers of the product under review.
- (65) The product under review is also affected by the distortions of wage costs in the sense of Article 2(6a)(b), fifth indent of the basic Regulation, as also referred to above in recital (35). Those distortions affect the sector both directly (when producing the product under review or the main inputs), as well as indirectly (when having access to inputs from companies subject to the same labour system in China).
- (66) Moreover, no evidence was submitted in the present investigation demonstrating that the sector of the product under review is not affected by the government intervention in the financial system in the sense of Article 2(6a)(b), sixth indent of the basic Regulation, as also referred above in recital (35). Even at policy level, the government deeply regulates financial measures. For instance, the Guangxi Decision mandates to: '[e]stablish a special fund for the high-quality development of the aluminium industry and increase support for the transformation and upgrading of the aluminium industry. Give full play to the guiding role of Guangxi Industrial Highquality Development Fund as well as of government industry investment funds at all levels; encourage leading enterprises in alumina and electrolytic aluminium industry and social capital to participate in the establishment of aluminium industrial investment funds to focus on supporting aluminium deep processing and high value-added aluminium industry projects. Encourage financial institutions to innovate and develop aluminium supply chain finance, technology finance, and green finance for the aluminium industry, and to implement differentiated credit support policies for alumina and electrolytic aluminium enterprises' projects such as energy conservation and emission reduction, technological transformation, industrial chain extension and repair, and comprehensive utilization of resources. Support qualified aluminium companies to be listed on domestic and foreign stock exchanges, and to be listed on the New Third Board and regional equity trading markets. Guide aluminium enterprises to receive direct financing through the bond market. Support the securitization of the debt assets of aluminium enterprises via financial leasing. Adjust and optimize the fiscal and taxation support policies for the aluminium industry; adjust the focus of support to key areas of the industry chain such as aluminium deep processing, technology research and development, supply chain security, energy conservation and emission reduction, as well as the development of recycled aluminium' ⁽⁵¹⁾.

⁽⁴⁹⁾ See Point VII of the Guangxi Decision.

⁽⁵⁰⁾ See 'Yongkang State-owned Capital Investment Holding Group Co., Ltd. 2022 Public Offering of Corporate Bonds (First Phase) to Professional Investors Prospectus', p. 145, available at http://www.sse.com.cn/disclosure/bond/announcement/company/c/new/2022-11-08/138560_20221108_L2VN.pdf (accessed on 5 July 2024).

⁽⁵¹⁾ See Point XVIII of the Guangxi Decision.

- (67) Therefore, the substantial government intervention in the financial system leads to the market conditions being severely affected at all levels.
- (68) Finally, the Commission recalls that in order to produce the product under review, a number of inputs is needed. When the producers of the product under review purchase/contract these inputs, the prices they pay (and which are recorded as their costs) are clearly exposed to the same systemic distortions mentioned before. For instance, suppliers of inputs employ labour that is subject to the distortions. They may borrow money that is subject to the distortions on the financial sector/capital allocation. In addition, they are subject to the planning system that applies across all levels of government and sectors.
- (69) As a consequence, not only the domestic sales prices of the product under review are not appropriate for use within the meaning of Article 2(6a)(a) of the basic Regulation, but all the input costs (including raw materials, energy, land, financing, labour, etc.) are also affected because their price formation is affected by substantial government intervention, as described in Parts I and II of the updated Report. Indeed, the government interventions described in relation to the allocation of capital, land, labour, energy and raw materials are present throughout China. This means, for instance, that an input that in itself was produced in China by combining a range of factors of production is exposed to significant distortions. The same applies for the input to the input and so forth.
- (70) In sum, the evidence available showed that prices or costs of the product under review, including the costs of raw materials, energy and labour, are not the result of free market forces because they are affected by substantial government intervention within the meaning of Article 2(6a)(b) of the basic Regulation, as shown by the actual or potential impact of one or more of the relevant elements listed therein. On that basis, and in the absence of any cooperation from the GOC, the Commission concluded that it is not appropriate to use domestic prices and costs to establish normal value in this case. Consequently, the Commission proceeded to construct the normal value exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks, that is, in this case, on the basis of corresponding costs of production and sale in an appropriate representative country, in accordance with Article 2(6a)(a) of the basic Regulation, as described in the following section.
- (71) No evidence or argument to the contrary has been adduced by the GOC in the present investigation.

3.3.1. *Representative country*

3.3.1.1. General remarks

- (72) The choice of the representative country was based on the following criteria pursuant to Article 2(6a) of the basic Regulation:
- A level of economic development similar to China. For this purpose, the Commission used countries with a gross national income per capita similar to China on the basis of the database of the World Bank ⁽⁵²⁾;
 - Production of the product under review in that country ⁽⁵³⁾;
 - Availability of relevant public data in the representative country;
 - Where there is more than one possible representative country, preference should be given, where appropriate, to the country with an adequate level of social and environmental protection.

⁽⁵²⁾ World Bank Open Data – Upper Middle Income, <https://data.worldbank.org/income-level/upper-middle-income>.

⁽⁵³⁾ If there is no production of the product under review in any country with a similar level of development, production of a product in the same general category and/or sector of the product under review may be considered.

- (73) The Commission issued a Note on the sources for the determination of the normal value. This Note described the facts and evidence underlying the relevant criteria, and addressed the comments received by the parties on these elements and on the relevant sources. In the Note, the Commission informed interested parties of its intention to use Türkiye as an appropriate representative country in the present case.

3.3.1.2. A level of economic development similar to China

- (74) In the Note, the Commission identified Türkiye as a country with a similar level of economic development as China according to the World Bank, i.e. they are all classified by the World Bank as 'upper-middle income' countries on a gross national income basis where production of the product under review was known to take place.
- (75) Before the publication of the Note, the Commission received comments on the representative country from the applicant which had also suggested that Türkiye would be a suitable representative country.

3.3.1.3. Availability of relevant public data in the representative country

- (76) In the Note the Commission indicated that for Türkiye, data with regard to the financial data from producers of the aluminium radiators as well as imports for relevant raw material, energy and labour are publicly available.
- (77) Thus, the Commission searched on Orbis for the availability of financial data of the producing companies in Türkiye⁽⁵⁴⁾. Readily available data was found for two producers of aluminium radiators in Türkiye: Sanica Isi Sanayi Anonim Sirketi and Peksa Profil Sanayi Ve Ticaret Anonim Sirketi. The most recent financial statements of these companies cover the financial year ending in 2022. In addition, Türkiye has available import data on needed factors of production, electricity and labour costs.
- (78) The Commission informed the interested parties with the Note that it intends to use Türkiye as an appropriate representative country and the data of the two companies recalled above, in accordance with Article 2(6a)(a), first indent of the basic Regulation in order to source undistorted prices or benchmarks for the calculation of normal value.
- (79) Interested parties were invited to comment on the appropriateness of Türkiye as a representative country and of those two companies as producers in the representative country.
- (80) The Commission did not receive any comments after the publication of the Note.

3.3.1.4. Level of social and environmental protection

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

3.3.1.5. Conclusion

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

⁽⁵⁴⁾ <https://login.bvdinfo.com/R0/Orbis>.

3.3.2. Undistorted costs and benchmarks

- (83) In the Note, the Commission listed the factors of production such as materials, energy and labour used in the production of the product under review according to the methodology explained by the applicant and reflecting the manufacturing process used in the Union. The Commission also stated that, in order to construct the normal value in accordance with Article 2(6a)(a) of the basic Regulation, it would use the GTA ⁽⁵⁵⁾ to establish the undistorted cost of most of the factors of production, notably the raw materials. In addition, the Commission stated that it would use the Turkish Statistical Institute for establishing undistorted cost of labour ⁽⁵⁶⁾, and the Energy Market Regulatory Authority of Türkiye for establishing the undistorted cost of energy ⁽⁵⁷⁾.
- (84) The Commission invited the interested parties to comment and propose publicly available information on undistorted values for each of the factors of production mentioned in that note. The Commission did not receive any comment concerning the list of factors of production after the publication of the Note.

3.3.2.1. Factors of production

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

Table 1

Factors of production of aluminium radiators

Factor of Production	Commodity Code in China	Undistorted value	Unit of measurement	Source of information
RAW MATERIALS				
Aluminium alloy (slabs and billets)	76012020	13,91 RMB/Kg	Kg	GTA
Aluminium alloy (excluding slabs and billets)	76012080	14,00 RMB/Kg	Kg	GTA
Nipple	73079910, 730799800011, 730799800012, 730799800019	98,51 RMB/Kg	Kg	GTA
LABOUR				
Labour cost	N/A	35,02 RMB per hour	hour	Turkish Statistical Institute ⁽¹⁾
ENERGY				
Electricity	N/A	1,12 RMB per kWh	Kwh	Energy Market Regulatory Authority of Türkiye ⁽²⁾

⁽¹⁾ TÜİK - Veri Portalı (tuik.gov.tr)

⁽²⁾ EMRA | Energy Market Regulatory Authority (epdk.gov.tr)

⁽⁵⁵⁾ <https://connect.ihsmarket.com/>

⁽⁵⁶⁾ TÜİK - Veri Portalı (tuik.gov.tr)

⁽⁵⁷⁾ EMRA | Energy Market Regulatory Authority (epdk.gov.tr)

3.3.2.2. Raw materials

- (86) An aluminium radiator can be made using various methods, the most common being die-casting and extrusion. An aluminium radiator is commonly recognized to be one in which the metal used is aluminium or an aluminium alloy, or more in general when the metal used is mostly aluminium.
- (87) In order to establish the undistorted price of raw materials as delivered at the gate of a representative country producer, the Commission used as a basis the weighted average import price to the representative country as reported in the GTA database in which import duties were included and transport costs were added. An import price in the representative country was determined as a weighted average of unit prices of imports from all third countries excluding China and countries which are not members of the WTO, listed in Annex I of Regulation (EU) 2015/755 of the European Parliament and the Council⁽⁵⁸⁾. The Commission decided to exclude imports from China into the representative country as it concluded in recital (70) and Section 3.3 that it is not appropriate to use domestic prices and costs in China due to the existence of significant distortions in accordance with Article 2(6a)(b) of the basic Regulation. Given that there is no evidence showing that the same distortions do not equally affect products intended for export, the Commission considered that the same distortions affected export prices of raw materials. After excluding imports from China into the representative country, the volume of imports from other third countries remained representative.

3.3.2.3. Labour

- (88) The Turkish Statistical Institute publishes detailed information on wages in different economic sectors in Türkiye⁽⁵⁹⁾. The Commission established the benchmark for the investigating period based on the hourly average labour cost for the manufacturing sector⁽⁶⁰⁾ in 2020, indexed to 2023. The average hourly labour cost per FTE⁽⁶¹⁾ amounts to 35,02 CNY per hour.

3.3.2.4. Electricity

- (89) The price of electricity for companies (industrial users) in Türkiye is published by the Turkish Energy Market Regulatory Authority⁽⁶²⁾. The Commission used the data on the industrial electricity prices as published on 15 July 2024. These statistics indicate an average industrial tariff for 2023 of 1,12 CNY per kWh.

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

- (90) According to Article 2(6a)(a) of the basic Regulation, 'the constructed normal value shall include an undistorted and reasonable amount for administrative, selling and general costs and for profits'. In addition, a value for manufacturing overhead costs needs to be established to cover costs not included in the factors of production referred to above.
- (91) To establish undistorted values for manufacturing overheads, SG & A and profit and due to the absence of cooperation from Chinese exporting producers, the Commission used facts available in accordance with Article 18 of the basic Regulation.
- (92) Using data from two Turkish producers of aluminum radiators (Sanica Isi Sanayi Anonim Sirketi and Peksa Profil Sanayi Ve Ticaret Anonim Sirketi⁽⁶³⁾), the Commission calculated the SG & A (10,33 %) and profit (9,12 %) as a percentage of the cost of goods sold.

⁽⁵⁸⁾ Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33, ELI: <http://data.europa.eu/eli/reg/2015/755/oj>). Article 2(7) of the basic Regulation considers that domestic prices in those countries cannot be used for the purpose of determining normal value.

⁽⁵⁹⁾ TÜİK - Veri Portalı (tuik.gov.tr) and TÜİK - Veri Portalı (tuik.gov.tr).

⁽⁶⁰⁾ Average for manufacture of fabricated metal products, excluding machinery and equipment.

⁽⁶¹⁾ Full time equivalent.

⁽⁶²⁾ EMRA | Energy Market Regulatory Authority (epdk.gov.tr).

⁽⁶³⁾ <https://login.bvdinfo.com/R1/Orbis>.

- (93) The Commission used the information provided by the applicant in the review request to calculate manufacturing overhead costs. These costs were determined as a percentage, dividing manufacturing overheads by the direct and indirect costs. This percentage (15,6 %) was then applied to the undistorted value of the cost of manufacturing to obtain the undistorted value of manufacturing overheads.

3.3.3. *Calculation of the normal value*

- (94) On the basis of the above, the Commission constructed the normal value on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.
- (95) First, the Commission established the undistorted manufacturing costs. In the absence of cooperation by the exporting producers, the Commission relied on the information provided by the applicant in the review request on the usage of each factor (materials and labour) for the production of aluminium radiators. The Commission multiplied the consumption ratios by the undistorted costs per unit observed in the representative country Türkiye, as described in Section 3.3.2.
- (96) Once the undistorted manufacturing costs were established, the Commission added the manufacturing overheads, SG & A and profit as noted in Section 3.3.2.5:
- Manufacturing overheads, which accounted in total for 15,6 % of the direct costs of manufacturing,
 - SG & A and other costs, which accounted for 10,3 % of the Costs of Goods Sold ('COGS') of Sanica Isi Sanayi Anonim Sirketi and Peksa Profil Sanayi Ve Ticaret Anonim Sirketi, and
 - Profits, which amounted to 9,12 % of the COGS as achieved by Sanica Isi Sanayi Anonim Sirketi and Peksa Profil Sanayi Ve Ticaret Anonim Sirketi, were applied to the total undistorted costs of manufacturing.
- (97) On that basis, the Commission constructed the normal value on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.

3.3.4. *Continuation of dumping*

- (98) During the period considered and, in particular, during the review investigation period imports of aluminium radiators from China were negligible. According to Eurostat, the volume of imports of aluminium radiators from China amounted to 159 913 elements ⁽⁶⁴⁾ in the RIP, which equaled to a EU market share in the range of 0,5–1 %. In comparison, the market share of Chinese imports amounted to 24 % in the original investigation period and to 3 % in the previous review investigation period.
- (99) This negligible volume could not form the basis for analysing the continuation of dumping. The Commission therefore analysed the likelihood of recurrence of dumping in the next section.

3.3.5. *Likelihood of recurrence of dumping*

- (100) The Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of recurrence of dumping should the measures be allowed to lapse. The following elements were analysed: the export prices to third countries, the production capacity and spare capacity in China, the attractiveness of the Union market and the possible absorption capacity of third country markets in view of the anti-dumping measures in place in these countries.

⁽⁶⁴⁾ An element is the smallest heating unit that can be manufactured and consists of a metal body with a chamber for the circulation of fluid. Elements can be assembled together to build a radiator of the required size.

3.3.5.1. Comparison between export prices to third countries and the normal value

- (101) The Commission analysed the price pattern of Chinese exports to third countries during the review investigation period.
- (102) The Commission first analysed export data from China to third countries at eight-digit level customs code level in the Global Trade Atlas during the review investigation period. However, these export prices were not considered to accurately represent aluminium radiator prices as the classifications at that level included a wide range of products in addition to the product concerned, by far exceeding (by at least 100 times) the volume of imports of aluminium radiators. Therefore, Chinese export statistics do not provide conclusive evidence concerning Chinese export prices on other markets.
- (103) In turn, as a consequence of non-cooperation of exporting producers from China, the estimation of export prices from China to third countries was based on the information available to the Commission, that is, information supplied in the request for review, namely Chinese price quotations to importers in third countries. In particular, the applicant provided several price offers to countries in the proximity of the Union, such as Moldova, Russia and Azerbaijan, as well as quotations from online sales platforms.
- (104) The Commission adjusted the estimated export price to third countries as described in recital (103) for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. In this regard, Article 2(10) of the basic Regulation requires the Commission to make a fair comparison between the normal value and the export price at the same level of trade and to make allowances for differences in factors which affect prices and price comparability. In the case at hand, the Commission adjusted the export price to ex-works level by removing domestic transport cost ⁽⁶⁵⁾.
- (105) The average export price to third countries estimated as described in recital (103) was 3,68 EUR/element expressed in FOB, or 3,52 EUR/element when adjusted to ex-works level.
- (106) The resulting average export price to third countries found during the review investigation period was 34,4 % below the normal value established on the basis of the criteria indicated in sections 3.2 and 3.3 above. Therefore, it was considered likely that, if the current measures were to be repealed, the Chinese exporting producers would start selling to the Union at levels below that normal value.
- (107) After disclosure, the applicant signaled that there was a discrepancy in the ex-works export price and the resulting dumping margin between the Disclosure Document and the dumping calculation file. As the discrepancy was due to a clerical error in the dumping calculation file, the Commission corrected it.

3.3.5.2. Production capacity and spare capacity in China

- (108) Concerning the production capacity and spare capacity in China, due to the non-cooperation of the Chinese producers, findings were based on the information provided in the expiry review request. The applicant provided evidence that the Chinese aluminium market has been expanding and will continue to expand even after 2026. Based on this information, in the full year 2022 China's aluminium output hit a record high ⁽⁶⁶⁾. Moreover, in September 2023 it was reported that 'China powers global aluminium output to record high' ⁽⁶⁷⁾. Finally, an independent study requested by the applicant, 'China Household Aluminum Radiators Industry Market Research Report' ⁽⁶⁸⁾, updated in October 2023 provides significant and recent data on Chinese overcapacity.

⁽⁶⁵⁾ Source: request for review.

⁽⁶⁶⁾ Source: request for review Section 5.4.

⁽⁶⁷⁾ Source: request for review Section 5.4.

⁽⁶⁸⁾ Source: Maia Research Analysis. An extraction of data has been provided by the applicant in section 5.4 of the open version of the review request.

- (109) In particular, the study estimates the capacity of Chinese aluminum radiators production at approximately 240 million elements per year in 2023, an increase of 35 million elements compared to 2021. This capacity growth exceeds the increase in production, which rose from 188 million to 217 million elements during the same period, an increase of 29 million elements.
- (110) Both the increase in production and production capacity between 2021 and 2023 were significantly higher than the increase in domestic consumption in China, which only rose from 19 million to 23 million elements, an increase of just 4 million elements.
- (111) As a consequence, spare capacity grew from 17 million to 23 million elements between 2021 and 2023, nearly matching the total Union consumption of 23-25 million elements during the RIP.
- (112) Moreover, neither the study nor the investigation brought to light any elements that could indicate any significant increase of Chinese exports to other third countries as there is no information available that would indicate any significant increase of demand for aluminium radiators worldwide.
- (113) Therefore, in the absence of any other information, the Commission considered that neither Chinese domestic demand nor worldwide demand will be able to absorb the significant spare capacity available in China.
- (114) This confirms the Commission's conclusions from the previous expiry review ⁽⁶⁹⁾ that Chinese producers have sufficient spare capacity to supply the Union market if the measures are allowed to lapse.

3.3.5.3. Attractiveness of the Union market and export prices to third countries

- (115) The Union market for aluminium radiators, being 23-25 million elements in the RIP, is one of the largest markets in the world. Although the Union consumption of aluminium radiators decreased by 22 % over the period considered due to a contraction of the construction industry explained in recital (132), it still remains a strong market driven by stringent energy efficiency regulations and the renovation of old buildings in order to meet new standards and to reduce carbon emissions.
- (116) To have an indication of the likely prices to the Union in the absence of measures, the Commission analysed the export prices of aluminium radiators originating in China to other export markets outside the Union. As explained in recitals (102) and (103), since export statistics at eight digits custom code do not provide accurate values and due to non cooperation, the Commission established export prices using actual invoices and quotations by the Chinese exporting producers to third markets, as provided by the applicant (see also recital (103) above).
- (117) In the RIP, the Union industry average selling price was 8,56 EUR/element. This is 82 % higher than the average selling price of Chinese aluminium radiators (ie 4,70 EUR/element), calculated using the quotations made by Chinese exporting producers to customers in Moldova, Russia and Azerbaijan, as well as quotations from online sales platforms, that were provided in the request for review.
- (118) These export prices were considerable lower compared to the Union industry prices and therefore, the Union market, in terms of prices, remains attractive for Chinese producers.
- (119) Before the imposition of the measures in 2012, Chinese imports into the Union amounted to 10,6 million elements annually. In addition to the measures imposed on Chinese imports that are subject to this review, anti-dumping measures were imposed on imports of aluminium radiators from China by many other third countries ⁽⁷⁰⁾, which makes it more difficult for the Chinese exporting producers to export to these markets and further increases the attractiveness of the Union market, where such exports may be redirected.

⁽⁶⁹⁾ Implementing Regulation (EU) 2019/59, Sections 3.2.1 and 4.6.

⁽⁷⁰⁾ Argentina and the UK have measures in place against aluminium radiators from China. The USA, Mexico and Canada target aluminium extrusion products from China (often the product definition codes relied upon are so wide as to also include radiators produced by extrusion).

3.3.5.4. Possible absorption capacity of third country markets and trade defence measures in other export markets

- (120) According to information of the WTO database⁽⁷¹⁾, the Commission found that anti-dumping duties and countervailing duties were applicable in 2023 on imports of Chinese aluminium radiators into Argentina and the UK⁽⁷²⁾. These restrictions constitute an export limitation factor for Chinese producers of aluminium radiators. However, based on the request for review⁽⁷³⁾ and the conclusions in recitals (108) and (109), Chinese producers are significantly export-oriented, as China internal consumption of aluminium radiators is estimated to be only one tenth of its total production volume.
- (121) Given the Chinese exporters' difficulties to sell to these markets due to the measures imposed by those other third countries on imports of aluminium radiators from China, if the current measures were allowed to expire, the Union market would become even more attractive to Chinese exporters seeking to export their excess production and use spare capacity.
- (122) In their comments on the General Disclosure Document, the applicant recalled that Ukraine initiated in 2024 an anti-dumping investigation on imports of aluminium radiators from China.

3.3.5.5. Conclusion

- (123) Based on the above, in particular given the significant spare capacity available in China and the attractiveness of Union market, the Commission expects that a repeal of measures would likely result in a recurrence of dumping, and that dumped exports will enter the Union market in significant quantities. It is therefore considered that there is a likelihood of recurrence of dumping should the current anti-dumping measures be allowed to lapse.

4. INJURY

4.1. Definition of the Union industry and Union production

- (124) The like product was manufactured by 11 producers in the Union during the period considered. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (125) The Commission established the Union production on the basis of all the available information concerning the Union industry, such as:
- the reply to the macroeconomic questionnaire provided by the applicant AIRAL;
 - data supplied by the Union producer F.I.R. Fabbrica Italiana Radiatori S.r.l. ('FIR'), which provided the data for completing the macroeconomic questionnaire directly to the Commission.
- (126) To protect the confidentiality of FIR's data, the Commission could not disclose the exact figures obtained by combining FIR data with the data provided by Airal for other Union producers. The Commission therefore provided this information in ranges and indexes, providing sufficient information to all interested parties to understand the Commission's analysis and conclusions and to provide comments in this regard.
- (127) The total Union production during the review investigation period was established at around [30-32] million elements. As indicated in recital (13), the sampled Union producers represented about 65 % of the total Union production of the like product.

⁽⁷¹⁾ World Trade Organization - Integrated Trade Intelligence Portal - Home page (wto.org).

⁽⁷²⁾ Argentina and the UK have measures in place against aluminium radiators from China. The USA, Mexico and Canada target aluminium extrusion products from China (often the product definition codes relied upon are so wide as to also include radiators produced by extrusion).

⁽⁷³⁾ Section 5.4 of the open request for review.

4.2. Union consumption

- (128) The Commission established the Union consumption on the basis of the total Union industry's sales in the Union and the total imports from third countries to the Union.
- (129) Sales of the Union industry in the Union were obtained from the verified sales in the Union of the sampled Union producers, from data supplied by the applicant in the macroeconomic questionnaire and from data received separately by FIR.
- (130) For imports, the Commission relied on the Surveillance database ⁽⁷⁴⁾. As the Surveillance database provided only the weight and not the number of elements imported, it was necessary to convert the weight into elements by using a conversion factor based on the verified data of the three sampled Union producers indicated at recital (23) above.
- (131) Union consumption developed as follows:

Table 2

Union consumption

	2020	2021	2022	Review Investigation period
Total Union consumption (elements)	30 000 000 – 32 000 000	36 000 000 – 38 000 000	32 000 000 – 34 000 000	23 000 000 – 25 000 000
Index (2020 = 100)	100	118	105	78

Source: Surveillance database, AIRAL, FIR and verified questionnaire replies.

- (132) The Union consumption of aluminium radiators decreased by 22 % over the period considered. A year-to-year analysis shows an increase of 18 % from 2020 to 2021, followed by a gradual decline in consumption in the following two years.
- (133) The sharp increase in the demand of aluminium radiators from 2020 to 2021 was mainly driven by the growth experienced in residential and commercial construction activities after the launch of several economic stimulus packages to boost the economy after the COVID-19 outbreak. In Italy, for example, where the sampled Union producers are based, the so called 'Relaunch decree' ⁽⁷⁵⁾ provided incentives for the renovation of residential buildings and the improvement of the energy efficiency.
- (134) However, the demand for aluminium radiators started declining in 2022 with the onset of the energy crisis and the rapid increase of raw material prices and interest rates. The negative trend continued in the RIP, with the consumption dropping from [36-38] million elements to [23-25] million elements, almost the same levels of 2014.

4.3. Imports from China

4.3.1. Volume and market share of the imports from China

- (135) The Commission established the volume of imports of aluminium radiators from China on the basis of Surveillance database, converted into elements by using as conversion factor based on the verified data of the three sampled Union producers, as stated in recital (130)). The market share of the imports was established by comparing these import volumes with the Union consumption as shown in Table 2.

⁽⁷⁴⁾ https://taxation-customs.ec.europa.eu/online-services/online-services-and-databases-customs/surveillance-system_en.

⁽⁷⁵⁾ Gazzetta Ufficiale, Decreto Legge 19 maggio 2020, nr. 34, article 119.

(136) Imports into the Union from China developed as follows:

Table 3

Import volume and market share

	2020	2021	2022	Review Investigation period
Volume of imports from China (elements)	407 356	297 909	276 081	159 913
<i>Index (2020 = 100)</i>	100	73	68	39
Market share (%)	1–1,5	0,5–1	0,5–1	0,5–1
<i>Index (2020 = 100)</i>	100	62	65	50

Source: Surveillance database.

(137) Over the period considered, imports of aluminium radiators from China were limited in quantities and steadily decreased by 61 %, reaching the lowest point in the RIP. The market share of the imports from China decreased by 38 % in 2021 and then remained stable from 2021 to the RIP due to the lower consumption.

4.3.2. *Prices of the imports from China*

(138) The Commission established the prices of imports on the basis of Surveillance database.

(139) The average price of imports into the Union from China developed as follows:

Table 4

Average import prices

	2020	2021	2022	Review Investigation period
Import prices from China (EUR per element)	3,71	5,98	8,98	8,07
<i>Index (2020 = 100)</i>	100	161	242	217

Source: Surveillance database.

(140) Import prices from China rose in line with the market trends. They reached a peak in 2022, when they were even higher than the sampled companies' average price, but dropped by 25 % in the RIP. Overall, prices increased by 117 % over the period considered.

(141) Chinese import prices rose in line with the market trends between 2020 and 2022. In the RIP, the average import price per unit from China into the Union decreased and was lower than both the average sales price per unit and the average cost of production per unit in the Union, as reported in Table 9 below.

4.4. Imports from third countries other than China

- (142) The imports of aluminium radiators from third countries other than China were mainly from Iran and Türkiye.
- (143) The volume of imports into the Union as well as the market share and price trends for imports of aluminium radiators from other third countries developed as follows:

Table 5

Imports from third countries

Country		2020	2021	2022	Review Investigation period
Iran	Volume (element)	723 376	1 324 310	1 645 479	779 900
	Index	100	183	227	108
	Market share (%)	2–4	3–5	5–7	3–5
	Average price (EUR/element)	2,3	2,0	3,7	4,7
	Index	100	89	160	204
Türkiye	Volume (element)	85 352	116 661	161 560	137 116
	Index	100	137	189	161
	Market share (%)	0–0,5	0–0,5	0,3–0,8	0,3–0,8
	Average price (EUR/element)	8,8	18,3	17,1	18,7
	Index	100	207	193	212
Other third countries	Volume (element)	70 045	196 864	253 036	130 621
	Index	100	281	361	186
	Market share (%)	0–0,5	0–0,5	0,3–0,8	0,3–0,8
	Average price (EUR/element)	23,5	18,4	20,8	39,7
	Index	100	78	89	169
Total of all third countries except the China	Volume (element)	878 773	1 637 835	2 060 076	1 047 637
	Index	100	186	234	119
	Market share (%)	2–4	3–5	5–7	3–5
	Average price (EUR/element)	4,63	5,16	6,85	10,94
	Index	100	112	148	237

Source: Surveillance database.

- (144) Imports from third countries increased by 19 % during the period considered, reaching their highest level in 2022, but in essence the market share remained stable. The average price of imports from third countries more than doubled over the period considered.
- (145) After disclosure, the applicant asked the Commission to show separately volumes, market shares and average price of imports from Iran and Türkiye. The Commission updated Table 5 above accordingly.

4.5. Economic situation of the Union industry

4.5.1. General remarks

- (146) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (147) As mentioned in recital (11), sampling was used for the assessment of the economic situation of the Union industry.
- (148) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators.
- (149) The Commission evaluated the macroeconomic indicators on the basis of data contained in the review request, in the verified questionnaire replies of the sampled Union producers as well as in the macroeconomic data provided by AIRAL and FIR. The data encompasses all Union producers.
- (150) The Commission evaluated the microeconomic indicators on the basis of verified data contained in the questionnaire replies from the sampled Union producers. The data related to the sampled Union producers.
- (151) Both sets of data were found to be representative of the economic situation of the Union industry.
- (152) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment and productivity, and recovery from past dumping.
- (153) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.5.2. Macroeconomic indicators

4.5.2.1. Production, production capacity and capacity utilisation

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

Table 6

Production, production capacity and capacity utilisation in the Union

	2020	2021	2022	Review Investigation period
Production volume (elements)	39 000 000– 43 000 000	47 000 000– 51 000 000	40 000 000– 44 000 000	30 000 000– 34 000 000
<i>Index (2020 = 100)</i>	100	120	103	79
Production capacity (elements)	72 000 000– 77 000 000	70 000 000– 75 000 000	70 000 000– 75 000 000	65 000 000– 70 000 000
<i>Index (2020 = 100)</i>	100	98	97	91

	2020	2021	2022	Review Investigation period
Capacity utilisation (%)	54–56	67–69	58–60	47–49
<i>Index (2020 = 100)</i>	100	123	106	87

Source: AIRAL, one non-sampled Union producer and verified questionnaire replies.

- (155) The production volume of the Union industry decreased by 21 % over the period considered. A year-to-year analysis shows an increase of 20 % from 2020 to 2021, followed by a gradual decrease from 2021 to the RIP. This is consistent with the trend in the demand for aluminium radiators in the Union, as shown in Table 2.
- (156) The production capacity decreased by 9 % over the period considered. It remained relatively stable from 2020 to 2022 and then declined by 6 %, showing that the Union industry was able to partially reduce capacity to deal with the reduction in production in the RIP.
- (157) The capacity utilisation decreased by 13 % during the period considered reflecting the falling trend of production despite the reduced production capacity.

4.5.2.2. Sales volume and market share

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

Table 7

Sales volume and market share

	2020	2021	2022	Review Investigation period
Sales volume on the Union market (elements)	29 000 000–31 000 000	34 000 000–36 000 000	30 000 000–32 000 000	22 000 000–24 000 000
<i>Index (2020 = 100)</i>	100	117	101	77
Market share (%)	95–97	94–96	91–93	94–96
<i>Index (2020 = 100)</i>	100	99	97	99

Source: AIRAL, one non-sampled Union producer and verified questionnaire replies.

- (159) The sales volume of the Union industry in the Union market decreased by 23 % over the period considered. The sales trend mirrored the trends in Union consumption and production volume. Sales increased by 17 % from 2020 to 2021 to meet the increased demand in the Union market, as explained in recital (133), then gradually decreased in 2022 and in the RIP due to declining demand caused by higher prices and interest rates, as explained in recital (134).
- (160) The Union industry's market share remained stable over the period considered, following the decrease in both Union consumption and sales volume and the decline in imports.

4.5.2.3. Growth

- (161) Due to the decrease in consumption in the RIP, the sales volume of the Union industry decreased but the Union industry maintained its market share in the Union market. Production, employment, investment developed with a similar declining trend as sales volumes.

4.5.2.4. Employment and productivity

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

Table 8

Employment and productivity

	2020	2021	2022	Review Investigation period
Number of employees (Full Time Equivalent)	1 700–1 750	1 700–1 750	1 600–1 650	1 400–1 450
<i>Index (2020 = 100)</i>	100	100	95	82
Productivity (elements/employee)	23 950	28 733	25 987	22 881
<i>Index (2020 = 100)</i>	100	120	109	96

Source: AIRAL, one non-sampled Union producer and questionnaire replies.

- (163) Employment of the Union industry also decreased by 18 % during the period considered, in line with the changes in production volumes. The Union industry could however contain the decrease in productivity to 4 %.

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

- (164) As explained in recital (99), it was not possible to establish an affirmative determination of dumping during the review investigation period. Therefore, no dumping margin could be established. The investigation therefore focused on the likelihood of a recurrence of dumping should the anti-dumping measures be repealed.
- (165) The anti-dumping measures imposed following the original investigation allowed the Union industry to recover from past dumping, as is shown by the data for the review investigation period.

4.5.3. Microeconomic indicators

4.5.3.1. Prices and factors affecting prices

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

Table 9

Sales prices and cost of production in the Union

	2020	2021	2022	Review Investigation period
Average unit sales price in the Union on the total market (EUR/element)	5,8	6,4	8,1	8,6

	2020	2021	2022	Review Investigation period
<i>Index (2020 = 100)</i>	100	111	140	148
Unit cost of production (EUR/element)	5,6	6,0	8,2	8,3
<i>Index (2020 = 100)</i>	100	107	145	147

Source: Questionnaire replies.

- (167) The average price of the Union industry increased by 48 % over the period considered, following the increase in the cost of production.
- (168) The average cost of production increased by 47 % over the period considered. It sharply increased already in 2022 (+ 45 % from 2020) and peaked in 2022. The increase in cost was driven mainly by the sharp increase in energy costs and in the price of aluminium, the main raw material.

4.5.3.2. Labour costs

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

Table 10

Average labour costs per employee

	2020	2021	2022	Review Investigation period
Average labour costs per employee (EUR)	43 793	49 541	48 400	48 417
<i>Index (2020 = 100)</i>	100	113	111	111

Source: Questionnaire replies.

- (170) The average labour cost per employee of the Union industry increased by 11 % over the period considered. It increased in 2021 by 13 %, remaining relatively stable thereafter.

4.5.3.3. Inventories

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

Table 11

Inventories

	2020	2021	2022	Review Investigation period
Closing stocks (elements)	4 490 439	6 143 741	6 205 232	5 582 276
<i>Index (2020 = 100)</i>	100	137	138	124

	2020	2021	2022	Review Investigation period
Closing stocks as a percentage of production (%)	18	20	23	27
<i>Index</i> (2020 = 100)	100	109	129	147

Source: Questionnaire replies.

(172) Inventories increased by 24 % over the period considered. The level of closing stocks increased from 4,5 million to 6,1 million elements in 2021, then to 6,2 million elements in 2022 before decreasing to 5,5 million elements in the RIP. In response to the higher consumption in 2021 and to optimise their production process, the Union industry increased stock levels. However faced with lower demand in 2022 the Union industry was unable to quickly reduce these stocks.

(173) In relation to production, the closing stocks as percentage of the production increased by 47 %.

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

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

Table 12

Profitability, cash flow, investments and return on investments

	2020	2021	2022	Review Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	4,9	9,9	3,9	6,0
<i>Index</i>	100	201	80	122
Cash flow (EUR)	14 476 501	10 501 435	14 341 443	26 805 078
<i>Index</i>	100	73	99	185
Investments (EUR)	10 118 462	14 725 090	14 135 637	8 561 399
<i>Index</i>	100	146	140	85
Return on investments (%)	8,1	19,2	9,2	15,2
<i>Index</i>	100	237	114	188

Source: Questionnaire replies.

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

- (176) The profitability of the Union industry increased by one percentage point over the period considered. A year-to-year analysis shows that the profitability was at the highest in 2021, when it reached a level of 10 %, doubling the results of the previous year, but then sharply decreased again in 2022 to 4 % due to the deteriorated market conditions. It rebounded to 6 % in the RIP since the cost of aluminium decreased during the RIP while sales prices of radiators were adjusted downwards only with a delay.
- (177) The net cash flow is the ability of the Union producers to self-finance their activities. The trend in net cash flow developed upwards with an increase by 85 % over the period considered.
- (178) The annual investments of the Union industry decreased by 15 % over the period considered. While in 2021 and 2022 the investments were about 40 % higher than in 2020, they dropped in the RIP from around 14 million EUR to 8,5 million EUR and were mostly limited to replacement of existing equipment.
- (179) The return on investments is the profit in percentage of the net book value of investments. It developed with a similar trend as of profitability, being at the highest in 2021, declining in 2022 and then improving again in 2023, with an overall increase of seven percentage points over the period considered.

4.6. Conclusion on injury

- (180) The investigation showed that most of the microeconomic indicators developed positively and the economic and financial situation of the Union industry improved during the period considered.
- (181) The Union industry was able to maintain its market share with the measures in place and was able to recover cash flow and return on investments.
- (182) The profitability of the Union industry increased during the period considered but remained below the target profit set in the original investigation.
- (183) However, the Union industry reduced production, employment and continued operating at low capacity utilisation, mainly due to the significant decrease in demand of aluminium radiators.
- (184) The deterioration of the macroeconomic indicators, paired with a reduction of net investments and an increase in inventories, suggest underlying weaknesses of the Union industry. Key concerns include the ability of the Union industry to maintain its profitability in a context of growing costs and declining demand, as well as the long-term implications of reduced net investment. While short-term liquidity and profitability are stable, future stability and growth may be at risk.
- (185) Despite this, the Commission concluded that, upon an overall assessment of the injury factors, the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

5. LIKELIHOOD OF RECURRENCE OF INJURY

- (186) The Commission concluded in recital (185) that the Union industry did not suffer material injury from imports originating in China during the review investigation period. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of injury caused by the dumped imports from China if the measures against were allowed to lapse.
- (187) In order to establish whether there was a likelihood of recurrence of injury if the measures against China were repealed, the Commission examined (i) the production capacity and spare capacity in China and attractiveness of the Union market; and (ii) likely price levels of imports from China and their impact on the situation of the Union industry should measures be allowed to lapse.

5.1. Spare capacity in China and attractiveness of the Union market

- (188) As set out in Section 3.3.5.2, the production capacity in China substantially exceeded both the production volumes and the demand on the Chinese domestic market during the RIP. In addition, there were no elements that could indicate any significant increase in domestic demand in China or in any other third country market in the near future. Giving the conclusions on the attractiveness of the Union market as described in Section 3.3.5.3, the Commission concluded that such spare capacity would very likely be used for supplying the Union market, should the measures lapse.

5.2. Likely price levels of imports from China and their impact on the Union industry

- (189) As set out in recital (103), the Commission considered the invoices and quotations provided in the request for review, adjusted for transport costs, landing costs and EU customs duties, as proxies for potential sales prices to the Union. Based on these export prices, imports from China into the Union, excluding the anti-dumping duty, would undercut the Union sales price by 45 % in the RIP. This indicates that the Chinese imports, at increased volumes, would impose substantial price pressure on the Union industry in the absence of measures.
- (190) If the measures were repealed, considering the likely price levels, the Union industry would not be able to maintain their sales volume and market share against lower priced imports from China. It is highly likely that the Chinese market share would increase rapidly if the measures were allowed to lapse, also in the light of the existing measures imposed by other third countries on the imports of aluminium radiators, recalled above at recitals (119) and (120).
- (191) Losing sales volume would lead to an even lower utilisation rate and an increase in the average cost of production, leading to a deterioration of the financial situation of the Union industry and increasing the risk of driving the industry into a loss-making situation.
- (192) In case the Union industry would decide to lower its price levels in an attempt to keep its sales volume and market share, its financial situation will almost immediately worsen, and a loss-making situation will likely materialise.
- (193) Under both scenarios, the impact of the expiry of the measures is likely to have a negative impact on the Union industry.

5.3. Conclusion

- (194) On this basis, it is concluded that the absence of measures would in all likelihood result in a significant increase of dumped imports from China at injurious prices and material injury would be likely to recur.

6. UNION INTEREST

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

6.1. Interest of the Union industry

- (196) The anti-dumping duties currently in force recalled in recital (3) have allowed the Union industry to maintain its market share in the Union market and improve its financial situation, but that industry is still unable to increase capacity utilisation and reach the target profit.
- (197) At the same time, the Commission also concluded that the Union industry would likely experience a deterioration of its situation if the existing measures against China were allowed to lapse.

- (198) Therefore, the Commission concluded that maintaining the existing anti-dumping measures would be in favour of the Union industry.

6.2. Interest of unrelated importers

- (199) No importer cooperated in this investigation. In the previous expiry review, it was found that the impact of the imposition of measures on importers would not be significant.
- (200) In the absence of evidence suggesting otherwise, the Commission concluded that the measures currently in force had no substantial negative effect on importers and that the maintenance of the measures would not unduly affect them.

6.3. Interest of users

- (201) No users came forward and cooperated with the investigation. Aluminium radiators are a consumer product; the users are distributors and large retail organisations who then resell the radiators.
- (202) In the original investigation and the previous expiry review ⁽⁷⁶⁾, it was found that the users were in a position to pass on all or almost all of the increase in prices resulting from the duty to final users, bearing in mind that for the latter the impact of such measures was not significant.
- (203) These findings were confirmed in the current expiry review as the investigation did not reveal any indication that would contradict the original findings.
- (204) On this basis, and in line with the conclusion drawn in the previous investigations, the Commission concluded that maintaining the measures would not have a significant impact on users.

6.4. Conclusion on Union interest

- (205) On the basis of the above, the Commission concluded that there were no compelling reasons of the Union interest against maintaining the existing measures on imports of aluminium radiators originating in China.

7. ANTI-DUMPING MEASURES

- (206) On the basis of the conclusions reached by the Commission on recurrence of dumping, recurrence of injury and Union interest, the anti-dumping measures on aluminium radiators from China should be maintained.
- (207) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the 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 China'.
- (208) 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 must carry out their usual checks and may, like in all other cases, require additional documents (shipping documents, etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.

⁽⁷⁶⁾ Implementing Regulation (EU) 2019/59.

- (209) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (210) The individual company anti-dumping duty rates specified in this Regulation are exclusively applicable to imports of the product under review originating in China and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other imports originating in China'. They should not be subject to any of the individual anti-dumping duty rates.
- (211) 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. 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*.
- (212) An exporter or producer that did not export the product concerned to the Union during the period that was used to set the level of the duty currently applicable to its exports may request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request, provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the period that was used to set the level of the duty applicable to its exports; (ii) it is not related to a company that did so and thus is subject to the anti-dumping duties; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.
- (213) In view of Article 109 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁷⁾ 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.
- (214) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of aluminium radiators and elements or sections of which such radiator is composed, whether or not such elements are assembled in blocks, excluding radiators and elements and sections thereof of the electrical type, currently falling under CN codes ex 7615 10 10, ex 7615 10 80, ex 7616 99 10 and ex 7616 99 90 (TARIC codes 7615 10 10 10, 7615 10 80 10, 7616 99 10 91, 7616 99 90 01 and 7616 99 90 91) and originating in the People Republic of China.

⁽⁷⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1046/oj>).

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

Company	Anti-dumping duty	TARIC additional code
Zhejiang Flyhigh Metal Products Co., Ltd.	12,6 %	B272
Metal Group Co. Ltd.	56,2 %	B273
Sira (Tianjin) Aluminium Products Co. Ltd.	14,9 %	B279
Sira Group (Tianjin) Heating Radiators Co. Ltd.	14,9 %	B280
Companies listed in Annex	21,2 %	
All other companies	61,4 %	B999

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 his/her name and function, drafted as follows: *'I, the undersigned, certify that the (volume) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in [country concerned]. I declare that the information provided in this invoice is complete and correct.'* If no such invoice is presented, the duty applicable to all other companies shall apply.

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

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

Article 2

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

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

Done at Brussels, 14 October 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Company Name	TARIC additional code
Jinyun Shengda Industry Co., Ltd	B274
Ningbo Ephraim Radiator Equipment Co., Ltd	B275
Ningbo Everfamily Radiator Co., Ltd	B276
Ningbo Ningshing Kinhil Industrial Co., Ltd	B277
Ningbo Ninhshing Kinhil International Co., Ltd	B278
Yongkang Jinbiao Machine Electric Co., Ltd	B281
Yongkang Sanghe Radiator Co., Ltd	B282
Zhejiang Aishuibao Piping Systems Co., Ltd	B283
Zhejiang Botai Tools Co., Ltd	B284
Zhejiang East Industry Co., Ltd	B285
Zhejiang Guangying Machinery Co., Ltd	B286
Zhejiang Kangfa Industry & Trading Co., Ltd	B287
Zhejiang Liwang Industrial and Trading Co., Ltd	B288
Zhejiang Ningshuai Industry Co., Ltd	B289
Zhejiang Rongrong Industrial Co., Ltd	B290
Zhejiang Yuanda Machinery & Electrical Manufacturing Co., Ltd	B291