



2025/2351

18.11.2025

COMMISSION IMPLEMENTING REGULATION (EU) 2025/2351

of 18 November 2025

imposing a definitive safeguard measure with regard to imports of certain ferro-alloying elements

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 ⁽¹⁾, and in particular Article 16 thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 ⁽²⁾, and in particular Article 13 thereof,

Having regard to the Agreement on the European Economic Area ⁽³⁾, and in particular Articles 112 and 113(3), second paragraph, thereof,

Whereas:

1. PROCEDURE

1.1. Initiation

- (1) On 19 December 2024, the European Commission ('the Commission') published a Notice of Initiation of a safeguard investigation concerning imports of silicon and manganese-based alloying elements ⁽⁴⁾.
- (2) The investigation was initiated following a request from three Member States (France, Poland and Slovakia, supported by Spain). The analysis of the request showed that the rising trend in imports of certain silicon and manganese-based alloying elements and the conditions in which they take place cause or threaten to cause serious injury to the Union industry.
- (3) In order to obtain the information necessary to carry out an in-depth assessment, the Commission published questionnaires for Union producers, exporters, importers, and users of the product under investigation on 19 December 2024 and invited interested parties to make submissions before 17 January 2025. On 9 January 2025, the Commission published the non-confidential version of the application containing key import statistics and available injury indicators.
- (4) The Commission received 106 questionnaire replies and 61 free submissions at initiation stage and during the rebuttals phase from Union producers, exporters, importers, users, associations and third country authorities, and it held hearings with 22 interested parties.
- (5) The Commission conducted a thorough verification of the information provided by Union producers. To this end, three Union producers were selected for an on-spot verification based on their production volume of like or directly competing products during the period concerned and their geographical location in the Union. The three selected producers represent 85% of the total Union production and are located in France, Slovakia and Poland.

⁽¹⁾ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports, OJ L 83, 27.3.2015, p. 16, ELI: <http://data.europa.eu/eli/reg/2015/478/oj>.

⁽²⁾ 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/2015/755/2017-05-19>.

⁽³⁾ Agreement on the European Economic Area - Final Act - Joint Declarations - Declarations by the Governments of the Member States of the Community and the EFTA States - Arrangements - Agreed Minutes - Declarations by one or several of the Contracting Parties of the Agreement on the European Economic Area, OJ L 1, 3.1.1994, p. 3-522, ELI: http://data.europa.eu/eli/agree_international/1994/1/oj.

⁽⁴⁾ Notice of initiation of a safeguard investigation concerning imports of manganese and silicon-based alloying elements; C/2024/9248; OJ C, C/2024/7541, 19.12.2024, ELI: <http://data.europa.eu/eli/C/2024/7541/oj>.

- (6) Several interested parties claimed that the Commission failed to disclose the evidence on which the initiation of the safeguard investigation was based in an adequate and timely manner. It was claimed that by failing to do this, interested parties were not allowed to fully exercise their rights of defence.
- (7) Contrary to these claims, the application included all the essential data regarding the increase in imports. Furthermore, the Commission considered that, in addition, the main elements and evidence available were adequately summarised both in the Notice of Initiation that was published in the *Official Journal of the European Union* and the notification of the investigation to the WTO pursuant to Article 12.1(a) of the WTO Safeguard Agreement.
- (8) The Commission therefore considered that it fulfilled its legal obligations to adequately protect the rights of defence of interested parties. Furthermore, pursuant to Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755 all interested parties who requested a hearing within the time limit set were granted such hearing and were given an additional opportunity to submit their comments during the rebuttal phase. When reaching its definitive findings, the Commission duly considered and took into account the comments submitted within the deadlines by all interested parties, in writing or orally during the hearing sessions.

1.2. Non-imposition of provisional measure

- (9) On 18 July 2025, the Commission sent a proposal to consider the imposition of provisional measure. However, as a result of the discussions within the Safeguard Committee, the Commission has decided not to impose a provisional safeguard measure but to continue the investigation.
- (10) On 18 July 2025, the Commission having made a preliminary determination, and in accordance with Article 113(1) of the Agreement on the European Economic Area (the EEA Agreement), notified the EEA Joint Committee that a safeguard measure was justified under Article 112 of the EEA Agreement. A meeting of the EEA Joint Committee was held on 24 July 2025, where the notification of the preliminary determination with regard to imports of certain ferro-alloying elements was discussed. On 8 August 2025, the EEA EFTA States sent a response to the Commission's notification to the EEA Joint Committee. On 21 August 2025, the Commission informed the EEA Joint Committee of its intention not to impose provisional measure and to continue the investigation. On 19 September 2025, the Commission informed the EEA Joint Committee on the status of the investigation. On 10 October 2025, the Commission notified the EEA Joint Committee in accordance with Article 113(1) of the EEA Agreement that a safeguard measure was justified under Article 112 of the EEA Agreement.

1.3. Subsequent procedure

- (11) The Commission continued to seek and verify all the information it deemed necessary for its final findings. The Commission continued its investigation with regard to Union interest and carried out an analysis of the situation of the user industry.
- (12) In order to obtain the most recent information for its final determination, on 4 August 2025, the Commission requested the association representing the Union producers to submit an updated supplementary questionnaire covering the period from 1 July 2024 to 30 June 2025, 'the most recent period' or 'MRP'.
- (13) On 16 September 2025, the investigation was extended by a period of 2 months with a notice published in the *Official Journal of the European Union* ^(⁹).

⁽⁹⁾ Notice extending the time limit of the ongoing safeguard investigation concerning imports of manganese and silicon-based alloying elements; C/2025/6211; OJ C, C/2025/5015, 16.9.2025, ELI: <http://data.europa.eu/eli/C/2025/5015/oj>.

2. PRODUCT CONCERNED AND LIKE OR DIRECTLY COMPETING PRODUCTS

- (14) The product concerned as defined in the Notice of Initiation is silicon and manganese-based alloys, namely (i) silicon, (ii) ferro-manganese, (iii) ferro-silicon, (iv) ferro-silico-manganese, (v) ferro-silico-magnesium and (vi) calcium-silicon.
- (15) The Commission determined that all types of silicon and manganese-based alloys produced by Union producers, referred to as 'the like product' are like or are directly competing with the product concerned. Both the domestic and imported products possess the same fundamental physical, technical, and chemical characteristics. They serve identical purposes and are offered through similar or identical sales channels to customers who may acquire them from both domestic and foreign suppliers. Accordingly, there exists a significant level of competition between the product concerned and the one produced by Union producers.
- (16) After the initiation, several interested parties claimed that there is not one single product concerned but several products concerned. Hence, they questioned the global analysis of the relevant import trends and injury indicators together for all product types under investigation. Parties argued that the analysis should have differentiated between silicon and manganese-based alloys, notably because of the various degrees of interchangeability.
- (17) In response to these claims, the Commission conducted a further analysis based on the Union producers' questionnaire replies and sought additional information during the verification visits to determine whether there is interrelation, interchangeability and competition among the different product types ⁽⁶⁾. The various different types of silicon and manganese-based alloys share notable similarities in their production techniques and industrial applications ⁽⁷⁾. For instance, ferro-silicon, ferro-manganese and ferro-silico-manganese play overlapping roles in steelmaking. They are connected primarily by their function as deoxidizers, which enhances the quality and properties of the final alloyed product. Additionally, they share common raw materials, namely iron, silicon and manganese. In the steel industry, ferro-manganese and ferro-silico-manganese are often used interchangeably. When a specific steel grade requires both manganese and silicon, ferro-manganese can be replaced by ferro-silico-manganese. Steel producers frequently combine these alloys to achieve specific chemical properties in steel, optimising both performance and cost. Calcium-silicon and various ferro-alloys have overlapping but not entirely interchangeable roles in steelmaking and foundry operations. While all these materials are used to modify or enhance the properties of molten metal, their chemical characteristics and metallurgical functions differ significantly, which limits their ability to be directly substituted for one another.
- (18) As regards silicon, there is some overlap between the ferro-alloys and silicon. However, the aluminium industry primarily favours pure silicon due to its compatibility with aluminium properties, while ferro-silicon is only used in niche or secondary aluminium applications where some iron content is acceptable or necessary. Ferro-alloys are alloying agents added in small volumes to improve properties of steel and are a minor cost component in the steel product. Silicon on the other hand is a core raw material used mainly in the aluminium industry, but also in the chemical industry, in particular for the manufacture of silicones.
- (19) In addition, the cost of production of silicon is significantly higher (by more than 60% on average) than that for ferro-alloys. The distinction is also reflected in the classification under the Harmonized System (HS). Silicon is classified under Chapter 28 of the HS/EU Combined Nomenclature (CN), while ferro-alloys are classified under Chapter 72. Therefore, the substitutability between silicon and ferro-alloys is limited and it is thus concluded that silicon does not directly compete with the ferro-alloys.

⁽⁶⁾ Annex 1 of the application - Interchangeability between different product-types, Sherlock registration number: ted25.002049.

⁽⁷⁾ Ferroglobe PLC - product overview.

- (20) In view of the above, the Commission categorised the product concerned into three distinct groups, each based on the primary raw material and its intended applications. In addition to the overall analysis, a detailed examination of import trends was conducted for each product group separately: (a) silicon, (b) ferro-alloys, and (c) calcium-silicon. The examination of imports by group showed that all groups increased in absolute terms with the exception of imports of the silicon group, which remained stable or slightly decreased by 0,2% during the period concerned and further decreased by 2,7% in the MRP (see Table 1).

Table 1

Imports of Silicon

Year	2019	2020	2021	2022	2023	2024	MRP
Imports of Silicon in tonnes	335 415	326 218	365 278	381 499	336 808	334 861	326 372
<i>index 2019 = 100</i>	100	97	109	114	100	100	97

Source: EUROSTAT

- (21) In view of the decreasing imports in absolute terms, silicon was excluded from the product scope.
- (22) In addition, calcium-silicon was excluded from the product scope due to a lack of production of this product group in the Union, as detailed in Section 7.
- (23) Therefore, these two product groups were excluded from the product scope and the analysis for the final determination has been carried out for certain ferro-alloys, the 'product concerned'.

3. THE UNION PRODUCERS

- (24) The producers of like or directly competing products within the Union included Ferroglobe, Comilog, OFZ, Realloys, RW Silicium, Xeal, TDR Legure, and ASK Metallurgy. Most of the Union producers are members of the Association of European ferro-alloys producers ('Euroalliages'). The industry association represents 97% of the Union's silicon and manganese-based alloys production. Their members are located in France, Germany, Poland, Slovakia and Spain.
- (25) On behalf of their members, the industry association informed the Commission that it supports the opening of a safeguard investigation, as well as the adoption of a measure as the Union producers are facing exceptional difficulties due to high import pressure fuelled by growing global overcapacity and the closing of other major markets due to trade defence measures.
- (26) The Commission requested the eight Union producers identified in the application and as indicated above in recital (24) to submit questionnaire replies. Furthermore, on 4 August 2025, the Commission requested the Union producers to submit an updated supplementary questionnaire and received replies from Ferroglobe, OFZ, Realloys, Xeal, Comilog and RW Silicium.
- (27) As explained under recitals 17, 18 and 19, the Commission found that ferro-alloys and silicon are not directly competing products, due to differences in costs of production, their applications and HS classification. On this basis, the Union producers of the like or directly competing products were defined as the producers of ferro-alloys.
- (28) There are seven producers of the like and directly competing products in the Union (Ferroglobe, OFZ, Realloys, Xeal, TDR Legure, Comilog and ASK Metallurgy), and all of them completed the questionnaire. As stated above in recital (5) three Union producers were selected for verification visits.

4. INCREASE IN IMPORTS

- (29) Based on information from Eurostat, as well as information submitted by the Union producers, the Commission has carried out an analysis of the increase in imports of the product concerned over the period 2019-2024 ('the period concerned') and also considered import trends in the MRP. The Commission decided to start the period concerned in 2019 so that the findings are not tainted by possible market disturbances caused by the COVID-19 pandemic. To comply with Union obligations regarding imports from Ukraine⁽⁸⁾ and under the Economic Partnership Agreement with Kenya⁽⁹⁾, imports from these countries have been excluded from this investigation. Kenya did not export the product concerned to the EU during the period concerned. Therefore, in all that follows, imports do not include imports from Ukraine as those imports are not covered by the present measure.
- (30) The Commission established the Union consumption by adding the sales of the Union industry in the Union and the imports into the Union. The information on imports was sourced from Eurostat.
- (31) The total imports of the product concerned developed as follows:

Table 2

Imports volume and prices, production, consumption and imports relative to production and consumption

Year	2019	2020	2021	2022	2023	2024	MRP
Imports of Ferro-alloys in tonnes	1 142 942	1 018 257	1 373 383	1 324 790	1 414 728	1 331 588	1 296 347
<i>index 2019 = 100</i>	100	89	120	116	124	117	113
Import prices CIF + MFN EUR/tonne	1 067	960	1 215	1 927	1 342	1 184	1 174
<i>index 2019 = 100</i>	100	90	114	181	126	111	110
Production in tonnes	616 707	477 006	598 314	415 657	275 573	351 540	309 976
<i>index 2019 = 100</i>	100	77	97	67	45	57	50
Imports over production (ratio)	1,85	2,13	2,30	3,19	5,13	3,79	4,18
<i>index 2019 = 100</i>	100	115	124	172	277	204	226
Consumption in tonnes	1 845 132	1 602 735	2 075 077	1 874 156	1 758 562	1 754 412	1 709 235
<i>index 2019 = 100</i>	100	87	112	102	95	95	93
Imports over consumption (ratio)	0,62	0,64	0,66	0,71	0,80	0,76	0,76
<i>index 2019 = 100</i>	100	103	107	114	130	123	122

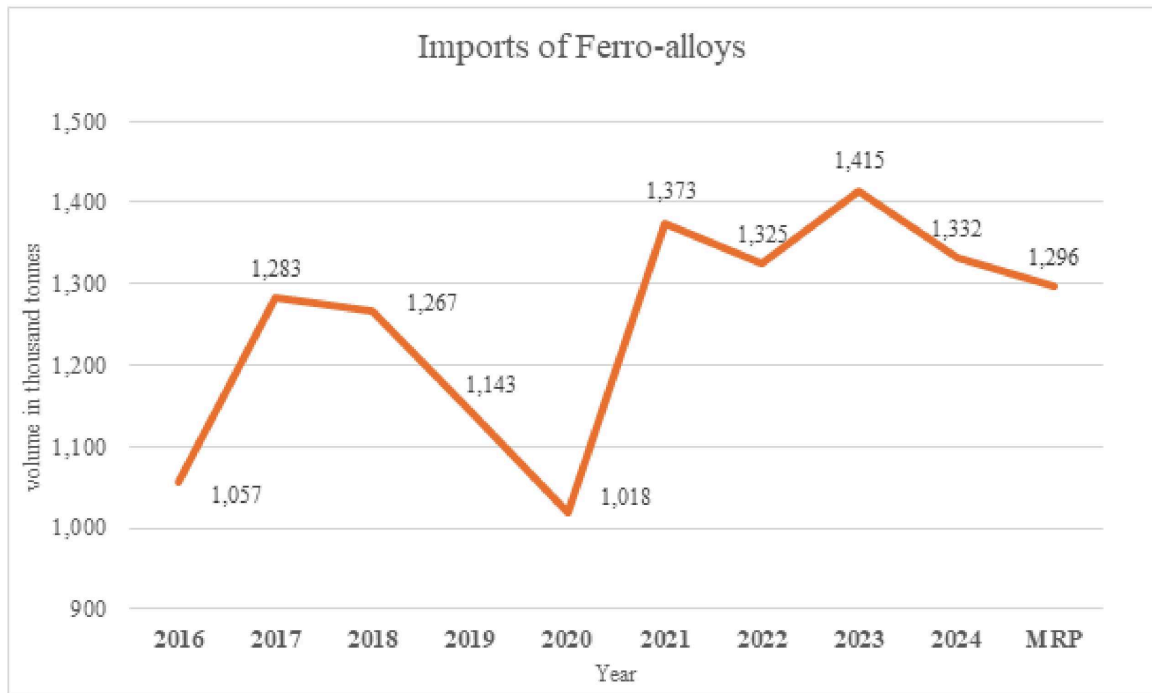
Source: EUROSTAT and questionnaire replies

⁽⁸⁾ Regulation (EU) 2025/1153 of the European Parliament and of the Council of 5 June 2025 suspending certain provisions of Regulation (EU) 2015/478 as regards imports of Ukrainian products into the Union, ELI: <http://data.europa.eu/eli/reg/2025/1153/oj>.

⁽⁹⁾ Economic Partnership Agreement between the European Union and the Republic of Kenya, ELI: http://data.europa.eu/eli/agree_internation/2024/1648/oj.

- (32) Overall, imports of the product concerned increased in absolute terms by 17% over the period 2019-2024 with some fluctuation between the various years. This increase in imports led to a significant decrease of the Union producers' production. Some interested parties claimed that the increase of imports was not significant enough in particular as it actually was on a decreasing trend between 2023 and 2024. While in the last year of the period concerned (2024), imports were below the level of 2023, they remain at levels higher than in previous years (in particular 2017 and 2018, with 1 282 and 1 267 million tonnes). When comparing to the MRP, the imports increased by 13% since 2019 and the above-mentioned trend of higher levels of imports than in 2017 and 2018 is also confirmed.

☐☐☐



Source: EUROSTAT

- (33) In the MRP the imports continued to decrease as in 2024, however, imports remained high and higher than a previous historical peak in 2017. 2021 had a higher level of annual imports than 2022 in view of the economic recovery post-COVID-19 leading to historical high consumption. In sum, since 2021, imports remain at elevated levels, with small fluctuations from year to year. The most recent declining trend is not sharp enough to detract from the continuation of an increased level of imports overall. In reply to the comments, the Commission also noted that the legal requirement is not that imports 'are increasing' at the moment the determination is made or at the end of the period concerned. Rather, the requirement is that the product 'is being imported in increased quantities'. Given the levels of imports in the 2021- MRP period, compared to the prior period and that the described fluctuations within the 2021 - MRP period are several times smaller in magnitude than the increase compared to the preceding part of the period concerned (2019, 2020), the conclusion is warranted that the product is being imported in increased quantities.
- (34) In addition, imports increased significantly in relation to the Union production, rising by 104% between 2019 and 2024 and by 126% when compared to the MRP. The most substantial increase of 105% was observed between 2022 and 2023. In relative terms imports also declined rather than increased in 2024 compared to 2023. However, despite that decline, relative imports in 2024 remain at a level above that of 2022 and thus at a level higher than that of all years in the period concerned, except 2023. Therefore, in relative terms, despite the most recent decrease, the product is still being imported in significantly increased quantities. A much stronger decline would be needed for that to no longer be the case.
- (35) Imports also increased in relation to the Union consumption rising by 23% between 2019 and 2024 and by 22% when compared to the MRP. The Union consumption, after a few years of fluctuation, is continuously decreasing since 2022, making this relative increase more prominent.

- (36) The Commission therefore concludes that there has been a notable increase in imports of the product concerned, both in absolute and more clearly on relative terms. This conclusion is derived from a comprehensive analysis of the data over the entire period of investigation, not simply end-to-end points of the period 2019-2024. It is also reinforced by examining the relevant trends that emerged throughout this period and in the MRP.

5. UNFORESEEN DEVELOPMENTS

- (37) The Commission has reached the conclusion that the significant increase in ferro-alloy imports into the Union is a direct consequence of unforeseen developments, that not only create but also intensify imbalances in the international trade of the product concerned.
- (38) In 2023, the existing global capacity was estimated at around 46 million tonnes while the global consumption was 27,6 million tonnes. Therefore, already in 2023 there was about 18 million tonnes of overcapacity. In addition, for the coming years a further 9 million tonnes of capacity is estimated to become online. This amounts to a total future overcapacity of around 27 million tonnes corresponding to around 16 times total EU demand ⁽¹⁰⁾.
- (39) As a result of this global overcapacity the global prices of the ferro-alloys have been on a decreasing trend albeit with some fluctuation since 2020. As explained in recital (61) below, ferro-alloy prices in the Union are influenced by the price set by major exporting countries such as China and India.
- (40) The Union market is an attractive market for the exporting country producers due to its size and price levels. The Union is a leading consumer of certain alloys and operates as a highly open market. It consumes around 21% of the worldwide production, outpacing Japan (12%), North America (11%), and South Korea (8%). Furthermore, the Union market is also attractive for the product concerned, particularly in terms of pricing when compared to other major markets. According to the data ⁽¹¹⁾ provided by the Union industry, prices in the Union are consistently higher than those in other markets, such as India and China, with the exception of the US. During the 2023-2024 period, the average delivered price in the EU was 35% higher than that in China, while prices in India were, on average, 20% lower than EU prices.
- (41) When there is overcapacity on a global scale, producers face excess supply that they seek to offload in markets where they can achieve higher prices. The Union, as a result of its higher prices, became an appealing destination for this surplus product.
- (42) The above effect has been worsened by trade-restrictive practices in third country markets. In the recent years, many countries have increasingly used trade policies and trade defence instruments to protect domestic producers. New and recently extended trade defence measures imposed on origins from the most important exporters into the Union are listed in the footnote ⁽¹²⁾. The total volume of imports concerned by these measures is approximately 168 000 tonnes, representing 48% of the total Union production in 2024.
- (43) The latest of such measures were imposed in March 2025 by the US on imports of ferro- silicon from Brazil, Kazakhstan and Malaysia ⁽¹³⁾. During the period concerned, these countries were also among the largest importers of ferro-silicon into the Union, and with a closure of the US ferro-silicon market from these origins an additional 73 000 tonnes may be diverted to the Union market. This diversion would account for 21% of total Union production of the product concerned in 2024, causing additional injury to Union producers and leading to a further decrease in market share.

⁽¹⁰⁾ WoodMackenzie, Euroalliages request, Annex 5.

⁽¹¹⁾ CRU Group.

⁽¹²⁾ Mexico 2023 AD measure against India on FeMn, Mexico 2016 AD measure against India on FeSiMn, South Korea 2023 AD measure against India on FeSiMn, Egypt 2020 AD measure against India on FeSi, Russia 2023 AD measure against Georgia on FeSiMn.

⁽¹³⁾ US Federal Register 90 FR 14075, 90 FR 14077, 90 FR 14105, 90 FR 14108, 90 FR 14112, 90 FR 14114.

- (44) In addition, the US administration has introduced so-called reciprocal tariffs of varying levels on the imports from its trading partners. As regards imports from the Union, it applies a maximum, all-inclusive 15% tariff for products subject to reciprocal tariffs, including certain ferro-alloys.
- (45) In light of these circumstances, it is confirmed that the unforeseen developments in particular, global overcapacity, third country trade defence measures and overall tariff increases, notably in the US, have not only led to but will also continue to drive a substantial increase in imports of ferro-alloys into the Union.

6. OBLIGATIONS WHOSE EFFECT RESULTED IN THE INCREASE IN IMPORTS

- (46) The product concerned comprises several tariff lines and on all of these tariff lines, the European Union has, as a result of tariff concessions made in past rounds of multilateral trade negotiations, the tariff commitments ⁽¹⁴⁾ of:

7202 11	2,7% ad valorem
7202 19	2,7% ad valorem
7202 21	5,7% ad valorem
7202 29	5,7% ad valorem
7202 30	3,7% ad valorem
7202 99 30	2,7% ad valorem

- (47) These concessions are inscribed, at the time of the determination, in Part I, Section II of the European Union's Schedule of Concessions and Commitments, certified as Schedule EU CLXXIII – European Union on 1 December 2016 ⁽¹⁵⁾, as amended.
- (48) As a result of these concessions inscribed in the European Union's Schedule of Concessions and Commitments, annexed to the GATT and incorporated pursuant to Article II:7 of the GATT 1994 and as a result of other parts of the GATT 1994, the European Union has obligations incurred under the GATT 1994 notably as follows: Article XI:1, prohibiting non-tariff restrictions on the importation of the above-listed products, and, importantly, Article II:1(a) and Article II:1(b), first and second sentences, of the GATT 1994. Under Article II:1(b), first sentence, the EU is not allowed, absent an applicable exception, to impose ordinary customs duties on the product in question in excess of those set forth and provided in the relevant part of the EU's Schedule of Concessions and Commitments, i.e. the rate pointed out above for each of the tariff lines covered. Furthermore, the EU's applied import tariff on the product concerned, also known as the most-favoured-nation tariffs, at the time of the investigation, was at the maximum levels allowed under the tariff commitments indicated above.
- (49) The product concerned was being imported in increased quantities as a result of the above obligations undertaken under the GATT 1994 (Article XI:1, Article II:1(a) and II:1(b), first and second sentences, of the GATT 1994), because those obligations, combined with the tariff concessions which the European Union made in the successive rounds of multilateral trade negotiations, enhanced and secured the conditions of market access for imports of the product concerned to the market of the European Union. The above-mentioned tariff commitments of the European Union thus resulted in the increase in imports and gave no leeway for the EU to increase ordinary customs duties in lieu of introducing a safeguard measure. This simultaneously explains how the obligations in question resulted in the increase in imports that cause serious injury.
- (50) The GATT obligations specified simultaneously prevented the EU from increasing the applied import duties on the product at issue. These were, thus, the European Union's 'obligations of the GATT 1994 [which] constrain[ed] its ability to prevent or remedy injury from an increase in imports'. Concomitantly, the European Union 'suspend[ed] those obligations as a result' of its safeguard measure.

⁽¹⁴⁾ Commission Implementing Regulation (EU) 2024/2522 of 23 September 2024 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, ELI: http://data.europa.eu/eli/reg_impl/2024/2522/oj.

⁽¹⁵⁾ WTO doc. WT/Let/1220.

7. SERIOUS INJURY

7.1. Situation of the Union producers

- (51) In order to determine as to whether there is evidence of serious injury to the Union producers of the product concerned, the Commission, in line with Article 9 of Regulation 2015/478 and Article 6 of Regulation 2015/755, has examined the trends of consumption, production, capacity utilisation, sales, market share, prices, profitability, stocks, return on capital employed (ROCE), cash flow and employment for the product concerned for the years 2019 to 2024.
- (52) This analysis has been conducted globally highlighting the development of imports. As stated in Section 2, silicon has been excluded from the product scope. Concerning, calcium-silicon, the investigation revealed that at the beginning of the period concerned, calcium-silicon was produced by two producers in the Union, but production ceased in 2023. During the verification, producers did not indicate that any significant production would resume in the near future. Given the lack of production in the Union, calcium silicon was excluded from the product scope. Therefore, and as explained in Section 2 the product scope is defined as ferro-alloys and the further analysis is carried out on that basis.
- (53) On 4 August 2025, the Commission requested the Union producers to provide additional data for the first six months of 2025, in order to examine how the situation developed after the period concerned, which consisted of the years 2019-2024.
- (54) When looking at the overall situation, the Union consumption, sales of Union producers and the corresponding market share developed as follows:

Table 3

Union consumption, domestic sales and domestic market share

Year	2019	2020	2021	2022	2023	2024	MRP
Consumption in tonnes	1 845 132	1 602 735	2 075 077	1 874 156	1 758 562	1 754 412	1 709 235
<i>index 2019 = 100</i>	100	87	112	102	95	95	93
Domestic sales in tonnes	702 190	584 478	701 694	549 366	343 835	422 825	412 889
<i>index 2019 = 100</i>	100	83	100	78	49	60	59
Domestic market share	38%	36%	34%	29%	20%	24%	24%

Source: EUROSTAT and questionnaire replies

- (55) While Union consumption fluctuated in the first half of the period concerned, it has since then been on a downward trend. Domestic sales of the Union producers decreased between 2019 and the MRP by 41%, resulting in a loss of 14% market share. Over the same period, imports increased by 13% in absolute terms. The market share of the Union industry declined markedly throughout the period concerned and only recovered slightly in 2024 when the Union industry was selling at a loss to compete with the increased imports at low prices.

- (56) On the basis of the questionnaire replies from the Union producers, production, production capacity and capacity utilisation developed as follows:

Table 4

Production, production capacity and capacity utilisation

Year	2019	2020	2021	2022	2023	2024	MRP
Production in tonnes	616 707	477 006	598 314	415 657	275 573	351 540	309 976
<i>index 2019 = 100</i>	100	77	97	67	45	57	50
Production capacity in tonnes	1 102 794	1 041 422	1 053 615	1 006 108	1 028 989	947 203	892 526
<i>index 2019 = 100</i>	100	94	96	91	93	86	81
Capacity utilisation	56%	46%	57%	41%	27%	37%	35%

Source: Questionnaire replies

- (57) Production capacity decreased by 19% during the period 2019-MRP, and the Union production decreased by 50% during the same period. As a result, the capacity utilisation rate also decreased from 56% to 35%. Production recovered slightly in 2024 but was still much lower than in the previous years, with the exception of 2023. In the MRP the production declined again.
- (58) On the basis of EUROSTAT data and questionnaire replies from the Union producers, import prices, Union producers' sales prices, price differences, cost of production and profitability developed as follows:

Table 5

Import prices, Union producers' sales prices, price differences, cost of production and profitability

Year	2019	2020	2021	2022	2023	2024	MRP
Import prices CIF + MFN EUR/tonne	1 067	960	1 215	1 927	1 342	1 184	1 174
<i>index 2019 = 100</i>	100	90	114	181	126	111	110
Union producers sales price EUR/tonne	1 011	937	1 457	2 233	1 486	1 295	1 230
<i>index 2019 = 100</i>	100	93	144	221	147	128	122
Price difference	- 6%	- 3%	17%	14%	10%	9%	5%
Cost of production EUR/tonne	1 112	1 043	1 354	2 145	1 633	1 449	1 482
<i>index 2019 = 100</i>	100	94	122	193	147	130	133
Profitability (% turnover)	- 10%	- 11%	7%	4%	- 7%	- 12%	- 20%

Source: EUROSTAT and questionnaire replies

- (59) A significant increase in imports has led to sustained downward pressure on Union sales prices. This has resulted in a substantial price difference of up to 17% in 2021 and continuing during the period concerned, adversely affecting the profitability of the Union industry.
- (60) The Union producers were suffering 10% and 11% losses in 2019 and 2020, respectively. In the recovery year 2021 (after the COVID-19), profits reached 7% but in 2022 decreased to 4%, followed by 7% losses in 2023 and 12% losses in 2024, when imports were made at prices below the Union industry's costs of production. The trend deteriorated in the MRP when losses peaked at 20%.
- (61) As of 2021, given the low import prices, the Union producers' prices were suppressed. Due to this price pressure the Union producers could not increase their prices to cover their costs, resulting in significant losses. Indeed, the Union ferro-alloys prices, as a commodity traded worldwide, are based on the CRU (Commodities Research Unit) index. To establish a figure for the CRU index, several factors are considered, primarily revolving around supply and demand of this commodity worldwide⁽¹⁶⁾. Exporting countries with significant production and export presence exert a price-setting influence on price indexes⁽¹⁷⁾ generally used on the market for sales contract negotiations in the Union. In the global ferro-alloys market, China and India remain the dominant global price setters, mainly due to their sheer production volume and capacity and significant reserves of critical raw materials needed for the production of the product concerned. Since the Union producers' production capacity is significantly smaller than that of those countries, the Union producers have limited ability to influence the Union ferro-alloy prices. Consequently, benchmark prices typically set in Asia compel the Union producers to accept price terms set by major producers, preventing them from increasing their prices.
- (62) On the basis of questionnaire replies from the Union producers, cash flow, return on capital employed, stocks and employment developed as follows:

Table 6

Cash flow, return on capital employed and stocks

Year	2019	2020	2021	2022	2023	2024	MRP
Cash Flow (thousand EUR)	- 21 616	8 100	40 278	94 206	27 558	- 34 678	- 37 255
Return on capital employed (%)	- 1,6%	- 1,1%	2,3%	5,0%	1,1%	0,0%	- 0,3%
Stocks (tonnes)	69 373	47 198	55 861	37 349	47 175	45 120	40 149
<i>index 2019 = 100</i>	100	68	81	54	68	65	58

Source: Questionnaire replies

- (63) During the period from 2019 to the MRP, the Union producers faced decreasing sales (Table 3) and incurred losses (Table 5) due to increased imports. Over the period concerned cash flow and return on capital employed followed a similar trend, fluctuating significantly but returning to a negative value in the MRP. Stocks also decreased in the period concerned.

⁽¹⁶⁾ CRU Prices - BULK FERROALLOYS - Methodology and Definitions Guide.

⁽¹⁷⁾ CRU (Commodities Research Unit) index: CRU publishes benchmark price indices for various commodities, including ferro-alloys, used for contract pricing and market valuation. CRU Group: Home - CRU Group; Annex 17 of the application.

Table 7

Employment

Year	2019	2020	2021	2022	2023	2024	MRP
Employment	2 252	2 077	1 977	1 866	1 686	1 819	1 705
<i>index 2019 = 100</i>	100	92	88	83	75	81	76

Source: Questionnaire replies

- (64) During the period concerned, Union producers faced a significant setback, resulting in a 19% reduction in jobs. When compared to the MRP, this represents a 24% reduction relative to the base year 2019.

7.2. Conclusion

- (65) Considering the above, it is concluded that the Union producers are suffering serious injury as evidenced in particular by a decrease in production, sales, market share, employment, significant price suppression and substantial losses during the period concerned. The recent data also confirmed that the situation is deteriorating in the MRP.

8. CAUSATION

- (66) The Commission examined whether the increased imports caused serious injury to the Union producers. In addition, the Commission also examined whether other known factors could at the same time have injured the Union producers so as to call into question the presence of a causal link between the injury suffered by the Union industry and the imports. The Commission ensured that any possible injury caused by other factors than imports was not attributed to the increased imports. These factors are increase in cost of production due to the high energy prices, export performance of the Union producers, and imports from Ukraine and Kenya. As mentioned under Section 4, Kenya did not export the product concerned during the period concerned to the Union.

8.1. Increased imports

- (67) It is recalled that the product produced by the Union producers is like or directly competing with the product concerned. It has the same basic characteristics, the same uses and is sold via similar or identical sales channels.
- (68) As stated above in Section 4, the total volume of imports increased significantly, by 13% in the MRP, when compared to 2019 levels, and notably as of 2021. At the start of the period concerned, namely in 2019 and 2020, the Union producers incurred losses of around 10% while imports were still at lower levels. This poor economic performance of the Union producers can be explained by the general economic downturn in the Union and in particular the significant decrease in steel production in 2019 and during the COVID-19 period. Crude steel production fell by 6% compared to 2018 levels and similarly stainless-steel melting also decreased by 8,1% when compared to 2018 ⁽¹⁸⁾. This led to a significant drop in prices of the product concerned, resulting in losses for the Union producers ⁽¹⁹⁾. The volume of imports also decreased by 11 percentage points between 2019 and 2020 due to COVID-19 pandemic, coinciding with an overall decrease in consumption. This decrease in imports, however, did not lead to a decrease in their market share, which slightly increased by 2% despite the general market disruption caused by the COVID-19 pandemic. Following the economic recovery in 2021, imports increased to high levels and remained at such levels despite the 19 percentage points decrease in consumption in the MRP when compared to 2021. In addition to the volume pressure of the increased imports, the average import price was also 17% to 5% lower than the sales price of the Union producers since 2021. This increase in imports at lower prices since 2021 coincided with a significant, 10 percentage point loss of market share by the Union producers and with the continuous downward trend in profitability reaching a loss of 20% in the MRP.

⁽¹⁸⁾ Eurofer Annual Report 2020, <https://www.eurofer.eu/publications/archive/annual-report-2020> and World Steel Statistical Yearbook 2024, <https://worldsteel.org/media/publications/>.

⁽¹⁹⁾ Information requested by the Commission, provided by Euroalliances, 30 June 2025.

- (69) Several interested parties have contended that the increase in imports is not enough to cause serious injury to the Union industry. Instead, they argued that these import trends merely indicate fluctuations that align with the global recovery post-COVID-19.
- (70) The aftermath of the pandemic saw a marked and sudden increase in imports, which placed both direct and indirect pressure on the Union producers, leading to a decline in its domestic market share. From the financial performance of the Union producers, it is evident that the issue was not just a resumption of global supply chains. Instead, there was a significant influx of imports into the Union market, at levels higher than those observed between 2016 and 2019, and under such price conditions that suppressed the Union sales prices, thereby undermining the viability of the Union industry.
- (71) The Commission therefore concluded that there is a direct causal link between the increase in imports and the serious injury suffered by Union producers.

8.2. Other known factors

- (72) To ensure that the serious injury is not attributed to factors other than increased imports, the Commission examined whether other factors may have contributed to the serious injury suffered by the Union producers and to separate and distinguish the effects of those factors from the effects of increased imports, with a view to establishing the existence of a genuine and substantial relationship of cause and effect.
- (73) Several interested parties have argued that Union producers are suffering from high energy prices within the Union rather than from increased imports. Indeed, energy prices are generally higher in the Union than in some other parts of the world. However, under normal market conditions, manufacturers can reflect cost increases in their sales prices in order to maintain reasonable profits. The increased level of imports has prevented the Union producers from increasing their sales price sufficiently to cover for the increase in the electricity price. As described in recital (61), Union producers are compelled to accept price terms dictated by major global producers. As a result, they could not increase their prices despite the inevitable rise in their costs due to increasing energy costs. It is thus not the increase of costs as such, but, due to the increased imports, the Union producer's inability to accurately reflect these cost increases in their sales prices that caused injury.
- (74) The Commission also analysed the impact of imports of the product concerned from Ukraine and concluded that these imports did not contribute to the serious injury under consideration for the purposes of meeting the conditions for a safeguard measure (parallelism). Imports from Ukraine have been excluded from the scope of this safeguard investigation, as already indicated in Section 4. In 2019, imports from Ukraine accounted for 21% of total EU imports, but by 2024, have dropped to just 4%. Thus, imports from Ukraine did not form a significant part of total Union imports of the product concerned. Therefore, the Commission considers that imports of the product concerned from Ukraine did not contribute to the serious injury suffered by the Union producers.
- (75) The Commission also assessed the export performance of the Union producers based on data of the questionnaire replies received. Exports have declined by 52% during the period concerned. When assessed against the MRP, the decrease is even more pronounced, amounting to 72% since 2019. Given the worldwide overcapacity and the price setting power of global players such as China and India, Union producers were under pressure also on the export markets.
- (76) Consequently, the Commission has not identified any other factors that would attenuate the causal link between the increase in imports and the serious injury to the Union producers.

8.3. Conclusion

- (77) The Commission established that there is a causal link between the increased imports of the product concerned and the serious injury suffered by the Union producers. As set out above, the high energy prices, other imports and the export performance may have contributed to the serious injury suffered by Union producers, but did not attenuate the causal link.

9. UNION INTEREST

- (78) The Commission further examined whether compelling reasons exist for concluding that it is not in the Union interest to adopt a measure as a result of this investigation. The analysis of the Union interest was based on an appraisal of all the various interests involved, including those of the Union producers, importers and users.
- (79) The Union industry is composed of 7 producers, located in different Member States of the Union, and was employing directly more than 1 800 people in relation to the product concerned in 2024.
- (80) It has been established that the Union industry is suffering serious injury caused by an increase of imports.
- (81) Ferro-alloys are crucial for producing high-quality steel and metal alloys used in the automotive, aerospace, construction, and electronics industries. It is in the Union interest to have a competitive and healthy ferro-alloy industry in the Union, supporting a wide range of downstream manufacturing activities, enhancing productivity and competitiveness.
- (82) With global supply chain disruptions highlighting vulnerabilities, having a viable ferro-alloy industry ensures that the Union can maintain its industrial output and strategic autonomy, even in times of global uncertainty.
- (83) In that context, several interested parties claimed that a measure would almost certainly result in an increase in prices of raw materials for certain steel manufactures, and limit availability of ferro-alloys for EU steel producers. Furthermore, they claimed that such a measure could disrupt the entire aluminium supply chain in the Union and increase production costs. Some interested parties expressed concerns that the supply sources are already limited and that the proposed safeguard measure could lead to a shortage of supply. They also argued that products are either not available from Union producers or are not sufficiently available.
- (84) Users and importers, in general, seek the lowest possible price. However, it is also in their interest to have a competitive and viable Union industry, as a reliable source of supply. Safeguard measures are designed to protect domestic industries from increased imports and the serious injury they create. By doing so, they support domestic employment and help vital industries, such as ferro-alloys, withstanding import pressure.
- (85) At the same time, it is appropriate to ensure sufficient availability of ferro-alloys for users. The Commission considers that a safeguard measure in the form of specific tariff rate quota ("TRQ") per product type allows finding a balance between producer and user interests, on the one hand addressing the serious injury caused by increased imports while on the other hand allowing substantial imports to the Union free of duty, ensuring effective competition between imports and Union production and thus mitigating any risk of shortage. An out of quota duty at the appropriate level will ensure price levels on the Union market that allow the Union industry to compete with imports.
- (86) The measure will also serve as a catalyst for developing and strengthening Union production capabilities. Imposing a variable out of quota duty will allow the Union producers to resume and increase production and regain their competitiveness. This will lead to a more sustainable and competitive Union industry in the long term.
- (87) Based on the above considerations, and careful examination of the various interests, the Commission concluded that it is in the Union interest to adopt the safeguard measure in the form of specific TRQs per product type allowing a certain volume of imports to enter duty free and a tariff increase for imports exceeding the quota volumes. The out of quota duty is established by reference to the difference between an established price threshold and the actual import price. This balanced measure would still allow imports of ferro-alloys into the Union, guaranteeing that foreign supply continues to support downstream industry needs, while ensuring sustainable price levels for the Union industry.
- (88) The Union producers of ferro-alloys are of strategic importance to the Union's economic stability and long-term resilience. Therefore, the Commission considers that the safeguard measure is in the Union interest.

10. EXCLUSIONS OF CERTAIN COUNTRIES FROM THE SCOPE OF THE MEASURE

- (89) In accordance with Article 18 of Regulation (EU) 2015/478 and international obligations of the Union, the measure must not apply to any product originating in a developing country WTO member or Algeria ⁽²⁰⁾ as long as the share of imports into the Union of that product does not exceed 3%, provided that developing country members of the WTO with less than a 3% import share, collectively, do not account for more than 9% of total Union imports of the product concerned.
- (90) Unless specifically set out in Annex I, the Commission has determined that the imports of the product concerned originating in developing-country Members of the WTO and Algeria meet the requirements to benefit from the abovementioned derogation.
- (91) In addition, as also explained in Section 4, based on existing Union legislation it is required to exempt imports from Ukraine from the application of the safeguard measure. The Union adopted Regulation (EU) 2025/1153 ⁽²¹⁾ suspending the application of certain provisions of Regulation (EU) 2015/478 insofar as they pertain to imports from Ukraine. In line with said regulation, and in line with the WTO requirement of parallelism, imports from Ukraine have been excluded from the scope of this safeguard investigation ⁽²²⁾.

11. OBLIGATIONS ARISING FROM CERTAIN BILATERAL AGREEMENTS BETWEEN THE UNION AND THIRD COUNTRIES

- (92) The Commission ensured that this measure is compatible with the Union's obligations under bilateral or regional trade agreements with third countries.
- (93) With respect to imports from Norway and Iceland (there are no imports from Liechtenstein), the measure satisfies the requirements of Articles 112 and 113 of the Agreement on the European Economic Area (the EEA Agreement). In particular, the Commission has ascertained that serious economic difficulties of a sectorial nature are liable to persist with respect to the Union's ferro-alloy producers.
- (94) First, the Commission established that the economic injury detailed in Section 7 is inflicted upon specific Union producers of ferro-alloys and that these producers represent a distinct sector within the meaning of Article 112 of the EEA Agreement. The producers engage in the same or similar type of economic activities, namely the production of the product concerned. The products of the Union producers are destined to the same type of downstream industry, and they all use similar sales channels for the product concerned (see above in Section 2). The production of ferro-alloys is thus an activity that can be qualified as a "sector", such that serious difficulties for these producers can be qualified as "sectorial" in nature.
- (95) Second, the Commission concluded on the basis of the sector specific economic and financial indicators described in Section 7, that the Union producers suffered serious injury. The same indicators prove the serious economic difficulties within the meaning of Article 112 of the EEA Agreement in the most recent years of the period concerned, i.e. in 2023 and 2024. Moreover, in its assessment the Commission also examined the volume and prices of imports from the EFTA States that are parties to the EEA Agreement. In 2024, Norway and Iceland accounted for 47.4% of total Union imports of the product concerned into the Union and were exporting to the Union at prices around the same level as those of the Union producers and at a higher level of prices than imports from other origins. Despite these prices being higher than those of the imports of other origins, they still exerted competitive pressure on Union producers selling at around the same price level and thus price suppression on these Union producers as they were not able to raise their prices to sufficient levels to cover their costs.

⁽²⁰⁾ 2005/690/EC: Council Decision of 18 July 2005 on the conclusion of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, OJ L 265, 10.10.2005, p. 1–1 ELI: <http://data.europa.eu/eli/dec/2005/690/oj>.

⁽²¹⁾ Regulation (EU) 2025/1153 of the European Parliament and of the Council of 5 June 2025 suspending certain provisions of Regulation (EU) 2015/478 as regards imports of Ukrainian products into the Union, OJ L, 2025/1153, 5.6.2025, ELI: <http://data.europa.eu/eli/reg/2025/1153/oj>.

⁽²²⁾ The present measure accords also to non-WTO members the treatment afforded to WTO members.

- (96) Third, the conditions for the serious economic difficulties having been in place for a protracted period of two years and there being no indication pointing in the direction of a likely improvement in the near future, the continuation is likely and thus the serious economic difficulties are liable to persist in the sense of Article 112 of the EEA Agreement.
- (97) Fourth, the Commission assessed what type of measure would be strictly necessary in order to remedy the situation and the least disturbing to the functioning of the EEA Agreement. At the same time, the Commission also examined what type of measure would allow the Union producers to regain competitiveness and enable them to recover from their losses.
- (98) The Commission decided to impose a measure in the form of specific tariff rate quotas per product type and an out of quota tariff increase established by reference to the difference between the established price threshold and the actual import price as explained in Section 12 below. The Commission determined that such form of measure would allow the Union industry to regain its market share and competitiveness and allow the continuation of imports from the EFTA States that are parties to the EEA Agreement with the least possible disturbance. Specifically, the measure was chosen so as to allow the Union industry to regain market shares without incurring losses and to apply for a sufficiently long period allowing the Union industry to recover from the serious economic difficulties. The scope of the measure has been carefully targeted based on objective criteria, including product similarity, substitutability, and the degree of market disruption, so that the measure applies to a defined product whose import volumes and prices have caused the serious economic difficulties. This ensures proportionality and compliance with the EEA Agreement which requires that the measure be strictly necessary in scope and duration.
- (99) The Commission commits to continuously monitor the functioning of the safeguard measures and to hold consultations with Norway and Iceland every three months with a view to the abolition of the measure before the date of expiry envisaged, or to the limitation of their scope of application. To inform such consultations as well as consideration by Member States on the desirability to amend the duration or parameters of the measures, the Commission should carry out an assessment of the situation on a regular basis, and to consider a review at least at the end of each year of imposition of measures. The Commission should in any event initiate the first review investigation no later than one year after the entry into force of the measures.
- (100) In conducting such reviews, among other aspects, the Commission should examine whether the application of the safeguard measures results in adverse consequences for certain downstream users, including in specific Member States or regions within the Union. Furthermore, the Commission should assess whether production by Union producers is sufficient to supply the products concerned in volumes that do not result in shortage or unsustainable price increase, and to propose appropriate adjustments to the measures.
- (101) As regards other regional or bilateral trade agreements of the Union with third countries, and as further set out in Section 12 below, the Commission decided to impose a measure in the form of specific tariff-rate quotas per product type, combined with an increase of the tariff applicable to out-of-quota imports. The Commission concluded that the adoption of such a measure constitutes the least disturbing measure for the continuation of bilateral trade with all the Union's free trade partners.
- (102) Furthermore, where these regional or bilateral agreements do not automatically allow the imposition of safeguard measure on the terms of the WTO Agreement, the Union relies on provisions contained in those agreements allowing a safeguard measure. The Commission ensured that the obligation to duly inform its free trade agreement partners is undertaken in accordance with the applicable bilateral agreement.

- (103) In this respect, it is noted that given the scope and the conclusions of the investigation, there are serious disturbances in the ferro-alloys sector, and that safeguard measures are therefore also justified under Article 26 of the Agreement concluded between the European Economic Community and the Swiss Confederation in 1972 ⁽²³⁾, Article 26 of the free-trade agreement with the Faroe Islands ⁽²⁴⁾, Article 60 of Additional Protocol signed on 23 November 1970, annexed to the Agreement establishing the Association between the European Economic Community and Türkiye ⁽²⁵⁾, as well as under the Association Agreements with Morocco ⁽²⁶⁾, Tunisia ⁽²⁷⁾, Jordan ⁽²⁸⁾, Israel ⁽²⁹⁾ and Palestine ⁽³⁰⁾ and the Cooperation and customs union agreement with San Marino ⁽³¹⁾ and the Cooperation Agreement with the Syrian Arab Republic ⁽³²⁾. On the same grounds and that additionally bilateral imports, as a part of all imports, have contributed to the serious disturbances in the sector, safeguard measures are likewise permitted under Article 15 of the Economic Partnership, Political Coordination and Cooperation Agreement currently in force with Mexico ⁽³³⁾. Finally, imports from North Macedonia into the Union were found to have increased in the period under investigation and contributed to the serious injury suffered by the Union ferro-alloys industry. These imports, therefore, meet the conditions required to take safeguard measures pursuant to Article 37(1) of the Stabilisation and Association Agreement concluded between the European Communities and their Member States, and the former Yugoslav Republic of Macedonia ⁽³⁴⁾.

12. CONCLUSIONS AND ADOPTION OF MEASURE

12.1. Adoption of measure

- (104) The Commission has concluded that the Union ferro-alloys producers are suffering serious injury caused by increased imports in relation to ferro-alloys and that it is in the Union interest to adopt appropriate safeguard measure to avoid a further increase of imports and a further deterioration of the Union producers' situation.

12.2. Form and level of measure

12.2.1. TRQ per product type

- (105) For the selection of the appropriate form of measure, the Commission considered the following elements. First, the existence of serious injury to the Union producers. Second, the need for the Union producers to regain competitiveness, while maintaining a suitable choice of supply sources available in the Union, and a calibrated effect on imports and prices is desirable.

⁽²³⁾ Article 26 of the Agreement concluded between the European Economic Community and the Swiss Confederation in 1972, ELI: <http://data.europa.eu/eli/reg/1972/2840/oj>.

⁽²⁴⁾ Article 26 of the free-trade agreement with the Faroe Islands, ELI: http://data.europa.eu/eli/agree_internation/1997/126/2021-09-01.

⁽²⁵⁾ Article 60 of Additional Protocol signed on 23 November 1970, Agreement establishing the Association between the European Economic Community and Türkiye, ELI: [http://data.europa.eu/eli/prot/1972/2760\(1\)/oj](http://data.europa.eu/eli/prot/1972/2760(1)/oj).

⁽²⁶⁾ Article 25 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, ELI: http://data.europa.eu/eli/agree_internation/2000/204/oj.

⁽²⁷⁾ Article 25 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, ELI: http://data.europa.eu/eli/agree_internation/1998/238/2025-01-22.

⁽²⁸⁾ Article 24 of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, ELI: [http://data.europa.eu/eli/agree_internation/2002/357\(1\)/2021-09-01](http://data.europa.eu/eli/agree_internation/2002/357(1)/2021-09-01).

⁽²⁹⁾ Article 23 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, ELI: http://data.europa.eu/eli/agree_internation/2000/384/2013-07-01.

⁽³⁰⁾ Article 21 of the Euro-Mediterranean Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, ELI: http://data.europa.eu/eli/agree_internation/1997/430/2021-09-01.

⁽³¹⁾ Article 12 of the Cooperation and customs union agreement with San Marino, ELI: http://data.europa.eu/eli/agree_internation/2002/245/2008-02-01.

⁽³²⁾ Article 32 of the Cooperation agreement between the European Economic Community and the Syrian Arab Republic, ELI: http://data.europa.eu/eli/agree_internation/1978/2216/1994-03-01.

⁽³³⁾ Article 15 of the Economic Partnership, Political Coordination and Cooperation Agreement currently in force with Mexico, ELI: <http://data.europa.eu/eli/dec/2000/415/2021-01-01>.

⁽³⁴⁾ Article 37 of the Stabilisation and Association Agreement concluded between the European Communities and their Member States, and the former Yugoslav Republic of Macedonia, ELI: [http://data.europa.eu/eli/agree_internation/2004/239\(2\)/2021-09-09](http://data.europa.eu/eli/agree_internation/2004/239(2)/2021-09-09).

- (106) On that basis, the Commission considers that, as mentioned in recital (87), a specific TRQ per product type, combined with an out of quota variable duty is the most effective form of measure to balance various interests.
- (107) According to Article 15(3) of Regulation 2015/478, any quota shall, in principle, be set at the average level of imports over the last three representative years.
- (108) This provision, however, applies to quantitative restrictions, i.e. measure in the form of a quota. As confirmed by the relevant jurisprudence⁽³⁵⁾, a TRQ is not a quantitative restriction under the WTO Agreement on Safeguards, and therefore the establishment of the level of a TRQ is not bound by said Article.
- (109) In order to ensure effective protection of the Union producers and enhance their capacity to recover and compete with imports, the Commission considers it necessary to set the quota levels 25% below the average level of imports of 2022, 2023 and 2024.
- (110) This figure is calculated by establishing a sustainable market share (30-40%) that would allow the Union industry to recover from the injurious situation, while maintaining adequate sources of supply for downstream users.

12.2.2. *Out of quota variable duty*

- (111) The out of quota duty should be a variable duty in the form of a tariff increase by reference to the difference between the established price threshold and the actual import price. If imports are made at the level of the price threshold or above no additional duty would be payable. However, if imports are made at a price below the established threshold, the duty should be equal to the difference between the net free-at-Union-frontier price and the established price threshold per product type.
- (112) The price threshold is established by reference to a non-injurious price for ferro-alloy imports. Following a detailed investigation, which included a comprehensive injury analysis, causation analysis, and an assessment of Union interests, the Commission determined the non-injurious price level by evaluating current sales price levels for each product type. The Commission took as a basis the cost of domestic sales to unrelated customers per product type and added to it compliance costs, investments and a target profit.
- (113) With regard to compliances costs, the Commission assessed the future costs to ensure compliance with the Union Emission Trading System ('EU ETS') which is a cornerstone of the Union's policy to comply with Multilateral Environmental Agreements. Such additional costs were calculated on the basis of the estimated price of the Union Allowances which will have to be purchased by the Union industry. The additional costs also took account of indirect CO₂ costs stemming from an increase in electricity prices over the same period.
- (114) Furthermore, the Commission assessed the investments, research and development (R&D) and innovation, as well as level of profitability which is to be expected under normal conditions of competition.
- (115) When establishing the price threshold, the Commission considered the level of profitability that can be expected under normal market conditions and to cover long-term losses, to restore investment capacity and to comply with future regulatory obligations. The net profit margin for this type of capital-intensive industry is around 12,45% depending on factors such as the type of alloy produced, energy contracts, and production efficiency⁽³⁶⁾.

12.2.3. *Applicable anti-dumping and anti-subsidy measures*

- (116) The Commission acknowledges that a cumulation of anti-dumping/anti-subsidy measures with safeguards may lead to a greater effect than desirable.

⁽³⁵⁾ WTO Appellate Body Report, US- Line Pipe, WT/DS202, para. 235.

⁽³⁶⁾ Commission Implementing Regulation (EU) 2021/1811 of 14 October 2021 imposing a provisional anti-dumping duty on imports of calcium silicon originating in the People's Republic of China, OJ L 366, 15.10.2021, p. 17–61, ELI: http://data.europa.eu/eli/reg_impl/2021/1811/oj.

- (117) The Commission recalls that anti-dumping and countervailing duty measures do not seek to close the Union market but merely remedy injurious trading practices. As such, these measures target country-specific situations of dumping and subsidisation, have a different scope of application and purpose than the safeguard measure imposed by way of this Regulation, and are not mutually exclusive.
- (118) In order to avoid the imposition of 'double remedies', whenever the tariff quota is exceeded, the level of the existing anti-dumping and countervailing duties will be suspended or reduced to ensure that the combined effect of these measures does not exceed the highest level of the safeguard or anti-dumping/countervailing duties in place.
- (119) For the purpose of comparison of the above proposed price threshold with anti-dumping and countervailing duties, the Commission will quantify it as an ad-valorem duty.
- (120) This concerns the Commission Implementing Regulation (EU) 2020/909⁽³⁷⁾ imposing an anti-dumping duty on imports of ferro-silicon. The anti-dumping duty should be applicable from the first tonne until the tariff quotas for ferro-silicon are exhausted and the price threshold specified in this regulation becomes applicable for the out of quota volumes.

12.3. Administration of the tariff-rate quotas

- (121) Based on Union interest considerations and in order to ensuring optimal use of the tariff quota volumes the Commission considered that they should be allocated on the one hand to country specific quotas for countries having a substantial interest in supplying the specific product type concerned and, on the other hand, to all other origins.
- (122) For the purpose of this regulation, it is considered that countries with a share of more than 5% of imports over the last 3 years for the product type concerned have a significant supplying interest. A residual TRQ ('the residual quota') based on the average of the remaining imports over the last three years should be allocated to all other supplying countries. The residual quota should be filled based on the chronological order of the dates on which declarations of release for free circulation are accepted, as provided for in Commission Implementing Regulation (EU) 2015/2447⁽³⁸⁾. This method of administration calls for close cooperation between the Member States and the Commission.
- (123) The eligibility of imported goods from developing countries to be excluded from the tariff quotas is dependent on the origin of the goods. The criteria for determining non-preferential origin currently in force in the Union should therefore be applied.

12.4. Duration

- (124) The Commission considers that the measure should be in place for a period of three years, expiring on 17 November 2028.
- (125) Since the duration of the measure is for over a year, the measure must be progressively liberalised at regular intervals during the period of application. The Commission considers that the most appropriate way to liberalise the measure is to increase the level of the free of duty quota by 0,1% after each year. The first liberalisation will take place on 18 November 2026, with the second liberalisation taking place on 18 November 2027.

⁽³⁷⁾ Commission Implementing Regulation (EU) 2020/909 of 30 June 2020 imposing a definitive anti-dumping duty on imports of ferro-silicon originating in Russia and the People's Republic of China, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036, OJ L 208, 1.7.2020, pp. 2–42, ELI: http://data.europa.eu/eli/reg_impl/2020/909/oj.

⁽³⁸⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558), ELI: http://data.europa.eu/eli/reg_impl/2015/2447/oj.

13. FINAL CONSIDERATIONS

- (126) In view of Article 109 of Regulation 2024/2509, ⁽³⁹⁾ 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.
- (127) Given the specific circumstances of the present case, including the structure of the Union industry and the substantial complexity of both the investigation and the assessment of the Union interest, a comprehensive economic and legal examination has been required. These elements amount to exceptional and compelling grounds warranting the application of urgency considerations, thereby justifying entry into force on the date of publication. In order to ensure the effective functioning of the safeguard measures and to comply with the provisions of Article 6(3) of Regulation (EU) 2015/478 and Article 4(3) of Regulation (EU) 2015/755, the Commission should publish the Implementing Regulation in the *Official Journal of the European Union* no later than 18 November, and the measures should apply immediately upon publication.
- (128) The measure provided for in this Regulation are in accordance with the opinion of the Committee on Safeguards established under Article 3(3) of Regulation (EU) 2015/478 and Article 22(3) of Regulation (EU) 2015/755 respectively,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to Article 5, specific tariff quotas are hereby opened in relation to imports into the Union of ferro-alloys falling under the CN codes (7202 11, 7202 19, 7202 21, 7202 29, 7202 30, 7202 99 30) (Annex II) for a duration of three years.
2. A part of tariff-rate quotas is allocated to the countries specified in Annex III, another part is allocated to other countries, and for the periods specified in Annex III.
3. Where the relevant tariff-rate quotas are exhausted or where imports of the product types do not benefit from the relevant tariff-rate quota, an out of quota variable duty applicable to the products listed in Article 1.1 shall be the difference between the established price threshold listed in Annex II and the net free-at-Union-frontier price, before duty, if the latter is lower than the former. No duty shall be collected where the net free-at-Union-frontier price is equal to or higher than the established price threshold listed in Annex II.
4. The drawings on each quarterly quota shall be stopped on the twentieth working day of the Commission following the end of the quarterly period. At the end of each quarter, the unused balances of the tariff-rate quotas shall not be transferred to the next quarter. The unused balances at the end of the last quarter of each year of application of the definitive tariff-rate quotas shall not be transferred.
5. The anti-dumping/countervailing duties on imports of the products listed in the Annex II shall be applicable until the pertinent tariff quotas are exceeded and the safeguard measure becomes applicable.

⁽³⁹⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

Article 2

1. The origin of any product to which this Regulation applies shall be determined in accordance with the provisions in force in the Union relating to non-preferential origin.
2. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply.

Article 3

Imports of the product types referred to in Article 1(1), which are already on their way to the Union on the date of entry into force of this Regulation, whose destination cannot be changed, shall not be subject to the price threshold specified in Annex II, and may be put into free circulation.

Article 4

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 5

For the product concerned, Annex I specifies the originating developing countries which shall be subject to the measure set out in Article 1.

Article 6

Imports of the product concerned originating in Kenya and Ukraine shall not be subject to the measure set out in Article 1.

Article 7

During the period set out in Article 1(1) the Commission shall review the measures in case of change of circumstances, such as insufficient availability of ferro-alloys or unsustainable price increases for certain downstream users, and in any event no later than one year after the entry into force of the measures.

Article 8

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

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

Done at Brussels, 18 November 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

I.1 — List of developing countries, members of the WTO, and Algeria

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eswatini, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hong Kong, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyz Republic, Lao People's Democratic Republic, Lesotho, Liberia, Macao, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, North Macedonia, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Suriname, Tajikistan, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Uganda, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

I.2 — List of product types originating in developing countries to which the definitive measures apply

List of product types originating in developing countries to which the definitive measures apply				
Country / Product group	Ferro-Manganese	Ferro-Silicon	Ferro-Silico-Magnesium	Ferro-Silico-Manganese
Brazil		X	X	
China		X	X	
Georgia		X		X
India	X	X	X	X
Malaysia	X	X		
South Africa	X	X		X
Thailand		X	X	
Zambia		X		X
All other developing countries		X		

ANNEX II

Price threshold applicable for the tariff increase

Product Number	Product type	HS / CN Codes	Price threshold (EUR/tonne)
1	Ferro-manganese	7202 11, 7202 19	1 316
2	Ferro-silicon	7202 21, 7202 29	2 408
3	Ferro-silico-manganese	7202 30	1 392
4	Ferro-silico-magnesium	7202 99 30	3 647

ANNEX III

Volumes of tariff-rate quotas

Product type	HS and CN codes	Allocation by country (Where Applicable)	Year 1				Year 2				Year 3				Price threshold	Order numbers
			From 18.11.2025 to 17.2.2026	From 18.2.2026 to 17.5.2026	From 18.5.2026 to 17.8.2026	From 18.8.2026 to 17.11.2026	From 18.11.2026 to 17.2.2027	From 18.2.2027 to 17.5.2027	From 18.5.2027 to 17.8.2027	From 18.8.2027 to 17.11.2027	From 18.11.2027 to 17.2.2028	From 18.2.2028 to 17.5.2028	From 18.5.2028 to 17.8.2028	From 18.8.2028 to 17.11.2028		
			Volume of tariff quota (net tonnes)				Volume of tariff quota (net tonnes)				Volume of tariff quota (net tonnes)					
Ferro-Manganese	7202 11, 7202 19	Norway	28 972,70	28 027,93	28 972,70	28 972,70	29 001,67	28 055,96	29 001,67	29 001,67	28 951,35	28 321,98	28 951,35	28 951,35	see Annex II	09.8810
		India	17 625,79	17 051,04	17 625,79	17 625,79	17 643,42	17 068,09	17 643,42	17 643,42	17 612,81	17 229,92	17 612,81	17 612,81	see Annex II	09.8815
		South Africa	8 272,87	8 003,10	8 272,87	8 272,87	8 281,14	8 011,10	8 281,14	8 281,14	8 266,77	8 087,06	8 266,77	8 266,77	see Annex II	09.8818
		Malaysia	6 765,92	6 545,29	6 765,92	6 765,92	6 772,68	6 551,83	6 772,68	6 772,68	6 760,93	6 613,95	6 760,93	6 760,93	see Annex II	09.8819
		Korea, Republic of	4 832,82	4 675,23	4 832,82	4 832,82	4 837,65	4 679,90	4 837,65	4 837,65	4 829,26	4 724,28	4 829,26	4 829,26	see Annex II	09.8820
		Other countries	5 557,54	5 376,31	5 557,54	5 557,54	5 563,09	5 381,69	5 563,09	5 563,09	5 553,44	5 432,71	5 553,44	5 553,44	see Annex II	09.8665
Ferro-Silicon	7202 21, 7202 29	Norway	35 136,16	33 990,41	35 136,16	35 136,16	35 171,30	34 024,41	35 171,30	35 171,30	35 110,27	34 347,01	35 110,27	35 110,27	see Annex II	09.8840
		Iceland	13 373,32	12 937,24	13 373,32	13 373,32	13 386,70	12 950,18	13 386,70	13 386,70	13 363,47	13 072,96	13 363,47	13 363,47	see Annex II	09.8845
		Kazakhstan	8 090,25	7 826,44	8 090,25	8 090,25	8 098,34	7 834,27	8 098,34	8 098,34	8 084,29	7 908,55	8 084,29	8 084,29	see Annex II	09.8854
		Brazil	6 316,02	6 110,06	6 316,02	6 316,02	6 322,34	6 116,17	6 322,34	6 322,34	6 311,37	6 174,16	6 311,37	6 311,37	see Annex II	09.8898
		Other countries	24 984,27	24 169,56	24 984,27	24 984,27	25 009,25	24 193,73	25 009,25	25 009,25	24 965,86	24 423,13	24 965,86	24 965,86	see Annex II	09.8666

Product type	HS and CN codes	Allocation by country (Where Applicable)	Year 1				Year 2				Year 3				Price threshold	Order numbers
			From 18.11.2025 to 17.2.2026	From 18.2.2026 to 17.5.2026	From 18.5.2026 to 17.8.2026	From 18.8.2026 to 17.11.2026	From 18.11.2026 to 17.2.2027	From 18.2.2027 to 17.5.2027	From 18.5.2027 to 17.8.2027	From 18.8.2027 to 17.11.2027	From 18.11.2027 to 17.2.2028	From 18.2.2028 to 17.5.2028	From 18.5.2028 to 17.8.2028	From 18.8.2028 to 17.11.2028		
			Volume of tariff quota (net tonnes)				Volume of tariff quota (net tonnes)				Volume of tariff quota (net tonnes)					
Ferro-Silico-Magnesium	7202 99 30	China	468,90	453,61	468,90	468,90	469,37	454,07	469,37	469,37	468,56	458,37	468,56	468,56	see Annex II	09.8860
		Brazil	99,81	96,55	99,81	99,81	99,91	96,65	99,91	99,91	99,73	97,56	99,73	99,73	see Annex II	09.8701
		India	78,90	76,33	78,90	78,90	78,98	76,40	78,98	78,98	78,84	77,13	78,84	78,84	see Annex II	09.8702
		Thailand	76,83	74,32	76,83	76,83	76,91	74,40	76,91	76,91	76,77	75,10	76,77	76,77	see Annex II	09.8703
		Other countries	18,89	18,28	18,89	18,89	18,91	18,30	18,91	18,91	18,88	18,47	18,88	18,88	see Annex II	09.8663
Ferro-Silico-Manganese	7202 30	Norway	37 067,71	35 858,98	37 067,71	37 067,71	37 104,78	35 894,84	37 104,78	37 104,78	37 040,40	36 235,18	37 040,40	37 040,40	see Annex II	09.8888
		India	31 958,61	30 916,48	31 958,61	31 958,61	31 990,57	30 947,40	31 990,57	31 990,57	31 935,07	31 240,83	31 935,07	31 935,07	see Annex II	09.8704
		Zambia	7 882,49	7 625,45	7 882,49	7 882,49	7 890,37	7 633,08	7 890,37	7 890,37	7 876,68	7 705,45	7 876,68	7 876,68	see Annex II	09.8890
		Other countries	18 955,56	18 337,44	18 955,56	18 955,56	18 974,51	18 355,78	18 974,51	18 974,51	18 941,59	18 529,82	18 941,59	18 941,59	see Annex II	09.8664