2026/319

13.2.2026

COMMISSION IMPLEMENTING REGULATION (EU) 2026/319

of 12 February 2026

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

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE

1.1. Initiation

(1) On 19 December 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of valine originating in People's Republic of China ('China', 'PRC' or 'the country concerned') on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ([2]) ('the Notice of Initiation').

(2) The Commission initiated the investigation following a complaint lodged on 5 November 2024 by Eurolysine SAS ('Eurolysine' or 'the complainant'). The complaint was made by the Union industry of valine in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

(3) The Commission made imports of valine originating in China subject to registration by Commission Implementing Regulation (EU) 2025/326 ([3]) ('the registration Regulation').

1.3. Provisional measures

(4) In accordance with Article 19a of the basic Regulation, on 17 July 2025, the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry. Interested parties were invited to comment on the accuracy of the calculations within three working days.

(5) On 23 July 2025, Bayannur Huaheng Biotechnology Co., Ltd. ('BHB', together with its related companies 'Huaheng Group') filed a written submission making its views known on the alleged clerical errors in the calculation of the dumping margin applicable to it, claiming that the Commission erred in (i) deducting bank charges twice, (ii) considering the unit price of corn starch only instead of the average of the unit prices of corn starch and protein powder in relation to the upward adjustment to the benchmark of corn starch for the non-genetically modified ('non-GMO') corn mark-up, and (iii) using 23,3 % selling, general and administrative ('SG & A') costs that include an amount of USD 17 848 for distribution costs since those distribution costs were allegedly deducted from the export price.

([1]) OJ L 176, 30.6.2016, p. 21, ELI: http://data.europa.eu/eli/reg/2016/1036/oj.
([2]) Notice of initiation of an anti-dumping proceeding concerning imports of valine originating in the People's Republic of China (OJ C, C/2024/7460, 19.12.2024, ELI: http://data.europa.eu/eli/C/2024/7460/oj).
([3]) Commission Implementing Regulation (EU) 2025/326 of 18 February 2025 making imports of valine originating in the People's Republic of China subject to registration (OJ L, 2025/326, 19.2.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/326/oj).

(6) The Commission found the claim under (ii) to be justified and adjusted the dumping margin for Huaheng Group accordingly. The claim under (i) was rejected at provisional stage but, following the submission of additional evidence, was subsequently reconsidered after provisional disclosure at recital 145. A claim by CJ (Shenyang) Biotechnology Co., Ltd. ('CJS') similar to claim under (iii) was rejected at provisional stage and in recitals 140 to 141.

(7) On 14 August 2025, the Commission imposed provisional anti-dumping duties on imports of valine originating in China by Commission Implementing Regulation (EU) 2025/1737 ([4]) ('the provisional Regulation').

1.4. **Subsequent procedure**

(8) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), the complainant and the two sampled exporting producers, CJS, together with its related companies, and Huaheng Group, filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation.

(9) The parties who so requested were granted an opportunity to be heard. Hearings took place with the complainant, with CJS, together with its related companies, and Huaheng Group.

(10) Following provisional disclosure, Ajinomoto Omnichem, Belgium ('Ajinomoto'), a related importer to the Chinese non-cooperating exporting producer Shanghai Ajinomoto Amino Acid Co. Ltd, registered as an interested party and submitted comments regarding the product scope. These comments are addressed in recitals 27 to 37.

(11) The Commission continued to seek and verify all the information it deemed necessary for its final findings. When reaching its definitive findings, the Commission considered the comments submitted by interested parties and revised its provisional conclusions when appropriate.

(12) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports of valine originating in China ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure. Comments were received from the complainant, Huaheng Group, CJS and Ajinomoto.

(13) Parties who so requested were also granted an opportunity to be heard. Hearings took place with the complainant, the Huaheng Group and CJS.

1.5. **Sampling**

(14) In the absence of comments concerning the sampling of unrelated importers, the Commission confirmed its conclusions set out in recital 8 of the provisional Regulation.

(15) Concerning the sampling of exporting producers, the complainant claimed that the data of the investigation period (the 'IP'), on which the sample of the exporting producers was based, failed to properly capture the market dynamics that had started before the investigation period. In particular, the complainant claimed that CJS's sales volume to the Union was extremely limited in comparison to CJS's sales on the Chinese market. Thus, the complainant alleged that, since dumping is assessed as the difference between the export price and the domestic price, CJS would not be representative of the market situation.

([4]) Commission Implementing Regulation (EU) 2025/1737 of 13 August 2025 imposing a provisional anti-dumping duty on imports of valine originating in the People's Republic of China (OJ L, 2025/1737, 14.8.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1737/oj).

(16) The Commission noted that the investigation ascertained the existence of significant distortions in the market for valine in China, and that therefore the normal value is not based on the exporting producers' domestic sales. In any case, as indicated in recital 10 of the provisional Regulation, the Commission chose the sample of exporting producers based on the largest representative volume of exports to the Union which could reasonably be investigated within the time available, in accordance with Article 17 of the basic Regulation, and CJS was representative in that respect. Therefore, this claim was rejected.

(17) The complainant reiterated also that CJS was not representative because it was not a Chinese-owned company. In support, the complainant raised the fact that CJS was amongst the complainants to on-going anti-dumping investigations on imports of lysine from China in Brazil and in the United States of America ('USA').

(18) The Commission had already rejected part of this claim, i.e. that CJS was a foreign- company operating in China and therefore not operating under the same conditions than Chinese-owned companies, in recital 16 of the provisional Regulation, as this criteria was not relevant for sampling in accordance with Article 17 of the basic Regulation that sets out that a sample should be based on the largest representative volume of exports to the Union which could reasonably be investigated within the time available. Likewise, the role of the companies involved in relation to other products and under the remit of other jurisdictions is not relevant either. Thus, this claim was therefore rejected.

(19) Following final disclosure, the complainant claimed that CJS's exports to the Union dramatically decreased to the benefit of other Chinese exporters, since CJS's valine is significantly higher priced. The complainant added that this was confirmed by the Commission's findings in recital 133 in relation to the use of the unrelated importer's profit margin (Quimidroga's S.A. – 'Quimidroga'), which was considered not representative.

(20) The Commission noted that, according to Article 17 of the basic Regulation the sample is based on data available at the time of the selection of the sample. Based on this data, the Commission found the sample to be representative for export sales of the product concerned during the investigation period. Circumstances incurred after the investigation period are not relevant for the selection of the sample. Along the same line, the price of the valine imports was not relevant for the selection of the sample, which was based on the largest representative volume of exports to the Union which could reasonably be investigated within the time available. This claim was therefore rejected.

(21) The complainant further argued that the cooperating non-sampled Chinese exporting producers will unduly benefit from the low dumping margin of CJS, as it is included in the calculation of the weighted average dumping margin of the sampled companies applicable also to the cooperating non-sampled companies. The complainant added that a weighted average dumping margin of the sample would not be sufficient to protect the Union industry from the dumped imports. Therefore, the complainant requested the Commission to calculate the dumping margin for non-sampled cooperating companies in a way that would better reflect the market situation and would protect more effectively the Union industry.

(22) The complainant did not provide any specific methodology to calculate a dumping margin applicable to the cooperating non-sampled exporting producers. Moreover, Article 9(6) of the basic Regulation provides that, when sampling under Article 17 of that Regulation is used, the anti-dumping duty applicable to the cooperating non-sampled exporting producers 'shall not exceed the weighted average margin of dumping established with respect to the parties in the sample'. On this basis, this claim was rejected.

(23) In the absence of other comments concerning the sampling of exporting producers, the Commission confirmed its conclusions set out in recitals 10 to 18 of the provisional Regulation.

1.6. **Individual examination**

(24) In the absence of comments concerning individual examination, the Commission confirmed its conclusions set out in recital 19 of the provisional Regulation.

1.7. Questionnaire replies and verification visits

(25) Following provisional disclosure, a verification visit pursuant to Article 16 of the basic Regulation was carried out at the premises of the unrelated importer that provided complete response to the questionnaire:

— Quimidroga S.A., Barcelona, Spain.

1.8. Investigation period and period considered

(26) In the absence of comments concerning the investigation period ('IP') and the period considered, the Commission confirmed its conclusions set out in recital 24 of the provisional Regulation.

2. PRODUCT CONCERNED AND LIKE PRODUCT

(27) Following provisional disclosure, Ajinomoto, a related importer to a Chinese non-cooperating exporting producer submitted comments regarding the product scope claiming that valine used for pharmaceutical applications (pharma grade) would have different essential physical, technical, and chemical characteristics and different intended uses, degree of interchangeability, quality standards, and distribution channels than food and feed grade valine and requested its exclusion from the product scope.

(28) Ajinomoto justified its claim by referring to the non-preferential rules of origin for chapter 29 covering the product concerned, based on which purification is considered a substantial transformation of the product. On this basis, and since pharma grade valine undergoes such purification process, Ajinomoto argued that it should not be covered by the product definition.

(29) The claim on the product scope was submitted only after the imposition of the provisional measures, while according to the Notice of Initiation, the deadline for any claims regarding the product scope should be submitted within 10 days from the initiation of this investigation. Accordingly, the claim was belated and thus no longer admissible at this stage.

(30) Regardless, the Commission first noted that it had concluded, in recital 32 of the provisional Regulation, that the different grades of valine have similar essential physical, technical and chemical characteristics, being all constituted by the same molecule and sharing the same basic functions, i.e. to provide highly digestible valine to animals and human beings, either in pharmaceutical products, in food (as a dietary supplement), or feed. Moreover, all grades are produced through the same production process, with different degrees of purification and extractions. All grades of valine are imported under the same TARIC codes.

(31) Ajinomoto did not provide any evidence that would have justified the claim that pharma grade valine had different physical, technical, and chemical characteristics. In fact, Ajinomoto confirmed that the product is chemically the same as food or feed grade valine and is based on the same molecule (L-valine). Also, the allegedly different quality standards applicable to producers of pharma grade valine do not change the chemical composition of the product.

(32) Ajinomoto claimed that pharma grade valine would have a more crystalline powder dye due to the further processing of feed grade valine by Ajinomoto. However, the Commission notes that despite this difference the products are still closely resembling, and its basic characteristics remain the same.

(33) Second, as concluded in the provisional Regulation in recital 32, even though the requirements on purity of pharmaceutical valine are higher, it has still the same function, i.e. to provide the essential amino acid to animals and human beings, either in pharmaceutical products, in food (as a dietary supplement), or feed.

(34) Third, regarding the non-preferential rules of origin for chapter 29, Ajinomoto confirmed itself that the conclusion in recital 32 of the provisional Regulation is applicable for the food grade but should not apply for the pharma grade valine, due to substantial transformation of the feed grade valine by its purification. However, the non-preferential rules of origin for Chapter 29 referred to by the importer cover not only processing for pharmaceutical applications, but also for food-grade substances. Therefore, purification for pharmaceutical purposes is a production process of the same category as for food grade.

(35) Furthermore, according to Ajinomoto, pharma grade valine has not been considered by the complainant as a product concerned. Ajinomoto claims that pharma grade valine is produced in the Union by a different company than the complainant. Since the complainant claimed to represent 100 % of the valine production in the Union and was not aware of other producers, Ajinomoto argued that the pharma grade shall not be covered by the complaint. The Commission confirmed its findings in the recital 33 of the provisional Regulation, namely that the investigation has shown that Eurolysine, upon obtaining relevant regulatory authorisations had the technical ability to produce all grades of valine. Moreover, the product description in the complaint defined the product as an amino acid with a chemical formula that covers the valine of all grades, including the pharma grade.

(36) In conclusion, the importer's claims were rejected.

(37) In the absence of any other comments regarding the product under investigation, product concerned and like product, the Commission confirmed its conclusions set out in recitals 25 to 33 of the provisional Regulation.

(38) Following the final disclosure, Ajinomoto has reiterated its comments from the provisional stage, which the Commission has already addressed in recitals 27 to 36. The company commented on the price difference between pharma grade valine and feed grade valine, arguing that price for pharma grade product is significantly higher, and consequently it has not been demonstrated that the imports of pharma grade caused material injury to the Union industry. The company also pointed out the difference in activities between its related producers in China and Union producers. Ajinomoto claimed that Eurolysine produced the product under investigation, whereas Shanghai Ajinomoto, purifies it to pharma grade valine, which is a completely different process that cannot be carried out by the complainant. Furthermore, the company claimed that the two products are not intended for the same users, as pharma grade valine is used for pharmaceutical purposes, while feed grade valine is used for animal feed. They finally re-iterated that pharmaceutical grade valine would not have been included in the complaint and would therefore not be in the scope of the current proceeding.

(39) The Commission confirmed its assessments, and noted that the pharma grade valine is, as confirmed by Ajinomoto itself, a version of valine (i.e. the product under investigation) of a certain purity level. Therefore, despite the price difference, the fact that Ajinomoto carries out a different part of the production process of the product under investigation, and the different intended uses, this does not constitute a sufficient basis to consider them as different products, what has been detailed in the recitals 27 to 36.

(40) Moreover, the information regarding the difference in the production process, the alleged specific characteristics of pharma grade valine and prices could not be verified during the investigation as the Chinese producer related to Ajinomoto did not cooperate in this investigation, and Ajinomoto chose to participate in the investigation only after imposition of the provisional measures. Additionally, its claims are not supported by any substantial evidence. Consequently, the Commission determined that all types of valine fall under the product under investigation and as such caused the injury which has been described in sections 4 and 5 of the provisional Regulation. The Commission assessed the impact of all imports of the product concerned on the Union industry, therefore Ajinomoto's claim was rejected.

(41) The argument that the Union industry would not be able to produce pharma grade valine, and that it had not been included in the complaint has already been addressed in recital 35. In addition, pharmaceutical grade valine was specifically mentioned in the complaint as being part of the product scope. Finally, the Union industry confirmed that they are able to produce valine for the non-feed market and that the different purity grades of valine shared the same basic function, which is to provide valine to animals and human use. These claims were therefore rejected.

(42) Therefore, the Commission confirmed its assessment and rejected the claim for exclusion of the pharma grade valine from the product scope.

3. DUMPING

(43) Following provisional disclosure, the two sampled exporting producers, CJS, Huaheng Group, and the complainant submitted comments.

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

(44) In the absence of comments on the procedure for the determination of the normal value under Article 2(6a) of the basic Regulation, the Commission confirmed its conclusions in recitals 34 to 40 of the provisional Regulation.

3.2. Normal value

3.2.1. *Existence of significant distortions*

(45) In the absence of comments on the existence of significant distortions in the PRC, the Commission confirmed its conclusions in recitals 44 to 139 of the provisional Regulation.

3.2.2. *Representative country*

(46) In its comments on the provisional disclosure, the complainant supported the Commission's decision to select Colombia as the representative country.

(47) Following provisional disclosure, Huaheng Group opposed the Commission's decision to select Colombia as the representative country. First, Huaheng Group maintained that Indonesia was the most appropriate representative country as it was the only country which (i) produced valine, (ii) presented substantial undistorted imports of all the main factors of production, and (iii) offered readily available financial data covering the whole IP. Second, should the Commission not use Indonesia, Huaheng Group claimed that the Commission should revert to Malaysia, selected in the second note on the sources for the determination of the normal value of 4 June 2025 ('Second Note'). Third, Colombia should be disqualified because of the distortions on most of the main factors of production and the lack of available financial data. However, should Colombia still be retained, Huaheng Group requested the Commission to replace the benchmark for corn starch.

— Indonesia

(48) Huaheng Group claimed that production of a product within the same general category or sector may only be considered when no production of the product under investigation exists in any country at a comparable level of economic development. In the case at hand, out of the two countries available based on these criteria, Brazil and Indonesia, Indonesia should be given priority because it has substantial imports of the main factors of production. Concerning Brazil, in Second Note the Commission confirmed that even if Brazil produced valine during the investigation period, there was no updated financial information. Therefore, Brazil was to be discarded as a potential representative country.

(49) The Commission noted that the Huaheng Group's approach overlooked the circumstance that, in the current case, there was no readily available financial data for any producer of valine in Indonesia. Therefore, the Commission had to resort to a product in the same general category or sector as valine. In its comments on provisional disclosure, the Huaheng Group itself only reiterated the possibility to rely on the citric acid producer PT. Indo Acidatama Tbk. In any case, the Commission further noted that it dismissed Indonesia as an appropriate representative country based on the significant share of imports from China for at least four of the most important factors of production and on the market distortions on corn and coal. Therefore, this claim was rejected.

(50) Furthermore, Huaheng Group disagreed with the Commission's view that Huaheng Group cherry-picked Brazil and Türkiye as possible representative countries against which it compared Indonesia, rather than comparing Indonesia with Malaysia and Colombia ([5]). In order to address the Commission's provisional finding, Huaheng Group pointed out that there were significant imports of corn into Indonesia and mentioned that Colombia had been expected to initiate an investigation on imports of corn originating in the USA. While no such investigation was initiated, Huaheng Group claimed that this indicated that the corn price in Colombia may have been distorted because of

([5]) Provisional Regulation, recital 187.

allegedly subsidised imports from the USA, since the USA supplied nearly 97 % of the total imports of corn into Colombia. The Commission deemed Huaheng Group's claim to be speculative and unsubstantiated, as it did not bring any evidence of the alleged subsidisation of US corn and Colombia did not initiate a trade defence investigation on corn from the USA. Therefore, this claim was rejected.

(51) Huaheng Group pointed out that import volumes of corn starch into Indonesia were in line with import volumes into Malaysia and that they were higher than import volumes into Colombia.

(52) The Commission had already rejected these claims in recital 161 of the provisional Regulation. Since Huaheng Group did not submit any further argument in support of these claims, the Commission rejected them based on the reasoning set out in recital 161 of the provisional Regulation.

(53) Moreover, Huaheng Group argued that the way in which the Commission looked only at the factors of production affected by a significant share of Chinese imports was misleading because it did not take into account all factors of production. Thus, according to Huaheng Group, the benchmarks based on imports into Colombia of corn starch, coal and activated carbon were also unreliable. In this regard, Huaheng Group reiterated its comments summarised in recital 184 of the provisional Regulation in relation to the imports of such factors of production into Indonesia, in comparison with imports into Malaysia and Colombia.

(54) However, the Commission disagreed with this claim as it had analysed all factors of production mentioned by Huaheng Group, including corn, in Indonesia. By way of example, in the first note on the sources for the determination of the normal value of 2 April 2025 ('First Note'), the Commission raised the existence of the import ban on corn in Indonesia. Also, the Commission did not find that imports of corn starch, coal and activated carbon into Colombia were distorted. This was specifically addressed in recitals 66, 68 and 70. Therefore, this claim was rejected.

(55) Huaheng Group contested the Commission's reading in recital 187 of the provisional Regulation that the import ban on corn in Indonesia might be the reason for a lower volume of imports compared to Malaysia and Colombia ([6]). According to Huaheng Group, the Commission's reading was contradicted by the fact that the average import price of corn into Indonesia was identical to the import price into Malaysia and higher than the import price into Colombia. Moreover, in Huaheng Group's view, the import ban on corn in Indonesia was not reflected in Indonesia's import volumes. Similarly, for coal, affected by market distortions identified by the Commission in the First Note, Huaheng Group argued that the import price into Indonesia was comparable to that into Malaysia.

(56) The price comparison made by Huaheng Group was meant to show that the market distortions identified on corn and coal did not affect the import price of these factors of production into Indonesia. However, in recital 187 of the provisional Regulation, the Commission argued that the import ban on corn could have had an impact on the import volume but was not, in this context, assessing the price effect of such ban. Therefore, the arguments brought forward by Huaheng Group did not address the Commission's reasoning and did not devaluate the findings of the Commission in this regard. Moreover, as regards the claim that the import ban on corn was not reflected in Indonesia's import volumes, the Commission recalled that in the First Note it explained that, under this import ban, import of corn is allowed within prescribed months and as long as the domestic demand is not fulfilled by local production ([7]). Therefore, the import ban on corn is not a complete ban and imports of corn continue to flow, although at a reduced level. Import statistics could not then show the absence of imports of corn into Indonesia, as Huaheng Group appears to imply. On the contrary, they show imports of corn, but in lower volumes compared to Malaysia and Colombia, a point that Huaheng Group failed to address. Finally, in any case, the comparison with prices in Malaysia and Colombia undertaken by Huaheng Group in respect of both corn and coal does not show whether the market distortions affected the price of corn and coal in Indonesia. Thus, this claim was rejected.

([6]) Ibidem.
([7]) https://globaltradealert.org/intervention/19519.

(57) Finally, Huaheng Group claimed that, following the Commission's reasoning that a low volume implied a distortion, corn starch in Colombia would also be distorted because of the low import volume which would also be reflected in the high price in Colombia.

(58) The Commission addressed and rejected the claim that the import price of corn starch into Colombia was distorted in recital 66.

— Malaysia

(59) In its comments following the provisional disclosure, Huaheng Group disagreed with the Commission's conclusion that Ajinomoto Malaysia's financial data could not represent a reliable benchmark for SG & A costs and profit because Ajinomoto Malaysia stopped producing MSG, the other product considered by the Commission as being in the same general category as valine, in Malaysia. In this regard, Huaheng Group questioned the reliability of Ajinomoto Malaysia's 2024 annual report in relation to the cessation of MSG production due to the alleged lack of clarity of the wording of the annual report.

(60) The Commission noted that the fact that Ajinomoto Malaysia was not involved anymore in the production of MSG was also confirmed in a recent investigation, where the Malaysian authorities informed the Commission that Ajinoriki Malaysia was the only producer of MSG in the country ([8]). Therefore, Ajinomoto Malaysia's data could not be used and this claim was rejected.

(61) As to Ajinoriki Malaysia, Huaheng Group contested the Commission's conclusion that Ajinoriki Malaysia's financial data could not represent a reliable benchmark for SG & A costs and profit due to its involvement in circumvention practices ([9]). Indeed, according to Huaheng Group, Ajinoriki Malaysia's engagement in circumvention practices in the MSG production was assessed only for the reporting period of that investigation (1 July 2023-30 June 2024).

(62) The Commission noted that the changed pattern of trade ascertained in the anti-circumvention investigation at hand was due to the increased exports of Ajinoriki Malaysia's related trader in China to Malaysia, which started from 2021, during the investigation period of the anti-circumvention investigation ([10]). Therefore, the changed pattern of trade identified by the Commission in the anti-circumvention investigation affected Ajinoriki Malaysia's 2022 financial data. Thus, this claim was rejected.

(63) Moreover, regarding the fact that Ajinoriki Malaysia's latest financial data available dated back to 2022, Huaheng Group claimed that the Commission relied on the more outdated profit data of unrelated importers from investigation concerning imports of certain polyvinyl alcohols originating in China ('PVA investigation') ([11]), in order to establish the profit of related traders and importers.

(64) The Commission noted that the reasonable profit of a producer in a representative country when determining normal value in accordance with Article 2(6a) of the basic Regulation on the one hand, and the profit margin used to adjust the export price under Articles 2(9) and 2(10)(i) of the basic Regulation, on the other hand, are based on a different legal basis and serve a different purpose and are therefore not comparable. Therefore, the Commission could not rely on Ajinoriki Malaysia's 2022 financial data and this claim was rejected.

([8]) Commission Implementing Regulation (EU) 2025/698 of 10 April 2025 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2021/633 on imports of monosodium glutamate originating in the People's Republic of China to imports of monosodium glutamate consigned from Malaysia, whether declared as originating in Malaysia or not (OJ L, 2025/698, 11.4.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/698/oj), recital 18.

([9]) *Ibidem*, recital 60.

([10]) *Ibidem*, recitals 63-64.

([11]) Commission Implementing Regulation (EU) 2020/1336 of 25 September 2020 imposing definitive anti-dumping duties on imports of certain polyvinyl alcohols originating in the People's Republic of China (OJ L 315, 29.9.2020, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2020/1336/oj).

— Colombia

(65) Following provisional disclosure, Huaheng Group claimed that the Colombian benchmark for corn starch was distorted and that the Commission should replace it with a more appropriate benchmark such as the import price into Indonesia, Malaysia or a 'global import price'. First, Huaheng Group claimed that the import volume into Colombia was unrepresentatively low, for instance when compared to Indonesia or Malaysia, both large importers of corn starch. Second, Huaheng Group claimed that the extremely low import volume into Colombia had resulted in abnormally high import prices, for instance when compared to Brazil (37 % higher), Thailand (27 %), Indonesia (72 %) and Malaysia (65 %). Third, Huaheng Group submitted data of the imports into Colombia per importing company and per country of origin. Huaheng Group claimed that one importing company was responsible for nearly 50 % of all the imports into Colombia. Huaheng Group further alleged that all the imports from that importing company were from related suppliers, a circumstance that Huaheng Group claimed cast doubts as to the arms' length of the purchase price. Fourth, Huaheng Group claimed that the main activities of that importing company were in the food, beverages and pharma sector and that it was therefore likely that the corn starch imported by that company was higher priced than the industrial corn starch used for valine used by the producer of Huaheng Group, i.e. BHB.

(66) As regards the first and the second point, the Commission concluded in the First Note that corn in Indonesia was affected by market distortions in the form of an import ban on corn. Furthermore, the Commission assessed data for the IP from GTA regarding the amount and value of imports to all countries originating in all countries excluding the PRC and countries listed in Annex 1 of Regulation (EU) 2015/755 of the European Parliament and of the Council ([12]). The data showed that while the price in Malaysia was 40 % lower than in Colombia, there were also countries with large import volumes with similar or higher prices than Colombia such as Germany (same as in Colombia), France (26 % higher than in Colombia), Canada (34 % higher than Colombia), United Kingdom (64 % higher than Colombia) and Australia (1 % higher than Colombia). The Commission also noted that although Huaheng Group cited Brazil as an example of a country with a lower import price than Colombia, the import volume into Brazil was 21 % lower than in Colombia. The Commission therefore concluded that the import volume into Colombia did not result in an abnormally high import price. On this basis, the fact that import prices differed across countries cannot in itself justify qualifying higher or lower prices as abnormal and consequently to be disregarded. Regarding the third point, Huaheng Group did not submit evidence as to whether the importing company and its suppliers were related. Furthermore, the Commission assessed the data submitted by Huaheng Group and noted that the prices at which the importing company identified by Huaheng Group bought corn starch varied widely depending on the supplying country, and therefore the data provided did not prove that the difference could be explained by potential transfer pricing policies. Furthermore, there were other importers in Colombia that had bought at a similar price from the same supplying country. Finally, the Commission noted that the website of the importing company ([13]) lists products and activities not limited to food, beverages and pharma, for instance animal nutrition and industrial applications. Therefore, the Commission found the claim that the importing company was likely to have purchased high-priced corn starch unsubstantiated. The Commission therefore rejected the claims and considered that the Colombian benchmark for corn starch was reasonable.

(67) Following provisional disclosure, CJS claimed that the Commission's benchmarks for activated carbon and acetic acid were unreliable. For activated carbon, CJS claimed that the low import volumes in Colombia resulted in an inflated benchmark because all other upper-middle income countries, i.e. Brazil, Indonesia, Colombia, Thailand, Türkiye identified by the Commission in the First Note, had much higher import volumes. CJS proposed using the weighted average import price in Türkiye or an international benchmark as a more representative alternative, as these benchmarks would more accurately reflect the market prices for activated carbon. CJS also referenced other cases where the Commission had used alternative benchmarks to support its proposal.

(68) The Commission considered that CJS did not provide sufficient evidence to substantiate its claim that the import price of activated carbon into Colombia is unduly inflated. The import volumes in Colombia were sufficient to establish a reliable benchmark. Furthermore, the Commission's use of country-specific benchmarks is consistent with its established practice. CJS referred to other cases where alternative benchmarks were used without demonstrating why these examples are relevant in this instance, and for the specific market conditions at the time of the investigation. The Commission therefore rejected CJS's claim.

([12]) 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).

([13]) https://www.ingredion.com/sa/es-co.

(69) For acetic acid, CJS submitted that the import price is unduly inflated, standing 40–80 % higher than the average import prices into the other upper-middle income countries identified by the Commission in the First Note. CJS attributed this to two main factors: firstly, Colombia's relatively low import volume of acetic acid in comparison with the other upper-middle income countries, and secondly, they allege the type of acetic acid imported by Colombia is a higher purity grade acetic acid, which is more expensive. To substantiate this, CJS noted that when Colombia imports acetic acid from Germany and the Netherlands, the price is significantly higher than when Türkiye imports acetic acid from the same countries, likely due to the difference in grade imported. CJS proposed using the import price into Brazil or an international benchmark as a more accurate benchmark for acetic acid.

(70) The Commission considered that CJS has not provided sufficient evidence to substantiate its claim that the import price of acetic acid into Colombia is unduly inflated as it referred solely to the Colombian imports from Germany and the Netherlands. The Commission noted that imports from Germany and the Netherlands represented less than 0,1 % of Colombia's total imports and are therefore not representative of Colombia's overall import pattern. As stated in recital 66, the mere fact that the import prices differed across countries does not per se entail that the import price into Colombia is abnormal and should be disregarded. In the absence of any evidence of distortions in the Colombian market, the Commission's benchmarks for activated carbon and acetic acid remain a reliable and representative indicator of the market price. The Commission therefore rejected CJS's claim.

(71) The complainant submitted that imports of coal into Colombia were low because Colombia was a big exporter of coal and claimed that the Commission did not address such low imports in recital 161 of the provisional Regulation. The complainant claimed that a more appropriate result would be yielded by using the weighted average of unit prices of imports to all countries originating in all countries excluding the PRC and countries listed in Annex 1 of Regulation (EU) 2015/755, as reported in GTA.

(72) The Commission noted that the complainant did not substantiate and did not provide any evidence on why the alleged low volume of imports of coal into Colombia affected the reliability of the benchmark in the specific case at hand. Thus, the Commission considered that the volume of imports of coal into Colombia in this case was sufficient to establish a reasonable benchmark without the need to resort to an alternative international benchmark. Therefore, this claim was rejected.

3.2.2.1. Comments after final disclosure

— Indonesia

(73) Following final disclosure, Huaheng Group claimed that the Commission did not fully address its claim following the provisional disclosure in favour of selecting Indonesia as a representative country, according to which, Colombian import price of corn was affected by a significant share of imports from the USA. The Commission had summarised and addressed this comment at recital 50. Huaheng Group reiterated its claim that the price of the allegedly subsidised imports from the USA was below the price of alternative sources (Brazil, Paraguay, Argentina and Ecuador) and artificially depressed Colombian import price of corn compared to the import price into Indonesia, Thailand and Malaysia, which imported less corn from the USA. Huaheng Group justified the fact that Brazil had an import price even lower than Colombia with the fact that Brazil is the world's third-largest corn producer, which would allegedly reduce Brazil's import demand and suppress import prices.

(74) The Commission confirmed that Huaheng Group's claim was speculative. Indeed, Huaheng Group's reasoning is based on the fact that imports of corn from the USA distorted the benchmark represented by the corn import price into Colombia, which would be thus less appropriate than the corn import price into Indonesia. However, unlike the imports of corn from China, where significant distortions within the meaning of Article 2(6a) of the basic Regulation have been found in the current investigation in recital 138 of the provisional Regulation, imports of corn from the USA were not shown to be distorted. As a matter of fact, the anti-subsidy investigation that Colombia was supposed to initiate was not initiated. The Huaheng Group claimed that such investigation was not initiated possibly due to concerns over US retaliation, without providing any evidence for this assertion. Therefore, the Huaheng Group failed to prove that imports from the USA were distorted. As a consequence, the rest of the

claim stood groundless. The fact that the price of imports from the USA was lower than alternative sources of supply did not make the import price of corn into Colombia distorted or artificially depressed. Rather, they corroborated the view that the import price of corn into Colombia responded to, and was the result of, ordinary market dynamics represented by the low price of its main source, the USA. Therefore, this claim was rejected.

(75) Huaheng Group disagreed with how the Commission addressed its claim following the provisional disclosure that the import volume of corn starch into Colombia was lower than the import volume into Indonesia, which was instead significant and comparable to that of Malaysia. The Commission had summarised this claim in recital 51 and addressed it in recital 52, by reference to recital 161 of the provisional Regulation. However, the Huaheng Group claimed that, in recital 161 of the provisional Regulation, the Commission only noted that in Colombia the number of factors of production affected by a significant share of Chinese imports was lower compared to other potential representative countries.

(76) The Huaheng Group's claim that import volume of corn starch into Colombia was lower than into Indonesia was addressed in recital 161 of the provisional Regulation, where the Commission concurred with the Huaheng Group that imports of corn starch into Colombia were lower as compared to Indonesia. Thus, the Huaheng Group's comment was taken into account, but a lower volume of imports compared to another potential representative country in itself did not put into question the representativity or reliability of the benchmark obtained from it. The separate question of whether the volume of imports of corn starch into Colombia had any impact on the reliability of the benchmark was addressed in recital 66 and further in recitals 97 to 99. The volume of imports of corn starch into Colombia had also been assessed in recital 161 of the provisional Regulation with the subsequent Commission's analysis on the share of Chinese imports (out of overall imports) of the factors of production, which explained why Indonesia was not an appropriate representative country. Therefore, the claim on the failure to address the import volume of corn starch was rejected.

(77) Huaheng Group also disagreed with how the Commission addressed its claim following provisional disclosure that the Commission should not have looked at how many factors of production were affected by Chinese imports, but rather at the share of the factors of production potentially affected in the manufacturing costs of the exporting producers. According to Huaheng, the volumes of imports of corn starch, coal and activated carbon into Colombia, which were lower than imports into Indonesia, should have been looked at from this perspective. The Commission had summarised this claim in recital 53 and addressed it in recital 54. However, the Huaheng Group considered that in recital 54 the Commission did not rebut its argument. In the Huaheng Group's opinion, the factors of production should be evaluated relative to their share in the manufacturing cost, because this would directly reflect the distortive impact when constructing the normal value, whereas counting the factors of production did not provide an accurate picture of the extent of the distortion. The Huaheng Group claimed that, when all factors of production are taken into account, the distortive impact, measured against the total cost of manufacturing, was considerably higher in Colombia than in Indonesia or Malaysia, taking into consideration the share of corn starch. In this conclusion, the Huaheng Group took into account that the import ban on corn in Indonesia had no distortive impact on the import prices, as explained in recitals 82 and 83, whereas the low import volume of corn starch into Colombia had a distortive impact.

(78) The claim made by Huaheng Group is partially unsubstantiated. By referring to the number of factors of production affected by a significant share of Chinese imports, the Commission also took into account the share of the factors of production in the cost of production of both sampled exporting producers (which may differ depending on the cost structure of each producer), as explained in recital 186 of the provisional Regulation. Indeed, in recital 186 of the provisional Regulation and its footnotes, the Commission explained in detail that Chinese imports into Indonesia affected four factors, with a share between 45 % and 83 % of total imports of each factor: (i) glucose monohydrate and SOD powder, (ii) phosphoric acid, (iii) caustic soda, and (iv) activated carbon. The Commission indicated that these four factors of production amounted to [1–10] % of the cost of production of the sampled exporting producers. On the other hand, Chinese imports into Malaysia affected three factors with a share between 49 % and 81 % of total imports of each factor: (i) glucose monohydrate and SOD powder, (ii) acetic acid, and (iii) activated carbon. They amounted to [1-6] % of the total manufacturing cost of the sampled exporting producers. Finally, Chinese imports into Colombia affected three factors with a reduced share between 36 % and 65 % of total imports of each factor: (i) glucose monohydrate and SOD powder, (ii) phosphoric acid, and (iii) activated carbon. They amounted to [1–8] % of the total manufacturing cost of the sampled exporting producers. Therefore, the

Commission took well into account the shares of the factors of production in the cost of production of the sampled exporting producers. However, these showed that a larger proportion of the cost of production would have been affected using Indonesia as a representative country, compared to Malaysia and Colombia. The reason why the Huaheng Group reached the different conclusion that, based on the share of cost of production affected, Colombia was more affected by Chinese imports than Indonesia and Malaysia relied on the wrong assumption that imports of corn, corn starch, coal and activated carbon into Colombia were distorted or otherwise not usable. However, this has not been demonstrated for any of these four factors of production. Thus, the Commission concluded in recital 74 that the import price of corn into Colombia was not distorted; in recitals 93 and 97 to 99 that the import price of corn starch into Colombia was reasonable; in recital 72 that the import price of coal into Colombia was also reasonable; and in recital 68 that the import price of activated carbon into Colombia was reliable. Therefore, the Huaheng Group's claim that, in Colombia, factors of production affected by Chinese imports impacted a larger share of the cost of production is based on a number of false premises. In addition, when the Commission concluded that Indonesia was more affected than Colombia in terms of share of Chinese imports, it did not consider the import ban on corn in Indonesia. By considering the import ban on corn in Indonesia, as well as the market restrictions on coal, the Commission would still have concluded that Indonesia could not be considered as a suitable representative country. Therefore, Huaheng Group's claim was rejected.

(79) Furthermore, the Huaheng Group claimed that the Commission did not address its comments following the provisional disclosure concerning the imports of glucose monohydrate and SOD powder, phosphoric acid, caustic soda and activated carbon into Indonesia, in comparison with imports of these factors of production into Malaysia and Colombia.

(80) As set out in recital 53, the Huaheng Group, in its comments following the provisional disclosure, merely reiterated its comments already provided following the Second Note. The Commission summarised these comments in recital 184 of the provisional Regulation and addressed them in recital 185 to 188 of that Regulation. Following provisional disclosure, Huaheng Group focused on a comparison of Indonesia with Colombia and Malaysia, and requested the Commission to address this comparison. However, the Commission already rebutted Huaheng Group's view that (i) glucose monohydrate and SOD powder, (ii) phosphoric acid, (iii) caustic soda and (iv) activated carbon were of limited relevance in the cost of production in recital 186 of the provisional Regulation, showing that the share of Chinese imports of these factors in Malaysia and Columbia were lower that the share of these imports in Indonesia.

(81) In any event, when comparing specifically the Chinese import share of these factors into Indonesia with the Chinese import share of the same factors into Malaysia and Colombia, the Commission concluded the following: the Huaheng Group acknowledged that the share of Chinese imports of activated carbon into Indonesia (45,11 %) was higher than the share of Chinese imports into Colombia (39,59 %). Moreover, the Commission addressed the representativity of the activated carbon benchmark in recital 68. Concerning glucose monohydrate and SOD powder, the fact that Indonesia, Malaysia and Colombia were all affected by Chinese imports did not disprove the fact that Colombia was the least affected in terms of Chinese import share, with a 36,38 % share, against 80,55 % in Malaysia and 83,46 % in Indonesia. Along the same line, the fact that the price of imports of phosphoric acid into Indonesia was in line with the import price into Malaysia and Colombia did not disprove the fact that Indonesia's import price was the lowest amongst the three countries and that the share of Chinese imports of 82,36 % in Indonesia was higher than in Colombia, where Chinese imports represented only 65,30 %, and Malaysia, which was not even considered to be affected by Chinese imports. Finally, concerning caustic soda, despite the fact that the import price into Indonesia was the highest, it was also in line with the price of Chinese imports into Malaysia. Therefore, the Commission concluded that none of the elements brought forward by the Huaheng Group was susceptible of reverting its findings and rejected the comments.

(82) Finally, the Huaheng Group claimed that, by providing the Commission with a comparison of import prices of corn in Indonesia, Malaysia and Colombia, it would have rebutted the Commission's finding that the low import volume of corn into Indonesia might be due to the import ban on corn. The Huaheng Group further claimed that the Commission considered import prices as irrelevant and that it would have based its conclusions on import volumes only. Finally, the Huaheng Group claimed that Indonesia had an undistorted representative import price for corn, despite the existence of the import ban.

(83) The Commission disagreed with Huaheng Group's interpretation that the Commission only considered import volumes. In recital 56, the Commission merely addressed a comment of the Huaheng Group. The Commission concluded that the information provided by the company did not show that the market distortions had not affected the price of corn in Indonesia. The mere fact that corn prices are aligned across the three countries (Indonesia, Malaysia and Colombia) during the investigation period as such did not show that the import price of corn in Indonesia was not affected by the import ban. In any case, Indonesia was not discarded as a representative country only based on the import ban on corn, but also due to the share of Chinese imports for four factors of production and the market distortions on coal. Therefore, this claim was rejected.

— Malaysia

(84) Huaheng Group claimed that the Commission did not address its claim following the provisional disclosure that Ajinomoto Malaysia's 2024 annual report would not clearly demonstrate a cessation of MSG production but would rather point to a relocation or gradual phasing out of certain processes, so that its financial data could still be used as a reliable benchmark. The Huaheng Group further argued that the confirmation given by the Malaysian authorities in another investigation, that Ajinoriki Malaysia was the only producer of MSG in the country as set out in recital 60, was limited to the producers known to the Malaysian authorities, and not all producers in the country. According to the Huaheng Group, these elements taken together did not establish that the production of MSG had entirely stopped in Malaysia and claimed that therefore, the Commission could still have used Ajinomoto Malaysia's financial data of 2024.

(85) In contrast to what was claimed by the Huaheng Group, the Commission took into account the claims made. Thus, as set out in recital 60, the confirmation received by the Malaysian authorities confirmed the Commission's conclusion that Ajinomoto Malaysia financial data could not be used. The fact that the confirmation received by the Malaysian authorities may have referred only to the known producers, and not to all producers, was not liable to call into question this conclusion, since the Commission considered that the authorities of a country are reasonably informed about the producers in such country. Thus, the Commission considered that the alleged ambiguity detected by the Huaheng Group in Ajinomoto Malaysia's 2024 annual report could not support the Huaheng Group's conclusion that MSG production continued in Malaysia, in particular when considering that contrary elements were provided by the Malaysian authorities and the information in the Notice of Initiation of Investigation and Interim Measures – EAPA Consolidated Case 7950 issued by the United States Customs and Border Protection ([14]), as made available to the Commission by another interested parties in the comments to the Second Note and as mentioned in recital 189 of the provisional Regulation. Therefore, Ajinomoto Malaysia's financial data could not be used, and the Commission rejected this claim.

(86) Huaheng Group further asserted that its claim following the provisional disclosure that the Commission should not qualify Ajinomoto Malaysia's SG & A costs and profit as unreasonable, since they reflected 2024 data while Colombian figures related to 2023, had not been addressed.

(87) However, in recital 199 of the provisional Regulation the Commission rejected the use of the financial data of Ajinomoto Malaysia as a benchmark for reasonable amounts for SG & A costs and for profit based on the fact that Ajinomoto Malaysia stopped producing MSG in Malaysia, and not that Ajinomoto Malaysia's SG & A costs and profit were as such not reasonable. Indeed, the 'reasonable amounts for SG & A costs and for profit' referred to the standard of the benchmark, not to a qualification of Ajinomoto Malaysia's financial data as such. Therefore, this claim was rejected.

(88) In relation to the Commission's conclusions set out in recital 200 of the provisional Regulation, and in recital 61 relating to Ajinoriki Malaysia's engagement in circumvention practices, the Huaheng Group claimed, that the exports of Ajinoriki Malaysia's related trader in China to Malaysia were still very limited in absolute terms in 2021 ([15]), so that it is doubtful whether this could amount to a change in the pattern of trade, which is one of the condition for exports being qualified as circumventing anti-dumping measures. The Huaheng Group added that a change in the pattern of trade was also only one out of four cumulative conditions to establish the existence of circumvention in accordance with the basic Regulation and that the data necessary to assess the evidence of dumping that is one of those conditions, was collected only for the reporting period of the anti-circumvention investigation mentioned in recital 61, i.e. the 1 July 2023-30 June 2024. Therefore, Ajinoriki Malaysia's 2022 financial data could still be used.

([14]) Notice of Initiation of Investigation and Interim Measures – EAPA Consolidated Case 7950, 9 July 2024, p. 3.
([15]) Implementing Regulation (EU) 2025/698, Table 4.

(89) In recital 200 of the provisional Regulation, the Commission rejected Ajinoriki Malaysia's financial data for 2022 because they derived also from the transhipment of Chinese MSG through Malaysia, and not only from genuine production. Along the same lines, in recital 62, the Commission referred to the change in the pattern of trade. Therefore, even if the four cumulative conditions for establishing circumvention were not established for 2021, the transhipment affected Ajinoriki Malaysia's 2022 financial data, so that the Commission could not consider them reliable. Therefore, this claim was rejected.

(90) Finally, the Huaheng Group claimed that the standard for determining a representative profit margin under Article 2(6a) of the basic Regulation and under Articles 2(9) and 2(10) of the basic Regulation should not be the same and that the Commission should therefore rely on Ajinoriki Malaysia's 2022 financial data since it relied on even more outdated data when adjusting the export price under Articles 2(9) and 2(10) of the basic Regulation.

(91) The Commission noted that, for Colombia, 2024 and 2023 data of the producer of citric acid Sucroal were available and the Huaheng Group did not explain why the Commission should rely on the 2022 financial data of Ajinoriki Malaysia, when more recent financial data in Colombia were available. This conclusion is further supported by the fact that the Commission already established that Ajinoriki Malaysia's 2022 data were affected by the transhipment operations of its related trader, as explained in recitals 62 and 89. Taking these elements into account, the Commission could not rely on Ajinoriki Malaysia's 2022 financial data. Therefore, this claim was rejected. A comparison to the determination of the export price under Article 2(9) and 2(10) of the basic Regulation is not appropriate in this context because the determination of a reasonable profit margin under these provisions follow different considerations.

— Colombia

(92) Following the final disclosure Huaheng Group claimed that, as the Commission had chosen Colombia as a representative country without adjusting for its allegedly artificially high corn starch prices, the resulting duty levels were at odds with economic reality. Therefore, Huaheng Group claimed that although it used a production process which results in lower costs than the one used by CJS, the anti-dumping duty calculated for Huaheng Group was more than 20 % higher than for CJS.

(93) The Commission noted that the result of the anti-dumping duties stemmed exclusively from using the methodology provided by the basic Regulation as indicated in recital 44. As described in recital 113, the Commission replaced the distorted costs in China for each factor of production by the corresponding benchmarks in the appropriate representative country. Furthermore, the Commission explained in recitals 66, 97, 98 and 99 why it considered reasonable the benchmark for corn starch in Colombia. Therefore, the Commission rejected this claim.

(94) Following the final disclosure, Huaheng Group disagreed with the Commission's finding in recital 66 that the price of corn starch in Colombia was reasonable and claimed that the finding was in tension with Article 2(6a) of the basic Regulation and was not in line with the Commission's past practice, as outlined in more detail below.

(95) First, Huaheng Group claimed that, stemming from Article 2(6a)(a) of the basic Regulation, the Commission must establish if an import price is reasonable by comparing it with countries that have a similar level of economic development as China rather than with countries that have a different level of economic development. Huaheng Group claimed that this was the approach followed by the Commission when it imposed provisional measures on imports of electrolytic manganese dioxides originating in China ([16]) ('EMD provisional Regulation'). Huaheng Group added that the import price of corn starch in Colombia was between 31 % and 33 % higher than the average of the import price in countries with the same level of economic development as China, depending on the comparison method used.

([16]) Commission Implementing Regulation (EU) 2023/2120 of 12 October 2023 imposing a provisional anti-dumping duty on imports of electrolytic manganese dioxides originating in the People's Republic of China OJ L, 2023/2120, 13.10.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2120/oj, recital 133.

(96) Second, as regards imports of corn starch into Colombia, Huaheng Group submitted data to claim that the four companies with 'Ingredion' in their names were all part of the Ingredion Group and contested the Commission's finding that prices were not affected by internal pricing policies of the Ingredion Group. Huaheng Group claimed that import prices by Ingredion Colombia from Ingredion Mexico and from Ingredion Peru presented only small variations, which indicated that they were not at arm's-length. Huaheng Group argued further that although import prices from Ingredion Brazil fluctuated more, it might have been explained by the different production sites operated by Ingredion Brazil. Huaheng Group also claimed that the different activities carried out by Ingredion Colombia (animal nutrition, food, etc.) might also explain the differences in import prices by Ingredion Colombia. Huaheng Group also submitted that the average import prices by Ingredion Colombia was nearly 80 % higher than for other imports of corn starch into Colombia and that even the lowest-priced imports by Ingredion Colombia were 10–25 % higher than the average for other imports into Colombia. Finally, Huaheng Group claimed that other imports into Colombia had similar prices as Ingredion Colombia only for transactions involving very low volumes.

(97) As explained in recitals 98 and 99, the Commission disagreed with Huaheng Group that the import price of corn starch into Colombia was not reasonable and that the finding was not in line with Article 2(6a) of the basic Regulation or in contradiction with the Commission's past case practice.

(98) As regards the first claim, the Commission considered that Article 2(6a)(a) of the basic Regulation lists the sources that the Commission may use for replacing distorted prices and costs while it does not provide guidance on how the Commission may establish if a specific benchmark is or not abnormally high. For the purposes of establishing if the import price of corn starch into Colombia was abnormally high, the Commission compared it with countries in the world with higher import volumes of corn starch than Colombia regardless of their level of economic development. As indicated in recital 66, the Commission found that there were several countries with large import volumes which had higher import prices than those in Colombia. Even if the Commission were to accept the claim proposed by Huaheng Group to limit the comparison to countries within the same level of economic development as China, the Commission did not consider that a price that is 31–33 % higher would be found to be abnormally high. Huaheng Group referred to the EMD provisional Regulation, as recalled in recital 95. Despite the fact that each case is unique and is analysed following its own merits, the Commission examined Huaheng Group's reference and found that prices were considered abnormally high in that case when they were 102 %, 1 115 %, 1 233 % and 2 608 % higher than the average import price into all countries at the level of economic development similar to China. In the EMD provisional Regulation one factor of production whose price was 29 % higher was also replaced because its import volume was 0,00006 % of imports to all countries at the level of economic development similar to China and was considered in that investigation as extremely low. The Commission noted that in this investigation, the import volume of corn starch into Colombia, which amounted to more than 644 000 tonnes, represented 0,8 % of the imports to all eligible countries at the same level of development as China. Colombia was also the tenth largest importer of corn starch of the 41 eligible countries from that group ([17]). Therefore, the Commission rejected the claim.

(99) As regards the second claim, the Commission reminded that, as explained in recital 66, Huaheng Group had not submitted evidence to support that the 'Ingredion' entities were related and that transfer pricing was taking place. The aspect of the claim related to the variations in import prices by Ingredion Colombia were found to be unsubstantiated. The part of the claim related to the different activities carried out by Ingredion Colombia was also unsubstantiated. Therefore, the Commission found that, even if the Ingredion companies were related, the claims and supporting data provided by Huaheng Group were speculative and did not constitute evidence for the import price variations observed. As regards the additional comparisons provided by Huaheng Group at import transaction level in Colombia, the Commission did not find the differences abnormal and noted that Huaheng Group did not submit evidence to explain them. Therefore, the Commission rejected the claim.

(100) In the absence of other comments on the representative country, the Commission confirmed its conclusions in recitals 140 to 208 of the provisional Regulation.

([17]) After excluding China and the countries in Annex I of Regulation (EU) 2015/755.

3.2.3. *Sources used to establish costs and benchmarks*

(101) The details of the calculation of the normal value were set out in recitals 41 to 261 of the provisional Regulation.

(102) Following provisional disclosure, the complainant pointed out that the undistorted values of the benchmarks for raw materials reported in Table 1 of the provisional Regulation did not correspond to the values indicated in the annex to the pre-disclosure with the benchmarks.

(103) The Commission confirmed that the values used in the calculation were indeed those reported in the annex with the benchmarks for raw materials, which was pre-disclosed to the parties, with the exception of corn and corn starch, to which the adjustment described in recital 224 of the provisional Regulation was added. For the sake of clarity, the Commission provided an updated and corrected version of Table 1.

'Table 1

Factors of production of valine

Factor of Production	Commodity Code ([1])	Source of data	Undistorted value	Unit of measurement
Raw materials				
Corn	1005 90 11 ([2])	GTA	1,81 ([3])	CNY/kg
Corn starch	1108 12	GTA	5,75 ([3])	CNY/kg
Glucose monohydrate and sod powder/powder/r-temp/c	1702 30	GTA	5,84	CNY/kg
Phosphoric acid	2809 20	GTA	8,33	CNY/kg
Ammonia liquid	2814 10	GTA	3,77	CNY/kg
Caustic soda (naoh30 %)/ liquid/r-temp/cn	2815 12	GTA	1,77	CNY/kg
Acetic acid/$C_2H_4O_2$/liquid/ r-temp/cn	2915 21	GTA	6,22	CNY/kg
Activated carbon	3802 10	GTA	22,46	CNY/kg
Labour				
Labour	N/A	ILO	20,44	CNY/hour
Energy				
Coal	2701 12 00 10, 2701 12 00 90	GTA	0,64	CNY/kg
Electricity	N/A	Rates of Colombian provider Enel Colombia ([4])	1,46	CNY/kWh
Water	N/A	Rates of Colombian provider Acueducto ([5])	8,47	CNY/m^3
By-products				
Corn germ	1104 30	GTA ([6])	Pro rata ([6])	CNY/kg
Protein powder	2309 90	GTA ([6])	Pro rata ([6])	CNY/kg

Factor of Production	Commodity Code (1)	Source of data	Undistorted value	Unit of measurement
Corn hull 40 kg, Corn gluten feed, corn protein powder and glycoprotein	2302 10	GTA (6)	Pro rata (6)	CNY/kg
Corn germ meal 40 kg, cn_sy csl(sale), cn_sy corn gluten 40 kg, corn husk and corn syrup/milk	2303 10	GTA (6)	Pro rata (6)	CNY/kg

(1) Until 6 digits as defined in the Harmonized System of the World Customs Organization (WCO).
(2) While relevant codes include also 1005 90 10, 1005 90 90, 1005 90 99 and 1005 90 00 00 19, GTA data were retrieved only under code 1005 90 11.
(3) Price adjusted to reflect the premium of non-GMO corn, see recital 224 of the provisional Regulation.
(4) https://www.enel.com.co/en/people/energy-rates.html.
(5) https://www.acueducto.com.co/wps/portal/EAB2/Home/atencion-al-usuario/tarifas/tarifas2023; https://www.acueducto.com.co/wps/portal/EAB2/Home/atencion-al-usuario/tarifas/tarifas_2024.
(6) GTA data used were GTA data for corn (customs code 1005 90 11) or corn starch, where applicable (customs code 1108 12). For pro rata, see recital 246 of the provisional Regulation.'

3.2.3.1. Raw materials

(104) Following provisional disclosure, Huaheng Group claimed that the Commission had not taken into account the economic reality when deciding whether to use corn or corn starch as a relevant factor of production for calculating its cost of production. Huaheng Group added that the Commission's choice had discriminated Huaheng Group as compared to the other sampled exporting producer.

(105) The Commission noted that it used as factors of production all those inputs which had been purchased for producing valine and it therefore took into account the economic reality. The Commission used the same approach for the other sampled exporting producer and therefore did not discriminate between producers. The Commission dismissed the claim.

(106) Following provisional disclosure, Huaheng Group claimed that corn starch should not have been subjected to an adjustment for genetically modified ('GMO') corn starch since there were almost no imports from the USA, where the adoption rate of GMO products is high ([18]). Huaheng Group argued that the high price level of corn starch in Colombia suggested that these imports were non-GMO, that, as set out in recital 224 of the provisional Regulation, is more expensive than GMO corn starch.

(107) The Commission agreed that the volume of imports of corn starch from the USA into Colombia was low. However, the Commission did not agree that the price level of corn starch in Colombia suggested that imports were non-GMO. In fact, the investigation showed that the corn grown in the three countries from where Colombia sourced most corn starch (up to 89 %) was largely GMO: 90 % in Brazil ([19]), 99 % in Argentina ([20]) and 80 % in Paraguay ([21]). The Commission therefore maintained the adjustment and dismissed the claim.

(108) Following provisional disclosure, the complainant requested confirmation that the benchmark for corn included the post-importation transport costs.

(109) The Commission explained in recitals 220, 222 and 230 of the provisional Regulation that it added inland transport costs to the undistorted benchmarks for raw materials.

([18]) See recitals 223 and 224 of the provisional Regulation.
([19]) https://www.embrapa.br/tema-transgenicos/sobre-o-tema.
([20]) https://geneticliteracyproject.org/2024/09/12/farmers-in-brazil-and-argentina-ramp-up-growing-of-genetically-modified-drought-tolerant-wheat-that-can-grow-in-subtropical-regions/.
([21]) https://gm.agbioinvestor.com/downloads/9.

(110) The complainant also requested the Commission to clarify the difference between the benchmark for corn reported in Table 1, including the non-GMO premium, and the benchmark for corn reported in the relevant annex to the pre-disclosure.

(111) As indicated in recital 103, the Commission corrected the value reported in Table 1. In addition, as explained in recital 224 of the provisional Regulation, the non-GMO premium is an addition to the benchmark of 5,7 % of the value of the benchmark reported in the relevant annex to the pre-disclosure. The resulting undistorted value is reported in Table 1.

(112) Following provisional disclosure, CJS contested that the Commission added to the import price of the factors of production in Colombia the ratio of the transport cost on the purchase value of the inputs reported by CJS, rather than the actual transport cost reported by CJS, claiming that, thus, the Commission disregarded its actual transport cost without due justification. In particular, CJS alleged that the Commission did not show that its transport costs were distorted and that it deducted the actual domestic handling, loading and transport costs from the export price, without replacing them with a benchmark and, thus, considering such costs reliable.

(113) The Commission determined, when applying Article 2(6a)(a) of the basic Regulation, that it is not appropriate to use domestic Chinese prices and costs due to the existence of significant distortions in China. Therefore, the Commission constructed the normal value exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks. For this the Commission resorted to the import price of the factors of production into Colombia as a benchmark to replace the price of the same factors of production for China. In accordance with its common practice, the Commission resorted to the ratio of the transport cost on the actual purchase value of the inputs reported by the Chinese exporting producers as an estimate for the transport costs in Colombia. During the investigation CJS did not positively establish that its transport costs were not distorted. As a consequence, the estimate of the transport cost in Colombia based on the ratio of such cost on the actual purchase value of the imports as reported by the Chinese exporting producers, was considered accurate. Therefore, this claim was rejected.

3.2.3.2. By-products

(114) Following provisional disclosure, CJS made a claim on the reference used by the Commission to calculate the benchmark for the by-products. In the confidential version of its submission, CJS elaborated in more details this claim.

(115) The Commission rejected this claim. More details regarding the Commission's assessment were provided to CJS in its specific disclosure as it included confidential information.

(116) Following provisional disclosure, the complainant claimed that the transformation of corn starch into glucose did not generate protein powder as a by-product, as the protein part of the corn had already been removed in the previous steps of the dry milling process. Moreover, according to the complainant, protein-rich by-products tended to have a different value than protein containing mainly carbohydrates.

(117) The Commission confirmed during the on-spot verification visit that when using certain input materials for producing valine, protein powder was a by-product. As regards the value of protein powder, the Commission recalled that the methodology used to value by-products, described in recital 246 of the provisional Regulation, did not take into account the price at which such by-products were traded. The Commission also noted that the complainant did not further clarify how the value of protein powder should be established. Therefore, this claim was rejected.

(118) Furthermore, the complainant questioned whether the basis for the ratio of the by-products calculated by the Commission should not be different. However, it did not further explain this claim and which basis for the ratio between the price of the by-products in China and the price of the main input material in China should have been used instead. Therefore, this claim was dismissed.

3.2.3.3. Comments after final disclosure

(119) Huaheng Group claimed that the Commission had not addressed one of its comments following the provisional disclosure. In particular, Huaheng Group claimed that the Commission's approach to use as a factor of production corn starch instead of corn was at odds with the requirement in Article 2(6a)(a) of the basic Regulation to construct the normal value at the level of the investigated party, that is, Huaheng Group instead of BHB.

(120) The Commission disagreed that it had not addressed the claim. The Commission summarised this claim in recital 104 and addressed it in recital 105 on the basis of information made available in the non-sensitive version of the comments submitted by Huaheng Group. As regards the method to establish the constructed normal value, and as explained in recital 105, the Commission considered as factors of production all the inputs that the actual exporting producer BHB had purchased to produce valine. Although BHB's original reply to the questionnaire (before deficiency letters and verification) included both corn and corn starch as factors of production, the Commission found that BHB had not purchased corn but only corn starch from related and unrelated suppliers. Therefore, the Commission asked BHB to submit the cost of manufacturing tables starting from their purchased materials, including corn starch. This way of identification of the factors of production corresponds to the production process of the exporting producer for which the normal value is determined. This was also the information verified on-site by the Commission and to which Huaheng Group did not object that the Commission should have considered a different factor of production. Therefore, the Commission rejected the claim.

(121) Eurolysine claimed that the coal benchmark used by the Commission was not representative due to the structure of the Colombian coal market. It submitted that Colombia is predominantly an exporter of thermal coal in very large volumes, while imports are marginal, limited to specific grades such as metallurgical coal and coke, and amount to a negligible share of domestic production. According to the Eurolysine, the low volume and heterogeneous quality of these imports render import prices statistically unreliable and likely biased downwards. It further noted that in a recent anti-dumping investigation on lysine originating in China, concluded by the Commission on 11 July 2025 ([22]) ('lysine investigation'), where similar market conditions were observed, the Commission applied a global coal benchmark, and argued that adopting the same approach in the present investigation would ensure consistency.

(122) The Commission examined the claim and noted that the materials provided consisted of general statistical sources on Colombian coal production and exports. While these confirm the predominance of thermal coal exports, they do not provide product-specific information on the coal types imported into Colombia or evidence that the import prices used in the benchmark would be unrepresentative or biased. The claim therefore did not establish a link between the general structure of the Colombian coal market and the benchmark applied. The Commission further observed that the reference to the lysine investigation concerned a different coal grade and was therefore not of decisive relevance. The claim was therefore rejected.

(123) Eurolysine argued further that the benchmark for water used by the Commission did not reflect actual industrial water costs. It claimed that the value relied upon appeared to correspond to sewage rather than water supply, and that such value did not include fixed subscription charges or the costs of wastewater treatment.

(124) However, this claim was based on data for a different region than the one used in the investigation. As described in recital 213 of the provisional Regulation, the Commission relied on information from the water supplier of Bogotà, the capital of Colombia, Acueducto S.A., whereas Eurolysine referred to figures for Soacha. The claim was therefore rejected.

(125) Eurolysine also claimed that the Commission's calculation of the cost of electricity covered only variable consumption costs and did not reflect the fixed charges borne by industrial users. It submitted that the tariff structure of the Colombian supplier ENEL includes several non-optional fixed components applicable to large consumers, such as basic monthly charges, system availability and administrative fees, contracted demand charges and network-related costs. These, Eurolysine claimed, should be added to the benchmark. They further noted that in the lysine investigation, where Colombia and ENEL were likewise used as sources, the Commission included fixed electricity charges in the undistorted value and argued that applying the same approach here would ensure consistency.

(126) The Commission examined the claim and noted that the argument relating to fixed electricity charges was based on an incorrect reading of the approach taken in the lysine investigation. Indeed, in that case, as in the present one, the benchmark relied on ENEL's published *Nivel* 3 tariffs for the industrial sector (*sector no residencial*). Moreover, as

([22]) Commission Implementing Regulation (EU) 2025/1330 of 10 July 2025 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of lysine originating in the People's Republic of China (OJ L, 2025/1330, 11.7.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1330/oj), recital 42.

explained in recital 194 of Commission Implementing Regulation (EU) 2025/74 ([23]), no additional charges were added as the price reported covers all the expenses. Thus, the approach adopted in the lysine investigation and in the current investigation were consistent, since in neither of the two investigations additional charges were added. The claim was therefore rejected.

(127) In the absence of any other comment on the sources used to establish the costs and benchmarks for the determination of the normal value, the Commission confirmed its conclusions in recitals 209–261 of the provisional Regulation.

3.3. **Export price**

(128) Following provisional disclosure, CJS claimed that a credit note had not been properly taken into consideration in the calculation of the export price as the Commission only deducted the value of the credit note but not the corresponding volume from the reported transactions.

(129) The Commission noted that the credit note referred to a transaction where the volume indicated on the delivery document did not correspond to the volume received by the customer, which was less. Therefore, CJ Europe GmbH ('CJE') issued a credit note for the value of the missing volume, without mentioning the volume itself. The evidence on the record shows that the missing volume in question did leave the facility of CJE, and therefore the original volume reported in CJE's tables remained the correct quantity. Thus, this claim was rejected.

(130) CJS also claimed that the profit based on which the Commission made the adjustment under Article 2(9) of the basic Regulation relied on an old investigation concerning imports of PVA originating in China ([24]). In the confidential version of its submission, CJS elaborated in more details this claim. CJS further pointed out that both Quimidroga and Millenis SAS ('Millenis') replied to the questionnaire for unrelated importers.

(131) The Commission rejected this claim. More details regarding the Commission's assessment were provided to CJS in its specific disclosure as it included confidential information.

(132) The Commission noted that, despite receiving questionnaire replies from two importers, one was incomplete and did not allow the establishment of the profit margin. The second company provided a full set of data and the profit related to the product under investigation and, following the imposition of provisional measures, agreed to the verification of its questionnaire reply, the disclosure of its profit margin in the investigation period and its use in the calculation.

(133) Following the verification of the data and information provided by the company, the investigation established that the importer has been exclusively purchasing amino acids, including the product under investigation, from one of the sampled exporting producers for more than 10 years, acting as its exclusive distributor in one Member State. This exclusivity is based on an oral agreement between the parties. As a result of such exclusivity, the importer cannot source from other suppliers. The facts established by the investigation confirm this. Indeed, the importer bought valine solely from this producer and sold it only in that Member State ([25]). The investigation also determined that, during the IP, the importer's profit margin was, by the importer's own admission, particularly low, as it had to sell some of the imported goods at a loss, barely breaking even. Such a low profit was due to the impossibility for the importer to source valine from any other Chinese exporting producer that sold at cheaper prices, which in turn would have allowed it to then resell with higher profits, as well as to the overall adverse market situation characterized by large volumes of cheap dumped imports competing with the importers sales. Consequently, the Commission found that the profit margin realised by this importer in the IP could not be considered as representative of the profit that an independent importer, with no kind of association to exporting producers and consequently able to source from all suppliers, would make. Indeed, as noted above and acknowledged by the company, its profit during the IP was particularly low because of the exclusivity agreement

([23]) Commission Implementing Regulation (EU) 2025/74 of 13 January 2025 imposing a provisional antidumping duty on imports of lysine originating in the People's Republic of China (OJ L, 2025/74, 14.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/74/oj).
([24]) Implementing Regulation (EU) 2020/1336.
([25]) Except for an isolated transaction through Quimidroga's related company in another Member State.

combined with the sharp increase of volumes of cheap imports at decreasing prices from other Chinese producers. In view of the above elements, the Commission concluded that such a profit cannot be considered a reasonable profit within the meaning of Article 2(9) of the basic Regulation. On the other hand, the profit margin used at provisional stage in the current investigation is representative of such activity, for the reasons explained in recital 265 of the provisional Regulation. Therefore, CJS's claim was rejected, and the Commission relied on a profit of 6,89 % that was considered reasonable in the lysine investigation ([26]) and in the previous PVA investigation ([27]).

(134) Following final disclosure, CJS reiterated its claim that the Commission should have taken into consideration in the calculation of the export price not only the value of a credit note but also the corresponding volume from the reported transactions. CJS disagreed with the Commission's statement that the missing volume did leave the facility of CJE, citing a lack of evidence to support this conclusion.

(135) The Commission recalled the two elements of the evidence on the record collected during the on-spot verification, which supported its finding that the missing volume in question left the premises of CJE. First, the delivery document, included at page 7 of Verification Exhibit 14 showed that the weight of the valine loaded in the truck included the volume in question. Second, the credit note showed that it was issued solely for the value of the missing volume, without any corresponding adjustment for the volume. The Commission therefore concluded that the valine did indeed leave the facility of CJE, regardless of whether it was received by the client. As CJE itself, after that its customer flagged the inconsistency, did not deem it appropriate to adjust the volume of valine in its stock, the Commission cannot be required to perform an adjustment not done by the company in first instance. Consequently, the Commission rejected the claim.

(136) Following final disclosure, CJS claimed that the Commission should not use the outdated profit of the PVA investigation to construct its export price, but rather the profit margin of [1–5] % used in a recent anti-dumping investigation on imports of epoxy resins originating in China, Taiwan and Thailand ([28]) ('epoxy resins investigation').

(137) The Commission noted that the profit margin used in the epoxy resins investigation was based on the profit of a single cooperating unrelated importer ([29]). The importer in question agreed that the Commission could use its profit for the calculations in the epoxy resins investigation, but did not agree to the publication of its profit, and indeed the profit was provided as the range [1–5] % in Implementing Regulation (EU) 2025/393. On the contrary, the profit margin used in the PVA investigation was based on the profit margin of three cooperating unrelated importers ([30]). The average of that profit, 6,89 %, then free from confidentiality concerns, was published in Implementing Regulation (EU) 2020/1336. The Commission could not use the profit margin provided by a single cooperating unrelated importer in a separate investigation but not published due to its company-specific confidentiality, when a profit margin free from confidentiality concerns is publicly available in another investigation Finally, the Commission noted that CJS did not explain why the profit margin of the epoxy resins investigation would lead to more reasonable amounts for profit than the profit margin used in the PVA investigation, besides the fact that it has been established in a more recent investigation. Therefore, this claim was rejected.

(138) In the absence of other comments on the determination of the export price, the Commission confirmed its conclusions in recitals 262 to 263 of the provisional Regulation.

3.4. **Comparison**

(139) The Commission compared the normal value and the export price of the sampled exporting producers on an ex-works basis. Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or export price for differences affecting prices and price comparability.

([26]) Commission Implementing Regulation (EU) 2025/74 of 13 January 2025 imposing a provisional anti-dumping duty on imports of lysine originating in the People's Republic of China (OJ L, 2025/74, 14.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/74/oj), recital 212, and Implementing Regulation (EU) 2025/1330, recital 53.

([27]) Implementing Regulation (EU) 2020/1336, recital 352.

([28]) Commission Implementing Regulation (EU) 2025/393 of 26 February 2025 imposing a provisional anti-dumping duty on imports of epoxy resins originating in the People's Republic of China, Taiwan, and Thailand (OJ L, 2025/393, 27.2.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/393/oj), recital 208.

([29]) Implementing Regulation (EU) 2025/393, recital 208.

([30]) Implementing Regulation (EU) 2020/1336, recitals 32, 352 and 358.

3.4.1. *Adjustments made to the normal value*

(140) Following provisional disclosure, CJS claimed that contrary to the Commission's statement in recital 270 of the provisional Regulation, Sucroal's SG & A costs included distribution costs and requested the Commission therefore to deduct them from the normal value in order to make a fair comparison at an ex-works level.

(141) In recital 270 of the provisional Regulation, the Commission intended to refer to transport costs, rather than to distribution costs. This can be seen by the sentence following the statement to which CJS referred to, and where the Commission referred to 'unsubstantiated claims that amounts for SG & A costs […] contain transport costs. The Commission's statement in recital 270 highlighted the fact that there was no information available showing that the Sucroal's SG & A costs, and specifically the item for distribution costs, included any transport cost, which should be deducted from the normal value. Indeed, the accounting category 'distribution costs' does not necessarily correspond to physical freight or delivery charges incurred after the ex-works level. In line with common accounting practice, such costs may cover a range of commercial and administrative expenses, including warehousing, logistics management, sales staff, and marketing, which are part of the SG & A costs at the ex-works level and should not be deducted from the normal value. Such SG & A costs, including commercial and administrative expenses, may indeed legitimately remain in the normal value at ex-works level, provided they are not shown to overlap with costs that were deducted from the export price. The breakdown of Sucroal's distribution costs or of the item 'other costs' were not publicly available, nor did CJS provide any evidence that the 'distribution costs' in Sucroal's accounts corresponded exclusively to downstream freight or handling charges comparable to those deducted from their export price. Therefore, this claim was rejected.

(142) Therefore, the Commission confirmed its conclusions set out in recitals 267 to 271 of the provisional Regulation.

3.4.2. *Adjustments made to the export price*

(143) As set out in recitals 272 and 273 of the provisional Regulation, adjustments were made for customs duty, other import charges, freight, insurance, handling loading and ancillary expenses, packing, credit costs, commissions, and bank charges, in accordance with Article 2(10) of the basic Regulation.

(144) Following provisional disclosure, CJS pointed out that the Commission deducted packing expenses and bank charges borne by CJE from the export price twice. CJS requested the Commission to ensure that these expenses were only deducted once. The Commission found this claim justified and adjusted its calculation.

(145) Following provisional disclosure, Huaheng Group claimed that the Commission had double counted a certain expense when calculating the export price. The Commission found this claim justified and adjusted its calculation.

(146) After the publication of the provisional Regulation, Huaheng Group claimed that the Commission did not meet its burden of proof to make the adjustment to the export price pursuant to Article 2(10)(i) of the basic Regulation for sales made from the producer to a related company and then exported to the Union, as set out in recital 274 of the provisional Regulation. In particular, Huaheng Group claimed that (i) the Commission did not explain why making a profit or why trading a broad array of goods turned the related trader into having functions similar to those of an agent working on a commission basis; and (ii) why making such adjustment was necessary for price comparability between the export price and the normal value.

(147) The Commission did not find the claim justified. In recital 275 of the provisional Regulation the Commission concluded that Huaheng Group used a company within its group for trading purposes. More details regarding the Commission's assessment were provided to Huaheng in its specific disclosure as it included confidential information. On the basis of this assessment, the Commission concluded that the related trader Anhui Huaheng Biotechnology Co., Ltd ('AHB') was carrying out functions similar to those of an agent working on a commission basis. Therefore, an adjustment under Article 2(10)(i) of the basic Regulation was warranted.

(148) Following provisional disclosure, CJS claimed that the conditions to apply the adjustment under Article 2(10)(i) of the basic Regulation with respect to its related trader CJ CheilJedang Corp. ('CJCJ') were not met and provided confidential details of the operations carried out by CJCJ in support of the claim.

(149) The Commission analysed carefully CJS's claims and found them justified. The Commission, however, analysed whether the specific setup of the group regarding export sales was a factor that affected price comparability for the purpose of carrying out a fair comparison between the normal value and the export price under Article 2(10)(k) of the basic Regulation.

(150) The investigation established that CJS sold to the Union through a related trader in the investigation period and that this trader incurred costs and realised profits that could be allocated to Union sales. On the other hand, the normal value for the product concerned was constructed in accordance with Article 2(6a) of the basic Regulation, thus including an undistorted and reasonable amount for SG & A costs and for profits. As noted in recital 254 of the provisional Regulation, those costs and profits were found to be reasonable for the ex-works level of trade and therefore could not include the costs and profits of a related trader.

(151) It follows that the comparison between that normal value and that export price was not fair, as the export price included costs and profits of a related trader and the normal value was constructed net of such elements. This created an asymmetry that affects price comparability between normal value and export price. Consequently, the Commission concluded that an adjustment under Article 2(10)(k) of the basic Regulation was warranted.

(152) In view of the above, to ensure a fair comparison between normal value and export price, the Commission deducted from the export price those SG & A costs and profits of the related trader that were not included in the normal value, from the export price. In the specific setup of the export sales channel of the group, the adjustment was carried out using the actual SG & A costs borne by CJCJ, and, given the relationship and profit allocation between CJCJ and CJS, which tainted the profit achieved, the notional profit of 6,89 % referred to in recital 133.

(153) Following the final disclosure, CJS claimed that, in order to apply an adjustment under Article 2(10)(k) of the basic Regulation, the Commission had to demonstrate how the involvement of CJCJ in the invoicing process of export sales affected the price comparability with the normal value. CJS further claimed that, despite acknowledging that the conditions to apply an adjustment under Article 2(10)(i) of the basic Regulation were not met, the Commission applied the same adjustment under Article 2(10)(k) of the basic Regulation without showing that CJS's customers paid different prices on the domestic market because of the involvement of CJCJ in the export sales of the product under investigation to the Union. In the confidential version of the submission, CJS added further details as regards the SG & A costs and profit adjustments.

(154) It is uncontested that CJS sells to the Union through a related trader: CJCJ. A portion of that trader's SG & A costs can reasonably be allocated to the sales of the product concerned on the Union market. CJCJ also generates profit.

(155) In the *CCCME* judgment, the General Court noted that a normal value constructed under Article 2(6a) 'is not generally affected by factors which might damage its comparability because it has been artificially established' ([31]). In other words, if an element for which an adjustment is sought cannot be positively shown to have been used in

([31]) Judgement of 2 October 2024, *CCCME and Others v Commission*, T-263/22, ECLI:EU:T:2024:663, paragraph 188, and the case-law quoted.

the construction of the normal value, the adjustment cannot be made. Considering that, as noted in recitals 253 and 267 to 271 of the provisional Regulation, the normal value in the case at hand was constructed by, among other, using SG & A costs that were found to be reasonable for ex-works level of trade, it follows that, by definition, these costs could not include costs of a related trader.

(156) It is difficult to demonstrate an impact on price comparability between the export price and the normal value more clearly than by showing that an element, in this case the SG & A costs of a related trader, is present in the former and absent from the latter. In other words, by showing that the export price and the normal value are asymmetrical. The concept of price comparability between the export price and the normal value is intrinsically linked to the notion of symmetry between them. The Court explained this in *Dashiqiao Sanqiang* ([32]) as follows: 'The case-law has further established that it is apparent from both the wording and the scheme of Article 2(10) of the basic Regulation that an adjustment to the export price or the normal value may be made only in order to take account of differences in factors which affect the prices and therefore their comparability. That means, in other words, that the purpose of an adjustment is to re-establish the symmetry between the normal value and the export price, with the result that, if the adjustment has been validly made, that implies that it has re-established the symmetry between the normal value and the export price.' ([33])

(157) The Court then concluded that '[i]n any assessment of the fairness of the comparison method used, the concept of symmetry between the normal value and the export price thus constitutes a key element reflecting the need to establish the comparability of prices within the meaning of Article 1(2) of the basic Regulation' ([34]).

(158) Asymmetry between the normal value and the export price in the context of an adjustment under Article 2(10)(k) was considered by the General Court in *Sinopec*. The Court first recalled the Commission's finding of asymmetry between the export price and the normal value created by the presence of non-refundable VAT in the former and its absence in the latter ([35]) to then conclude that 'the Commission did demonstrate the need to make the […] adjustment at issue' ([36]). Whilst the Court found that the adjustment could not have been made under Article 2(10)(b), and that the Commission had therefore committed an error of law, it also held that 'that error had no decisive effect on the assessment made by the author of that act' ([37]). This was because, according to the Court, Article 2(10)(k) of the basic Regulation 'allowed the Commission to make the […] adjustment at issue in order to re-establish the symmetry between the normal value and the export price of the product concerned and to ensure a fair comparison between those two values' ([38]). In other words, the Court confirmed that the assessment made by the Commission, which was limited to the finding of asymmetry (similar to the assessment made in the case before this Court) was sufficient to make the adjustment under Article 2(10)(k) of the basic Regulation.

(159) In view of the foregoing, the Commission noted that the adjustment under Article 2(10)(k) of the basic Regulation was necessary in order to re-establish the symmetry between the normal value and the export price, and thus to ensure a fair comparison. Indeed, the comparison must be made on an ex-works basis, as explained in recital 117. While the normal value was established at ex-works level, an export price including the SG & A costs and the profit of a related trader cannot be considered at ex-works level. Therefore, the Commission must eliminate the cost borne by CJCJ and the notional profit in order to compare the normal value and the export price at the same level. CJCJ's involvement, which is limited to export sales, results in costs and profits which have thus to be taken into account. Indeed, CJS cannot benefit from the economic activity of CJCJ and the tax advantages that it allows and, at the same time, claim that the absence of such an activity would not change anything in the sales channel. The claim was therefore rejected.

(160) Furthermore, CJS claimed that the Commission violated the principle of Union law of the *lex specialis*, according to which a Union Institutions cannot circumvent a more specific provision by relying on a general one. CJS claimed in this regard that Article 2(10)(k) of the basic Regulation would be a general provision, while Article 2(10)(i) would be a specific provision.

([32]) Judgment of 16 December 2011, *Dashiqiao Sanqiang Refractory Materials v Council*, T-423/09, ECLI:EU:T:2011:764.
([33]) *Ibid.*, paragraph 42 and the case-law cited.
([34]) *Ibid.*, paragraph 43.
([35]) Judgment of 21 February 2024, *Sinopec Chongqing SVW Chemical and Others v Commission*, T-762/20, ECLI:EU:T:2024:113, paragraph 155.
([36]) *Ibid.*, paragraph 156.
([37]) *Ibid.*, paragraph 157.
([38]) *Ibid.*

(161) The Commission rejected this claim, since Article 2(10)(k) of the basic Regulation is not a general provision compared to Article 2(10)(i) of the basic Regulation, but rather a different case under which adjustments can be made. Indeed, Article 2(10)(k) of the basic Regulation referred to 'other factors not provided for under points (a) to (j)'. CJS claimed and the Commission agreed that Article 2(10)(i) of the basic Regulation could not apply in this case as there was no commission within the meaning of that provision being paid. The Commission, rather than circumventing a specific provision by relying on a general one, simply attributed the correct qualification to the facts of the case. Moreover, such approach is in line with the judgement of the General Court in *Sinopec*, summarised in recital 158. Therefore, this claim was rejected.

(162) Finally, should the Commission maintain its adjustment on the basis of Article 2(10)(k) of the basic Regulation, CJS claimed that such an adjustment could not be the equal to the one made under Article 2(10)(i) of the basic Regulation, because the two adjustments are not the same and because the Commission established that the conditions to apply an adjustment under Article 2(10)(i) were not met. As a consequence, CJS requested the Commission to quantify how the involvement of CJCJ in the export sales invoicing process affected the price comparability with the normal value. In particular, if the Commission considered that CJCJ's profit affected the price comparability, CJS claimed that such profit should be at most 2 %, as the profit used in the anti-dumping investigation on certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Egypt, Japan and Vietnam ([39]) ('HRF investigation').

(163) The Commission noted that, in calculating the adjustment for the SG & A costs, the Commission already excluded from the SG & A costs items which were not relevant for sales of the product under investigation to the Union, as indicated in recital 165. Therefore, the Commission considered for the SG & A costs adjustment only those items stemming from CJCJ's role which affected the price comparability. As regards the profit, the Commission could not rely on the actual profit of CJCJ, as it is a profit between related entities, and relied on the notional profit of the PVA investigation, as the most reliable source of information available in this case, as established in recital 265 of the provisional Regulation and in recitals 133 and 137. CJS did not show why the profit used in the HRF investigation would be more appropriate, besides the fact that it is a lower profit. In addition, such profit was established in the HRF investigation for a different economic sector, the steel sector, and is not related to the chemical sector as the notional profit established in the PVA investigation. Therefore, this claim was rejected.

(164) CJS also submitted a claim concerning the quantification of the adjustment based on the deduction of CJCJ's SG & A costs originally pursuant to Article 2(10)(i) of the basic Regulation, and at this stage pursuant to Article 2(10)(k) of the basic Regulation. In particular, this claim concerned five items relevant for establishing the SG & A costs of CJCJ. In the confidential version of its submission, CJS elaborated in more details this claim.

(165) The Commission found this claim partially justified for three of the five items and deducted them from the SG & A costs relevant for the adjustment accordingly. The claim was rejected for the remaining two items. More details regarding the Commission's assessment were provided to CJS in its specific disclosure as it included confidential information.

(166) Finally, CJS submitted a claim concerning the quantification of the adjustment based on the deduction of a reasonable profit of 6,89 % originally pursuant to Article 2(10)(i) of the basic Regulation, and at this stage pursuant to Article 2(10)(k) of the basic Regulation. In the confidential version of its submission, CJS elaborated in more details this claim.

(167) The Commission rejected this claim. As explained in recitals 149 to 152, the Commission resorted to maintain the adjustment for a notional profit of 6,89 %, established as discussed in recital 133. More details regarding the Commission's assessment were provided to CJS in its specific disclosure as it included confidential information.

([39]) Commission Implementing Regulation (EU) 2025/1919 of 25 September 2025 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Egypt, Japan and Vietnam, and terminating the investigation on imports thereof originating in India (OJ L, 2025/1919, 26.9.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1919/oj), recitals 114 and 126.

(168) Following the final disclosure, Huaheng Group claimed that the Commission had not addressed the claim following the provisional disclosure that the Commission had not justified why adjusting the export price was necessary to ensure price comparability between the normal value and the export price. In this regard, Huaheng Group claimed that expenses linked to services performed by AHB were deducted from the export price but that the expenses for the same services had been included in the normal value and should have been deducted. Huaheng Group also claimed that the findings set out in recital 141 that certain SG & A costs may indeed legitimately remain in the normal value at ex-works level, provided they are not shown to overlap with costs that were deducted from the export price, would be further evidence of that asymmetry.

(169) The Commission found that it was warranted to adjust the export price since the Commission had concluded in recital 147 that AHB had functions similar to those of an agent working on a commission basis. As explained too in recitals 274 to 276 of the provisional Regulation, AHB received a mark-up on the resales of the product concerned and since it was found to perform functions similar to those of an agent working on a commission basis, an adjustment for commissions was warranted. This was so since, as explained in recital 261 of the provisional Regulation, the normal value was constructed on ex-works basis. In other words, as explained in recitals 156 and 157, the presence of an element (a commission) in the export price and its absence from the normal value created an asymmetry between the two that must be corrected in order to make the comparison between the normal value and the export price 'fair' within the meaning of Article 2(10) of the basic Regulation. Regarding the quantification of the adjustment for commissions, as confirmed by the General court in *Çolakoğlu* ([40]), the Commission may take into account the relationship between the manufacturer and the related trader when determining the appropriate amount of the adjustment to be made. In case of an association between the manufacturer and the trader, the Commission may quantify the adjustment by applying Article 2(9) of the basic Regulation by analogy. In such cases the adjustment is made for a commission constructed on the basis of the SG & A costs of the trader in question and a notional profit. Considering that BHB and AHB were part of the Huaheng Group, and that their relationship was found not to be at arm's length, as supported by the provisions in the written agreement between BHB and AHB, the adjustment was based on the SG & A costs incurred by the related trader and a notional profit. Therefore, since the Commission did not adjust for SG & A costs and profit but for a commission which was constructed based on SG & A costs and a notional profit, the Commission did not find applicable the claim that adjusting for SG & A costs had resulted in an asymmetry between the normal value and the export price. At no point during the investigation did Huaheng Group argue that a commission was present in the constructed normal value, let alone substantiating or quantifying such claim, as required by the case-law referred to in recital 269 of the provisional Regulation. Indeed, as noted in recital 168, the normal value was constructed net of any commissions. In any event, even if the Commission had to adjust for SG & A costs and profit, the Commission did not consider that it would have needed to deduct expenses from the SG & A costs to ensure comparability between from the normal value and the export price. First, the Huaheng Group did not submit any evidence showing that the SG & A costs used to construct the commission had been included in the normal value. Second, the SG & A costs contained in the normal value were those actually incurred by a producer, in particular, those incurred by Sucroal in Colombia. Third, the SG & A costs deducted from the export price were those actually incurred by AHB in its functions as a related trader. Since the SG & A costs related to different activities (exporting producer and related trader), no expenses from the SG & A costs of the Colombian producer Sucroal would have had to be deducted from the normal value. Therefore, the Commission rejected the claim.

(170) Following the final disclosure, Huaheng Group further claimed that the Commission had not met the necessary burden of proof for adjusting the export price within the meaning of Article 2(10)(i) of the basic Regulation and in particular that no adjustment could be made in cases where legally separate companies were internal sales departments forming an SEE.

(171) The Commission provided in recital 147 the reasons why it considered AHB as a trader having functions similar to those of an agent working on a commission basis. Furthermore, the Commission found that this finding was sufficient for making an adjustment to the export price under Article 2(10)(i) of the basic Regulation and no further proof was necessary in this context. In addition, Huaheng Group had never claimed that AHB and the exporting producer were forming an SEE. It is recalled that according to case-law where the Commission has adduced consistent evidence that a distributor affiliated to a producer carries out functions comparable to those of

([40]) Judgment of 8 May 2024, *Çolakoğlu Metalurji and Çolakoğlu Dış Ticaret v Commission*, T-630/21, ECLI:EU:T:2024:304, paragraphs 94–97.

an agent working on a commission basis, it will be for that distributor or that producer to adduce evidence that an adjustment under Article 2(10)(i) of the basic regulation is not justified, for example by demonstrating that they form a single economic entity ([41]).

(172) In the absence of other comments on the adjustments to the export price, the Commission confirmed its conclusions in recitals 272 to 276 of the provisional Regulation.

3.5. Dumping margins

(173) As described in recitals 144 to 145 and 164 to 165, following claims from interested parties, the Commission revised the dumping margins.

(174) The definitive dumping margins expressed as a percentage of the cost, insurance and freight (CIF) Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin (%)
CJ (Shenyang) Biotechnology Co., Ltd.	31,3
Bayannur Huaheng Biotechnology Co., Ltd.	53,8
Other cooperating companies	42,2
All other imports originating in the People's Republic of China	53,8

4. INJURY

4.1. Definition of the Union industry and Union production

(175) In the absence of comments on the determination of the Union industry and Union production, the Commission confirmed its conclusions set out in recitals 281 to 283 of the provisional Regulation.

4.2. Union consumption

(176) In the absence of comments on the Union consumption, the Commission confirmed its conclusions set out in recitals 284 to 289 of the provisional Regulation.

4.3. Imports from the country concerned

(177) In the absence of comments on the imports from the country concerned, the Commission confirmed its conclusions set out in recitals 290 to 294 of the provisional Regulation.

4.3.1. *Prices of the imports from the country concerned and price undercutting*

(178) In the absence of comments, the Commission confirmed its conclusions set out in recitals 295 to 301 of the provisional Regulation.

(179) Having regard to the correction in the calculation as specified in recital 195, the result of the price comparison, expressed as a percentage of the Union industry's theoretical turnover during the investigation period, has been revised and showed a weighted average undercutting margin of between 15,0 % and 22,2 % by the imports from the country concerned on the Union market.

([41]) See for instance judgment of 11 June 2025, *Akgün Seramik Sanayi ve Ticaret and Others v Commission*, T-231/23, ECLI:EU:T:2025:580, paragraph 155, and the case-law cited.

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

4.4.1. *General remarks*

(180) In the absence of comments, the Commission confirmed its conclusions set out in recitals 302 to 306 of the provisional Regulation

4.4.2. *Macroeconomic indicators*

4.4.2.1. Production, production capacity and capacity utilisation

(181) In the absence of comments concerning production, production capacity and capacity utilisation, recitals 307 to 310 in the provisional Regulation were confirmed.

4.4.2.2. Sales volume and market share

(182) In the absence of comments concerning sales volume and market share, recitals 311 to 313 in the provisional Regulation were confirmed.

4.4.2.3. Employment and productivity

(183) In the absence of comments concerning employment and productivity, recitals 314 to 316 in the provisional Regulation were confirmed.

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

(184) In the absence of comments concerning magnitude of the dumping margin and recovery from past dumping, recitals 317 to 318 in the provisional Regulation were confirmed.

4.4.3. *Microeconomic indicators*

4.4.3.1. Prices and factors affecting prices

(185) In the absence of comments concerning prices and factors affecting prices, recitals 319 to 321 in the provisional Regulation were confirmed.

4.4.3.2. Labour costs

(186) In the absence of comments concerning labour costs, recitals 322 to 323 in the provisional Regulation were confirmed.

4.4.3.3. Inventories

(187) In the absence of comments concerning inventories, recitals 324 to 326 in the provisional Regulation were confirmed.

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

(188) In the absence of comments concerning profitability, cash flow, investments, return on investments and ability to raise capital, recitals 327 to 332 in the provisional Regulation were confirmed.

4.5. Conclusion on injury

(189) In the absence of further comments the Commission concluded, based on the findings disclosed in the provisional Regulation, that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation and recitals 333 to 338 of the provisional Regulation were confirmed.

5. CAUSATION

5.1. Effects of the dumped imports

(190) In the absence of comments, recitals 339 to 341 in the provisional Regulation were confirmed.

5.2. Effects of other factors

5.2.1. *Imports from third countries*

(191) In the absence of comments, recitals 342 to 343 in the provisional Regulation were confirmed.

5.2.2. *Export performance of the Union industry*

(192) In the absence of comments, recitals 344 to 347 in the provisional Regulation were confirmed.

5.3. Conclusion on causation

(193) In the absence of comments, the Commission concluded, based on the findings disclosed in the provisional Regulation, that the dumped imports from the PRC caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate or break the causal link between the dumped imports and the material injury. Recitals 348 to 352 in the provisional Regulation were confirmed.

6. LEVEL OF MEASURES

6.1. Injury margin

(194) In the absence of comments, recitals 353 to 359 in the provisional Regulation were confirmed.

(195) In the absence of comments, recital 360 of the provisional Regulation is confirmed. However, the Commission noted that the prices of one exporting producer were not adjusted to the Union frontier level for the price comparison. The Commission corrected the calculation accordingly and the final injury elimination level for the cooperating exporting producers and all other companies is as follows:

Country	Company	Definitive injury margin (%)
People's Republic of China	CJ (Shenyang) Biotechnology Co., Ltd.	118,1
	Bayannur Huaheng Biotechnology Co., Ltd.	141,0
	Other cooperating companies	129,2
	All other imports originating in the People's Republic of China	141,0

6.2. Conclusion on the level of measures

(196) Following the above assessment, definitive anti-dumping duties should be set as below in accordance with Article 7(2) of the basic Regulation:

Country	Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
People's Republic of China	CJ (Shenyang) Biotechnology Co., Ltd.	31,3	118,1	31,3
	Bayannur Huaheng Biotechnology Co., Ltd.	53,8	141,0	53,8
	Other cooperating companies listed in the Annex	42,2	129,2	42,2
	All other imports originating in the People's Republic of China	53,8	141,0	53,8

7. UNION INTEREST

7.1. Interest of the Union industry

(197) In the absence of comments, recitals 363 to 366 in the provisional Regulation were confirmed.

7.2. Interest of unrelated importers

(198) In the absence of comments, recitals 367 to 369 in the provisional Regulation were confirmed.

7.3. Interest of users

(199) In the absence of comments, recitals 370 to 374 in the provisional Regulation were confirmed.

7.4. Conclusion on Union interest

(200) In the absence of comments on Union interest, recital 375 of the provisional Regulation was confirmed

8. DEFINITIVE ANTI-DUMPING MEASURES

8.1. Definitive measures

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

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

Country	Company	Definitive anti-dumping duty (%)
People's Republic of China	CJ (Shenyang) Biotechnology Co., Ltd.	31,3
	Bayannur Huaheng Biotechnology Co., Ltd.	53,8
	Other cooperating companies	42,2
	All other imports originating in the People's Republic of China	53,8

(203) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflect the situation found during this investigation in respect to these companies. These duty rates are thus exclusively applicable to imports of the product under investigation originating in the country concerned and produced by the named legal entities. Imports of the product concerned manufactured by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and should be subject to the duty rate applicable to 'all other imports originating in the People's Republic of China'.

(204) 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 ([42]). 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*.

(205) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the proper application of the individual anti-dumping duties. The application of individual anti-dumping duties is only applicable upon presentation of a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this Regulation. Until such invoice is presented, imports should be subject to the anti-dumping duty applicable to 'all other imports originating in the People's Republic of China'.

(206) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this Regulation, the customs authorities of Member States should carry out their usual checks and may, like in all other cases, require additional documents (shipping documents, etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the rate of duty is justified, in compliance with customs law.

(207) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume, in particular after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, an anti-circumvention investigation may be initiated, provided that the conditions for doing so are met. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.

([42]) Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu, European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

(208) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other imports originating in China should apply not only to the non-cooperating exporting producers in this investigation, but also to the producers which did not have exports to the Union during the investigation period.

(209) Exporting producers that did not export the product concerned to the Union during the investigation period should be able to request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the IP; (ii) it is not related to an exporting producer that did so; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.

8.2. Definitive collection of the provisional duties

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

8.3. Retroactive collection

(211) As mentioned in section (1.2), the Commission made imports of the product under investigation subject to registration.

(212) During the definitive stage of the investigation, the data collected in the context of the registration was assessed. The Commission analysed whether the criteria under Article 10(4) of the basic Regulation were met for the retroactive collection of definitive duties.

(213) The Commission's analysis showed no further substantial rise in imports in addition to the level of imports which caused injury during the investigation period, as prescribed by Article 10(4)(d) of the basic Regulation. For this analysis, the Commission compared the monthly average import volumes of the product concerned during the investigation period which were at the level of [1 750–2 417] MT/month, with the monthly average import volumes during the period from the month following the initiation of this investigation until the last full month preceding the imposition of provisional measures (1 455 MT/month). Also, when comparing the monthly average import volumes of the product concerned during the investigation period with the monthly average import volumes during the period from the month following the initiation of this investigation up to and including the month in which provisional measures were imposed (1 320 MT/month), no increase could be observed.

Period	IP	January – July 2025	January – August 2025
The monthly average import volumes (MT/month)	[1 750–2 417]	1 455	1 320

(214) On that basis, the Commission concluded that the conditions as set out in Article 10(4) of the basic Regulation for the retroactive application of the definitive anti-dumping duty were not met.

(215) In the response to the final disclosure, the complainant disagreed with the Commission's assessment and claimed that based on data from the specialised market intelligence provided in the complaint and questionnaire replies, which the Commission also used to establish the volumes of imports of the product concerned during the investigation, that the conditions for retroactive collection of duties had been met. According to this data, the complainant argued that the monthly imports of the product concerned increased significantly after the IP. Specifically, the complainant claimed that in the year 2024, monthly shipments were on average in between one and 2,5 tons of valine, the shipments then reached up to six times in February 2025 and that very high volumes

were sent to the Union in February and March 2025, which indicated that stocks were being built up. This surge of exports from China to the Union after the IP would demonstrate that the conditions for retroactive collection of duties have been met, and therefore the complainant requested that the Commission imposes duties retroactively.

(216) When establishing import volume, the Commission adjusted the data provided by the complainant from the specialized market intelligence, as described in recitals 287 and 290 of the provisional Regulation, by corrections resulting from cross-checked data submitted by the cooperating exporters verified on spot. Furthermore, since the initiation of the investigation, there has been a separate TARIC code for the product concerned, allowing the Commission to fully rely on the import statistics provided by Member States. The Commission did not find any reason to discredit this data and therefore compared the average monthly imports reported by Member States with the average monthly imports determined for the IP, as per set out in section 4.3 of the provisional Regulation. Therefore, the Commission does not find the complainant's claim to be substantiated and confirmed its conclusion that conditions as set out in Article 10(4) of the basic Regulation for the retroactive collection of the definitive anti-dumping duty were not met.

9. **FINAL PROVISION**

(217) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ([43]), 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.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of valine and its esters, salts thereof, as a separate chemically defined organic compound, whether or not containing impurities, currently falling under CN code ex 2922 49 85 (TARIC code 2922 49 85 87) and originating in the People's Republic of China.

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

Country of origin	Company	Definitive anti-dumping duty (%)	TARIC additional code
People's Republic of China	CJ (Shenyang) Biotechnology Co., Ltd.	31,3	89TX
	Bayannur Huaheng Biotechnology Co., Ltd.	53,8	89TY
	Other cooperating companies listed in the Annex	42,2	
	All other imports originating in the People's Republic of China	53,8	8999

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

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

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

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/1737 shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

Article 3

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

(a) it did not export the goods described in Article 1(1) during the period of investigation (1 October 2023 to 30 September 2024);

(b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which could have cooperated in the original investigation; and

(c) it has either actually exported the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.

Article 4

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

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

Done at Brussels, 12 February 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Other cooperating exporting producers not sampled

Country	Name	TARIC additional code
People's Republic of China	Xinjiang Meihua Amino Acid Co., Ltd. Tongliao Meihua Biological Sci-tech Co., Ltd.	89TZ
	Ningxia EPPEN Biotech Co., Ltd.	89UA
	Hulunbeier Northeast Fufeng Biotechnologies Co., Ltd. Xinjiang Fufeng Biotechnologies Co., Ltd.	89UB