



2026/65

7.1.2026

COMMISSION IMPLEMENTING REGULATION (EU) 2026/65

of 6 January 2026

imposing a definitive anti-dumping duty on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

- (1) By Implementing Regulation (EU) 2019/1688 ⁽²⁾, the European Commission ('the Commission') imposed anti-dumping duties on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago (hereafter also: 'TT') and the United States of America (hereafter also: 'the US' or 'USA') ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.
- (2) In May 2021, Copa-Cogeca, an association of users of the product concerned, requested for the suspension of the anti-dumping duties in force, in accordance with Article 14(4) of the Regulation (EU) 2016/1036. By Implementing Decision (EU) 2022/2070 ⁽³⁾, the Commission decided not to suspend the anti-dumping duties on imports of mixture of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America imposed by Implementing Regulation (EU) 2019/1688.
- (3) The anti-dumping duties currently in force range between 27,77 EUR/tonne and 42,47 EUR/tonne on imports from Russia and amount to 22,24 EUR/tonne on imports from Trinidad and Tobago and to 29,48 EUR/tonne on imports from the United States of America.

1.2. Request for an expiry review

- (4) Following the publication of a notice of impending expiry ⁽⁴⁾ the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.
- (5) The request for review was submitted on 28 June 2024 by Fertilizers Europe ('the applicant') on behalf of the Union industry of mixtures of urea and ammonium nitrate in the sense of Article 5(4) of the basic Regulation. The grounds of the request for review were that the expiry of the measures would be likely to result in continuation and/or recurrence of dumping and continuation or recurrence of injury to the Union industry.

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

⁽²⁾ Commission Implementing Regulation (EU) 2019/1688 of 8 October 2019 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America (OJ L 258, 9.10.2019, p. 21, ELI: http://data.europa.eu/eli/reg_impl/2019/1688/oj).

⁽³⁾ Commission Implementing Decision (EU) 2022/2070 of 26 October 2022 to not suspend the definitive anti-dumping duties on imports of mixture of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America imposed by Implementing Regulation (EU) 2019/1688 (OJ L 277, 27.10.2022, p. 208, ELI: http://data.europa.eu/eli/dec_impl/2022/2070/oj).

⁽⁴⁾ OJ C, C/2024/907, 22.1.2024, ELI: <http://data.europa.eu/eli/C/2024/907/oj>.

1.3. Initiation of an expiry review

- (6) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 8 October 2024 the Commission initiated an expiry review with regard to imports into the Union of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America ('the countries concerned') on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽⁵⁾ ('the Notice of Initiation').

1.4. Review investigation period and period considered

- (7) The investigation of continuation or recurrence of dumping covered the period from 1 July 2023 to 30 June 2024 ('review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2021 to the end of the review investigation period ('the period considered').

1.5. Comments on initiation by interested parties

- (8) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known producers in the countries concerned and the authorities of Russia, Trinidad and Tobago, and the United States of America, known importers and associations representing the interests of users known to be concerned about the initiation of the expiry review and invited them to participate.
- (9) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.
- (10) The Russian authorities argued that the initiation of the investigation was WTO-inconsistent to the extent that the Panel Report in *EU – Cost Adjustment Methodologies II (Russia)* ⁽⁶⁾ found the cost adjustment methodology used by the Commission in the original investigation to be inconsistent with Articles 2.2.1.1 and 2.2 of the WTO Anti-Dumping Agreement. The Commission noted that the Panel Report in question is still under appeal. In any event, the facts examined by that panel are different from the facts of this case. In particular, the expiry review request submitted by Fertilizers Europe contains dumping calculations based on actual domestic prices in Russia. This claim was thus dismissed.
- (11) On 14 November 2024, the Russian authorities alleged the absence of a duly substantiated request within the meaning of Article 11.3 of the WTO Anti-Dumping Agreement since the request lacked sufficient evidence of the likelihood of recurrence or continuation of dumping and injury. The Russian authorities referred to dumping calculations under the so-called standard methodology, which the Russian authorities alleged were not duly summarised. The Russian authorities stated that the request deprived Russian parties of the opportunity to verify data, to understand and verify the calculations and to comment on them because the request lacked due summarisation of confidential information, including data provided by external experts to the applicant, or lacked a statement of reasons explaining why summarisation was not possible. In this context, the Russian authorities referred to Article 6.5.1 of the WTO Anti-Dumping Agreement and several WTO Dispute Settlement Panel Decisions, including *EC – Fasteners (China)* ⁽⁷⁾.
- (12) In addition, with regard to the constructed normal value outlined by the applicant in the request, the Russian authorities claimed that adjustments of the natural gas costs based on Waidhaus or Baumgarten prices are inconsistent with the WTO Anti-Dumping Agreement. To this end, the Russian authorities referred to the WTO Panel Report on *Cost Adjustment Methodologies* ⁽⁸⁾.

⁽⁵⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America (OJ C, C/2024/5996, 8.10.2024, ELI: <http://data.europa.eu/eli/C/2024/5996/oj>).

⁽⁶⁾ Panel Report, *EU – Cost Adjustment Methodologies II (Russia)*, WT/DS494/R, para. 8.1 and Section 7 'Findings' of the Panel Report.

⁽⁷⁾ Panel Report, *EC – Fasteners (China)*, WT/DS397/R, para. 7.515.

⁽⁸⁾ Panel Report, *EU – Cost Adjustment Methodologies II (Russia)*, WT/DS494/R.

- (13) By submission of 16 November 2024 ⁽⁹⁾, Methanol Holdings (Trinidad) Limited ('MHTL'), an exporting producer located in Trinidad and Tobago, alleged that the request did not meet legal standards as regards the allegation that the expiry of the measures in respect of imports from Trinidad and Tobago would be likely to result in a recurrence of dumping. MHTL specified that the request showed negative dumping margins with regard to the Trinidad and Tobago exports of UAN to the Union.
- (14) By submission of 18 November 2024 ⁽¹⁰⁾, CF Industries Holdings, Inc. ('CFI'), an exporting producer located in the United States of America, echoed the Russian authorities as regards the impossibility for interested parties to verify certain data, assessments and sources in the request. CFI also cast doubts on the legitimacy of some of the applicant's claims due to discrepancies between the figures in the request and in Eurostat regarding imports from the US in 2020 and 2021.
- (15) By submission of 18 November 2024 ⁽¹¹⁾, JSC Nevinnomyssky Azot (Eurochem) and JSC Novomoskovsk Azot (NAK Azot) (jointly referred to as 'Eurochem') argued that the version of the request for an expiry review that was lodged on 28 June 2024 by Fertilizers Europe ('original request') did not provide sufficient evidence of the likelihood of continuation of dumping or injury by means of UAN imports from Russia. Eurochem also reiterated that such lack of sufficient evidence in the original request could not be rectified by additional information submitted by the applicant during the three-month period preceding the expiry of the original measures. It referred in this regard to the open version of the request for an expiry review dated 9 September 2024 that was made available to interested parties in the case file. Eurochem therefore requested that the Commission provide Eurochem with the original request.
- (16) Further, Eurochem claimed that the original request did not contain sufficient evidence that the expiry of the measures would likely result in a continuation of dumping. It argued that the export price as determined by the applicant was manifestly inaccurate because it was based on a wrongful methodology and was not supported by evidence. Specifically, Eurochem alleged that the request incorrectly used an average annual import price for Russia, but should have relied on average monthly import prices as there was a major fluctuation in UAN prices in 2023. Also, in the request, the average import price of Russian UAN imports in 2023 were based on Eurostat and adjusted for transportation costs within Russia and between Russia to France (Rouen). According to Eurochem, such adjustments incorrectly assumed that all Russian imports require transportation costs for shipment within Russia, as Acron, a major Russian exporter, used its own UAN terminal in Estonia, and that all Russian imports entered the EU through France whereas, according to Eurochem, one third of Russian UAN imports was imported through other Member States.
- (17) In addition, Eurochem claimed that the request provided no evidence for several assumptions regarding the determination of the export price of Russian-origin UAN, such as that Acron had sales of UAN from Russia to the EU, transportation of UAN within Russia and from Russia to France as well as related costs for such transportation. In this regard, the request referred to several confidential annexes without providing good cause for such confidential treatment. Eurochem argued that the non-confidential version of these annexes which contained certain ranges are meaningless and insufficient for interested parties to gain a reasonable understanding of the information submitted.
- (18) Further, Eurochem claimed that the determination of the normal value was also based on a wrongful methodology and not supported by evidence. Eurochem specified that, contrary to Article 2(10) of the basic Regulation, the request compared the export prices of a plant in Russia that had no domestic sales (JSC Acron) with domestic sales prices of a plant in Russia that had both, domestic and export sales (NAK or Nevinka). According to Eurochem, the request should have either taken domestic and export prices of the same plant or average Russian export and domestic sales prices. Instead, the request erroneously relied upon prices of legal entities that were not comparable.

⁽⁹⁾ t24.010155.

⁽¹⁰⁾ t24.010183.

⁽¹¹⁾ t24.010186.

- (19) Eurochem additionally claimed that the applicant had not used three known sources of monthly UAN prices in the Russian market, namely Argus, Chemcourier and SPIMEX and instead relied on unsupported speculations by an unnamed expert or consultant. Also, since UAN prices significantly fluctuated in the course of 2023, the request should have determined the normal value based on monthly home market prices, rather than annual average prices.
- (20) Furthermore, Eurochem echoed the comments made by the Russian authorities, as concerns the absence of due summarisation of confidential information of normal value data.
- (21) Furthermore, Eurochem alleged that the request failed to provide evidence of a particular market situation within the meaning of Article 2(3) of the basic Regulation, and that the cost adjustment methodology whereby the actual cost of gas in Russia is replaced by a benchmark price based on gas prices at Waidhaus and Baumgarten was inconsistent with applicable WTO rules. Eurochem also argued that constructing a normal value that was based on selling, general and administrative ('SG&A') costs and profit stemming from UAN producers in the USA would likewise be in conflict with EU and WTO rules.
- (22) Additionally, Eurochem argued that the request did not provide sufficient evidence that the expiry of the measures would result in a continuation of injury by means of imports from Russia and it failed to analyse the effect of various other factors that caused injury to the Union industry, such as imports from third countries, the export performance of the Union industry, the evolution of consumption, the price of urea, increased costs of production of Union producers and purchases of UAN by Union producers.
- (23) The Commission carried out an examination of the request in accordance with Articles 11(2) and 5 of the basic Regulation and concluded that the requirements for initiation of an expiry review investigation were met. The Commission considered that the *prima facie* evidence presented in the request pointed to a situation whereby the expiry of the measures would be likely to result in the continuation and/or recurrence of dumping and continuation or recurrence of injury to the Union industry injury which merited the initiation of an investigation according to the law. In other words, the request was found to be sufficiently substantiated and therefore deserved further investigation. Such assessment was made before the three-month period preceding the expiry of the original measures. The version of the request dated 9 September 2025 that was made available to interested parties in the case file at initiation of the investigation constituted a consolidation of the request and certain corroborating evidence that was submitted by the applicant, which did not constitute any new evidence or arguments when compared to the original version of the request. Specifically as regards Eurochem's request to receive the original version of the request, the Commission shared this with Eurochem on 15 January 2025. In this respect, the Court notes that, in accordance with the judgment of the Court of Justice in Joined Cases C-554/23 P, C-568/23 P, *Fertilizers Europe and Commission v Nevinnomysskiy Azot and NAK "Azot"* ⁽¹²⁾, Article 11(2) of the basic AD Regulation must be interpreted as meaning that the Commission is entitled to take into account evidence that was produced, at its request, by Union producers in the three-month period preceding the expiry of anti-dumping measures, in order to decide whether it is appropriate to carry out a review of those anti-dumping measures.
- (24) The claims made by the four parties in relation to the lawfulness of initiation and the sufficiency of evidence presented in the request were thus dismissed. In this regard, the Commission emphasised that a review request must contain sufficient *prima facie* evidence. In particular, according to settled case-law, the quantity and quality of the evidence necessary to meet the criteria of the sufficiency of the evidence for the purpose of initiating an expiry review is different from that which is necessary for the purpose of a preliminary or final determination of the existence of recurrence or continuation of dumping and injury ⁽¹³⁾.

⁽¹²⁾ Judgment of 30 April 2025, *Fertilizers Europe and European Commission v AO Nevinnomysskiy Azot and AO Novomoskovskaya Aktsionernaya Kompaniya NAK "Azot"*, C-554/23 P and C-568/23 P, ECLI:EU:C:2025:291.

⁽¹³⁾ See, by analogy, Judgment of 11 July 2017, *Viraj Profiles Ltd v Council of the European Union*, Case T-67/14, ECLI:EU:T:2017:481, para. 98.

- (25) The request lodged by the applicant included detailed calculations showing the continuation of dumping in Russia based on evidence reasonably available to the applicant. The Commission considered the quantity and the quality of evidence submitted by the applicant to be sufficient to lead to the initiation of the expiry review. In this respect, contrarily to what Eurochem submitted, there is no obligation under Article 11 of the basic Regulation for an expiry review request to faithfully reflect, in the dumping margin calculations, all different distribution channels of the product concerned in the countries considered and in the Union. Similarly, there is no legal requirement for the request to cover the entirety of domestic or export sales or present detailed adjustments in the calculations. Moreover, the average yearly calculations submitted by the applicant were sufficient to establish a *prima facie* dumping margin. There is no obligation for an applicant lodging an expiry review request to carry out monthly dumping margin calculations prior to the initiation stage.
- (26) In the same vein, the Commission considered that none of the comments lodged by Eurochem in relation to injury and causation, as summarised in recital (22) above, could plausibly put into question the sufficiency of the detailed relevant evidence submitted as part of the request.
- (27) The Commission therefore considered that the quantity and quality of evidence demanded in particular by Eurochem clearly goes beyond the *prima facie* standard. Eurochem's claims were dismissed accordingly.
- (28) The claim made by the Russian authorities on the methodology to assess the normal value for Russia is further addressed in the respective section covering the dumping assessment, notably under recitals (56), (60) and (61) below.
- (29) As regards the claim by MHTL concerning the missing evidence on the likelihood of recurrence of dumping, the Commission agreed on the fact that the request showed negative dumping margins with regard to TT. Where dumping has ceased to exist following the imposition of measures, any expiry review analysis has indeed to focus on the likelihood of recurrence of dumping. The Commission noted that the applicant had provided sufficient evidence, based on data reasonably available, showing the likelihood of recurrence of dumping from TT under several plausible scenarios and in line with the relevant legal standard. The Commission considered the arguments submitted by MHTL as incapable as putting into question the sufficiency of evidence included in the request.
- (30) The Commission considered that the request was submitted with a sufficiently clear and detailed non-confidential version. The non-confidential version provided interested parties with a meaningful understanding of the legal and factual grounds underpinning the request, thereby allowing them to submit thorough comments at initiation stage. The Commission further noted that, in the course of the proceedings, the applicant engaged in an additional disclosure of information and annexes to the request which were initially kept confidential. The applicants' document was placed on the open file of the investigation and made available to interested parties. Accordingly, the Commission dismissed the claims raised by interested parties in this respect.

1.6. **Sampling**

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

1.6.1. *Sampling of Union producers*

- (32) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of representativity in terms of volume of production and sales of the like product in the Union between 1 July 2023 and 30 June 2024. The geographical spread was also considered. This sample consisted of three Union producers. The sampled Union producers accounted for approximately 64 % of the estimated total volume of production of the like product in the Union at initiation stage and 75 % of the sales into the Union of the producers that replied to the standing exercise. The sample was representative of the Union industry.

- (33) In accordance with Article 17(2) of the basic Regulation, the Commission invited interested parties to comment on the provisional sample. The exporting producer CFI alleged that the proposed sample overrepresented Eastern European producers, failed to meet the established standards of representativity and requested an additional (Dutch) producer to be added to the sample of Union producers. The Commission dismissed CFI's claim on the grounds that the sample was representative of the Union industry both in terms of production and sales and, given the locations of Union producers, also in terms of geographical spread as it contained companies from different parts of the Union (Germany, Poland and Lithuania).

1.6.2. *Sampling of importers*

- (34) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (35) Two unrelated importers provided the requested information and agreed to be included in the sample. In view of the low number of replies, the Commission decided that sampling was not necessary.

1.6.3. *Sampling of exporting producers in Russia, Trinidad and Tobago and the United States of America*

- (36) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all exporting producers in Russia, Trinidad and Tobago and the United States of America to provide the information specified in the Notice of Initiation.
- (37) Initially, the two Russian exporting producers JSC Nevinnomyssky Azot (Eurochem) and JSC Novomoskovsk Azot (NAK Azot) (which are jointly referred to as 'Eurochem', see recital (15)) provided the requested information and agreed to be included in the sample. In view of the low number, the Commission decided that sampling was not necessary and invited the two exporting producers to submit a complete questionnaire response.
- (38) One exporting producer in Trinidad and Tobago and one exporting producer in the United States of America provided the requested information and agreed to be included in the sample. In view of the low number for each country, the Commission decided that sampling was not necessary and invited the two exporting producers to submit a complete questionnaire response.

1.7. **Replies to the questionnaire**

- (39) The Commission invited the three sampled Union producers, the two unrelated importers which had made themselves known and the four exporting producers in the countries concerned which made themselves known to complete the questionnaires, which were made available on its website⁽¹⁴⁾ on the day of initiation. The Commission sent a questionnaire to the applicant with a view to collect data on macro-indicators.
- (40) Questionnaire replies were received from the three sampled Union producers, the applicant, two unrelated importers in the Union, and from each of the exporting producers in Trinidad and Tobago and the United States of America.
- (41) The two Russian exporting producers did not submit any questionnaire response by the deadline set by the Commission.

1.8. **Application of Article 18 of the basic Regulation**

- (42) By letter dated 12 December 2024, the Commission informed the two Russian exporting producers that it considered them as non-cooperating parties and informed them of its intention to apply Article 18 of the basic Regulation and make use of facts available to determine its findings in the investigation. The Commission also informed the authorities of Russia of its intention to apply facts available in accordance with Article 18 of the basic Regulation.

⁽¹⁴⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2751>.

- (43) By letter dated 19 December 2024, the two Russian exporting producers disagreed with the intended application of Article 18 of the basic Regulation. However, the two Russian exporting producers did not submit the outstanding questionnaire response but they rather questioned the lawfulness of the initiation of the ongoing review investigation. In particular, they alleged that the Commission had not provided a copy of the expiry review request by Fertilizers Europe even though it was under an obligation to provide it on 8 October 2024, the day of initiation of the present review. On this basis, the two Russian exporting producers concluded that the Commission impeded their cooperation with the expiry review. This matter is further addressed under recital (23) above.

1.9. Verification

- (44) The Commission sought and verified all the information deemed necessary for the determination of likelihood of continuation or recurrence of dumping and injury and of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers and their association:

- AB Achema, Jonava, Lithuania
- Grupa Azoty Zakłady Azotowe Puławy S. A., Puławy, Poland
- SKW Stickstoffwerke Piesteritz GmbH, Lutherstadt Wittenberg, Germany
- Fertilizers Europe, Brussels, Belgium

Exporting producers in Trinidad and Tobago and the United States of America:

- Methanol Holdings (Trinidad) Limited, Point Lisas, Trinidad and Tobago
- CF Industries Holdings, Inc., Northbrook, United States of America

Related importer:

- Helm AG, Hamburg, Germany

(a) Subsequent procedure

- (45) On 20 November 2025, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could make comments on the disclosure.
- (46) The comments made by interested parties were considered by the Commission and taken into account, where appropriate. The parties who so requested were granted a hearing.

2. PRODUCT UNDER REVIEW, PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product under review

- (47) The product under review is the same as in the original investigation namely mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution ('UAN'), currently falling under CN code 3102 80 00 ('the product under review').
- (48) UAN is a liquid nitrogen fertiliser typically used in some arable crops.
- (49) The nitrogen content is the most significant feature of the product under review. It can vary between 28 % and 32 % of UAN, depending on the water content of the solution. In general, imported solutions are UAN 32 % since more concentrated UAN is cheaper to ship. However, whatever their nitrogen content, all solutions of urea and ammonium nitrate are considered to have the same basic physical and chemical characteristics and therefore constitute a single product.

2.2. Product concerned

- (50) The product concerned by this investigation is the product under review originating in Russia, Trinidad and Tobago and the United States of America, currently falling under CN code 3102 80 00.

2.3. Like product

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

3. DUMPING

3.1. Russia

3.1.1. Preliminary remarks

- (53) During the review investigation period, imports of UAN from Russia continued albeit at lower levels than in the investigation period of the original investigation (i.e. from 1 July 2017 to 30 June 2018). According to Eurostat, imports of UAN from Russia accounted for 12,4 % of the Union market in the review investigation period compared to 13,4 % market share during the original investigation. In relative terms, the volume of Russian UAN exports to the EU fell by 47 %, and in absolute terms, the decrease amounted to 289 952 tonnes.

3.1.2. Application of Article 18 of the basic Regulation

- (54) As mentioned in recital (42), none of the exporting producers from Russia cooperated in the investigation. Therefore, the Commission informed the authorities of Russia that due to the absence of cooperation, the Commission intended to apply Article 18 of the basic Regulation concerning the findings with regard to Russia. Eurochem replied to the Commission's information on 19 December 2024 and reiterated its intention not to cooperate in the investigation in the light of the alleged errors made at initiation stage as addressed in Section 1.5 above. The Commission did not receive any further comments or requests for an intervention of the Hearing Officer in this regard.
- (55) Consequently, in accordance with Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular on data provided by the applicants in the request and import statistics retrieved from Eurostat.

3.1.3. Normal value

- (56) As mentioned in recital (55) above, in the absence of cooperation by the exporting producers in Russia, the Commission used facts available to establish the normal value. To this end, the Commission used data provided by the applicant in the request. These data were based on market intelligence the applicant had access to. The estimated normal value consisted of an ex works domestic price, of EUR 165 per tonne in the year 2023.

3.1.4. *Export price*

- (57) In the absence of cooperation by the exporting producers in Russia, the Commission used facts available to establish the export price.
- (58) The export price was determined based on market intelligence data provided in the request. The thus resulting ex works export price for the year 2023 was EUR 135 per tonne.

3.1.5. *Comparison*

- (59) As mentioned in above recitals, the Commission used normal value and export price data adjusted to ex works levels to perform the comparison under Article 2(10) of the basic Regulation.

3.1.6. *Dumping margins*

- (60) The above comparison showed that the export prices to the Union, expressed as a percentage of the CIF value, were 16,7 % lower than the established normal value. In any event, the Commission found that if it relied on a constructed normal value based on adjusted natural gas prices ⁽¹³⁾, this would result in an even higher difference between the export prices and the established normal value: that is 44 %.
- (61) Since dumping was found with respect to Russia under any plausible scenario, the Commission considered Eurochem's claims aimed at disqualifying the use of a constructed normal value methodology, as summarised in recital (21) above, to be moot.
- (62) The Commission therefore concluded that dumping continued during the review investigation period.

3.2. **Trinidad and Tobago**

3.2.1. *Preliminary remarks*

- (63) The only known producer of UAN in Trinidad and Tobago during the period considered was MHTL.
- (64) During the review investigation period, in absolute terms, imports of UAN from Trinidad and Tobago continued at almost the same levels as during the investigation period of the original investigation. Based on Eurostat figures, imports of UAN from Trinidad and Tobago accounted for about 9,8 % of the Union market in the review investigation period compared to 8,1 % market share during the original investigation. The relative increase in market share is explained by the significantly lower level of Union consumption during the review investigation period as compared with the original investigation period.

3.2.2. *Normal value*

- (65) The Commission first examined whether the total volume of domestic sales of MHTL was representative, in accordance with Article 2(2) of the basic Regulation.
- (66) As there were no sales of the like product on the domestic market and it was not possible to find domestic prices (absent any domestic consumption), the Commission constructed the normal value in accordance with Article 2(3) and 2(6)(b) of the basic Regulation.

⁽¹³⁾ Under this scenario the normal value consisted of an ex works of Novgorod unit production cost value, adjusted by a natural gas price that Russian gas suppliers apply to European users for natural gas entering the Union at Waidhaus. To arrive at the total normal value, the applicants included a profit margin of 10 %. On that basis, the normal value amounted to EUR 199 per tonne in the review investigation period.

- (67) The normal value was constructed by adding the following to the average cost of production of the like product of the cooperating exporting producer during the review investigation period:
- (a) the actual amounts of SG&A expenses incurred by MHTL on the production and sales of the same general category of products in the domestic market, in the ordinary course of trade, during the review investigation period; and
 - (b) the actual amount of profit realised by MHTL on the production and sales of the same general category of products in the domestic market, in the ordinary course of trade, during the review investigation period.

3.2.3. *Export price*

- (68) During the review investigation period, MHTL exported to the Union only via related companies acting as importers. All sales to the Union were carried out via a related importer in Germany. This related importer sold the product concerned to independent customers in Germany or to related companies in France and Spain, which in turn sold the product concerned to independent customers on their respective national markets.
- (69) Therefore, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, in accordance with Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses and dilution and mixing costs; and for a reasonable profit.
- (70) With regard to the dilution and mixing costs, specific for this case, MHTL exported only UAN with a nitrogen content of 32 % during the investigation period. The related importers, however, sold to the independent customers UAN with a nitrogen content of either 32 % or less. Therefore, in case where the product concerned was diluted with water or mixed with sulphur to achieve lower nitrogen content, the adjustments mentioned in recital (69) also included the additional costs of dilution and mixing incurred by the related importer.

3.2.4. *Comparison*

- (71) The Commission compared, per product type, the constructed normal value established in accordance with Article 2(3) and 2(6)(b) of the basic Regulation and the export price of the cooperating exporting producer on an ex-works basis as established above.
- (72) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. Adjustments were made for freight and insurance costs, customs duties, handling, loading and ancillary expenses and storage costs, and for additional costs of dilution and mixing incurred by the related importer.

3.2.5. *Dumping margins*

- (73) For MHTL, the cooperating exporting producer, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product under review, in accordance with Article 2(11) and (12) of the basic Regulation.
- (74) Using the methodology described under recital (70) above, the dumping margin expressed as a percentage of the CIF Union frontier price, duty unpaid, was 35,1 % for MHTL. It was therefore concluded that dumping continued during the review investigation period.
- (75) Following disclosure, DAKOFO⁽¹⁶⁾ alleged that imports of UAN originating in Trinidad and Tobago into the Union were not made at dumped prices. For the sake of assessing an export price into the Union, DAKOFO relied on UAN import price quotations at the Fredericia terminal, according to DAKOFO the largest terminal in the Baltic Sea region handling UAN shipments. As to the normal value, DAKOFO considered that there are no sales of UAN on the domestic market of Trinidad and Tobago. It therefore used a constructed normal value that was based on published New Orleans (NOLA) CIF quotations.

⁽¹⁶⁾ Dansk Korn & Foder, a trade association for the grain and feed trade in Denmark, <https://dakofodk.dk/>.

- (76) The Commission rejected DAKOFO's claim. As outlined in recitals (65) to (74), the Commission based its dumping calculation on the verified data of the sole co-operating and, according to the information on file, the sole existing producer of UAN in Trinidad and Tobago. These data were verified by the Commission on-the-spot. As this calculation resulted in the existence of dumping, the Commission's conclusion of a continuation of dumping for Trinidad and Tobago is confirmed.

3.3. United States of America

3.3.1. Preliminary remarks

- (77) During the review investigation period, imports of UAN from the US continued albeit at lower levels than in the investigation period of the original investigation. Based on Eurostat figures, imports of UAN from the US accounted for about 20,6 % of the Union market in the review investigation period compared to 16,2 % market share during the original investigation.

3.3.2. Normal value

- (78) The Commission first examined whether the total volume of domestic sales for the sole cooperating exporting producer, CFI, was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represented at least 5 % of its total export sales volume of the product under review to the Union during the review investigation period. On this basis, the total sales by the cooperating exporting producer of the like product on the domestic market were representative.
- (79) The Commission subsequently identified for the cooperating exporting producer the product types sold domestically that were identical or comparable with the product types sold for export to the Union.
- (80) The Commission then examined whether the domestic sales by the cooperating exporting producer on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the review investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. The Commission established that the domestic sales of the only product type that the cooperating exporting producer sold for export to the Union were representative.
- (81) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the review investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.
- (82) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:
- (a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and
 - (b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.
- (83) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the review investigation period.
- (84) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the review investigation period, if:
- (a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type; or
 - (b) the weighted average price of this product type is below the unit cost of production.

- (85) The analysis of domestic sales showed that [95-100] % of all domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the prices of all domestic sales during the review investigation period.

3.3.3. *Export price*

- (86) The cooperating exporting producer exported to the Union directly to independent customers. Therefore, the export price was the price actually paid or payable for the product under review when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

3.3.4. *Comparison*

- (87) The Commission compared, per product type, the normal value and the export price of the cooperating exporting producer on an ex-works basis as established above.

- (88) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. Adjustments were made for discounts, rebates and differences in quantities; transport, insurance, handling, loading and ancillary costs and credit costs.

3.3.5. *Dumping margins*

- (89) For the cooperating exporting producer, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product under review, in accordance with Article 2(11) and (12) of the basic Regulation.

- (90) On this basis, the weighted average dumping margin expressed as a percentage of the CIF Union frontier price, duty unpaid, was 52,2 % for the cooperating producer. It was therefore concluded that dumping continued during the review investigation period.

- (91) Following disclosure, DAKOFO alleged that imports of UAN originating in the US into the Union were not made at dumped prices. For the sake of assessing an export price into the Union, DAKOFO relied on UAN import price quotations at the Fredericia terminal, similarly as DAKOFO claimed for imports from Trinidad and Tobago (see recital (75) above). As to the normal value, DAKOFO used published 'New Orleans (NOLA) CIF quotations', considering that these quotations represent the domestic prices payable in the US.

- (92) The Commission rejected DAKOFO's claim. As outlined in recitals (78) to (90), the Commission based its dumping calculation on the verified data of the sole co-operating producer of UAN in the US. These data were verified by the Commission on-the-spot. As this calculation resulted in the existence of dumping, the Commission's conclusion of a continuation of dumping for the US is confirmed.

4. LIKELIHOOD OF CONTINUATION OF DUMPING

4.1. **Russia**

- (93) Further to the finding indicating the existence of dumping during the review investigation period with regard to Russia, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures lapse. The following additional elements were analysed: the production capacity and spare capacity in Russia and the attractiveness of the Union market.

4.1.1. *Production capacity and spare capacity in Russia*

- (94) The investigation established that the total production capacity and spare capacity in Russia were significant during the period considered. According to data supplied by the applicant, the aggregated production capacity of all known Russian producers exceeded 3 500 000 tonnes per year, and spare capacities were on average about 30 % in any year of the period considered.

4.1.2. *Attractiveness of the Union market*

- (95) The Commission examined whether it was likely that Russian exporting producers would increase their export sales at dumped prices on the Union market should measures be allowed to lapse.
- (96) The existence of anti-dumping measures did not diminish the attractiveness of the Union market. Throughout the period considered, yearly import volumes reached more than 300 000 tonnes per year, which is almost half of the volume of imports found in the original investigation period, and more than half the yearly average observed in the period considered of the original investigation, which lasted from 1 January 2015 to 30 June 2018. It is also recalled that these sales into the Union, even with anti-dumping measures in place, were made at dumped prices. Therefore, should the measures lapse, volumes of dumped imports are likely to increase.

4.1.3. *Conclusion*

- (97) The applicable anti-dumping measures have not prevented Russian producers from continuing to sell significant volumes of UAN into the Union at dumped prices. Should measures be allowed to lapse, these producers are likely to sell even greater volumes at dumped prices into the Union, because they have the spare capacity to be able to do so (see recital (94)).

4.2. **Trinidad and Tobago**

- (98) Further to the finding indicating the existence of dumping during the review investigation period (see recital (74)), the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures lapse. The following additional elements were analysed: the production capacity and spare capacity in Trinidad and Tobago and the attractiveness of the Union market.

4.2.1. *Production capacity and spare capacity in Trinidad and Tobago*

- (99) The investigation established that the total production capacity and spare capacity in Trinidad and Tobago were significant during the period considered. On average, the yearly spare capacity was over 400 000 tonnes in the period considered, and it reached more than 700 000 tonnes in 2023.

4.2.2. *Attractiveness of the Union market*

- (100) The existence of anti-dumping measures did not diminish the attractiveness of the Union market during the period considered. Yearly import volumes from Trinidad and Tobago during the period considered reached more than 400 000 tonnes per year, which is more than in the original investigation period and close to the yearly average observed in the period considered of the original investigation, which lasted from 1 January 2015 to 30 June 2018. It is also recalled that these sales into the Union, even with anti-dumping measures in place, were made at dumped prices. Thus, it is likely that, should the measures lapse, dumped imports would continue increasing.

4.2.3. *Conclusion*

- (101) The applicable anti-dumping measures have not prevented MHTL from continuing to sell significant volumes of UAN into the Union. Should the measures lapse, MHTL is likely to sell even greater volumes at dumped prices into the Union, because MHTL has the spare capacity to be able to do so.

4.3. **United States of America**

- (102) Further to the finding of the existence of dumping during the review investigation period, the Commission analysed, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures lapse. In this regard, the Commission analysed the production capacity and spare capacity in the US and the attractiveness of the Union market.

4.3.1. *Production capacity and spare capacity in the US*

- (103) Both in the original investigation period and in the review investigation period, the only cooperating exporting producer from the US was CFI. The request indicated the existence of other UAN producers in the US. These producers did not cooperate with the present expiry review nor the original investigation. Their production capacity is deemed unlikely to be available for exports to the Union. Following a conservative approach, the Commission has therefore considered only the spare capacity of CFI as available for export to the Union. That spare capacity amounted to more than 200 000 tonnes yearly throughout the period considered. CFI's total capacity was in a range of [6 000 000 to 6 500 000] tonnes yearly in the review investigation period.

4.3.2. *Attractiveness of the Union market*

- (104) The existence of anti-dumping measures did not diminish the attractiveness for US exporting producers of UAN of the Union market during the period considered. Except for the year 2021, yearly volumes exported from the US to the Union exceeded 550 000 tonnes per year, which is significant and just about 150 000 tonnes less than in the original investigation period. It is also recalled these sales into the Union, even with anti-dumping measures in place, were made at dumped prices. Thus, it is likely that, should the measures lapse, dumped imports would continue increasing.

4.3.3. *Conclusion*

- (105) The applicable anti-dumping measures have not prevented CFI from continuing to sell significant volumes of UAN into the Union. Should measures lapse, CFI is likely to sell at least about the same volume it sold in the review investigation period at dumped prices into the Union or even increase its volumes sold into the Union as CFI has the spare capacity to be able to do so (see recital (103)). Although UAN may be sold at higher prices in the domestic market when compared to the Union market, there are no indications that the US UAN market will grow any further, and therefore it is unlikely to absorb any spare capacities. In addition, CFI is keen to make best use of their production capacity and to sell any output from otherwise idle spare capacities to export markets, including the Union market.
- (106) Following disclosure, CFI claimed that the Commission failed to conduct the forward-looking assessment required by Article 11(2) of the basic Regulation. CFI added that the review investigation period was characterised by extraordinary, non-representative circumstances, including supply shortages which drew marginal exporters into the Union. In addition, CFI claimed that the Commission did not assess if CFI had any incentive to sell at the same prices in the future and if gas prices, which CFI expected to drop after 2024, would impact price relationships, if the Union producers' recovery would affect the future demand for US-produced UAN, and if US domestic demand trends would limit export availability. Finally, CFI invoked that US exports were driven by temporary Union shortages, not by structural incentives to dump.
- (107) As to the general allegation of an absent forward-looking assessment, the Commission drew CFI's attention to the assessment made under recitals (102) to (105).
- (108) As to any non-representative character of the review investigation period, the Commission pointed out that import volumes from the US, which held a share of more than 20 % of the total Union market (see Table 2 below), can by no means be considered marginal. The Commission understood that CFI did not mean 'marginal exporters' but 'marginal exports'.
- (109) Contrary to CFI's claim, the Commission did assess whether CFI would have a clear incentive to continue selling UAN at dumped prices into the Union (see recital (105)). Moreover, the Commission found that not only in the review investigation period but also in the years 2022 and 2023, the gross domestic prices of CFI exceeded the gross export prices invoiced by CFI to the Union, which is a clear indication of consistent dumping practices in the entire period considered. CFI has been found to have a strong position in the US domestic market to which it has been selling at least 95 % of its output throughout the period considered. There is no obvious reason why CFI would lower their domestic prices (to the level of export prices) and thus give away their main source of profits. In turn, CFI is unlikely to sell UAN into the Union market at prices at the high level of the US domestic market, in view of the more competitive structure of the Union market.

- (110) The Commission further clarified that there was no need to assess any effect of gas prices on future price relations. As pointed out under recitals (102) and (118), it was not deemed necessary to analyse price relationships in the present likelihood of continuation of dumping assessment. For the same reasons, it was not considered necessary to analyse if the Union producers' recovery would affect the future demand for US-produced UAN. This notwithstanding, it can be expected that as long as UAN originating in the US is offered at prices undercutting the prices of Union producers, demand for US-produced UAN will continue.
- (111) As to whether US domestic demand trends could limit export availability, the Commission recalled that it had found that the US domestic market was not likely to grow any further (105). In any event, CFI failed to submit any analysis pointing to the contrary, i.e. which would show that the US domestic market is likely to grow in the future.
- (112) As to CFI's claim that there were no structural incentives to dump, reference is made to recital (109) above, where the Commission outlined why CFI's strong position on the US domestic market, allowing it to realise significant profits, in combination with a much more competitive export market in the Union has indeed created a situation of structural dumping, which is likely to continue.
- (113) In addition, CFI argued that the Commission did not analyse whether CFI's spare capacity of at least 200 000 tonnes yearly was in fact needed to serve its domestic and third-country customers, nor did it examine the opportunity costs of diverting volumes to the Union. It further noted that, on the one hand, concluding that the Union market remained attractive because export volumes by CFI exceeded at least 550 000 tonnes during the review investigation period, and, on the other hand, inferring that dumping is likely to continue in the absence of measures, would present a circular reasoning.
- (114) The Commission disagreed with CFI's claims. Notwithstanding the assessment under recital (103), the Commission found that even if none of the assessed spare capacity or only a small fraction of it is exported to the Union in the future, at least a yearly volume of more than 550 000 tonnes of UAN⁽¹⁷⁾, which was the lowest that CFI exported in any 12-month period falling into the period considered, is likely to be exported to the Union in the future as well. Such export volume is significant (20 % market share during the review investigation period, see Table 2 below), when compared to the Union consumption. Moreover, the investigation confirmed that such imports were made into the Union at dumped prices. Considering that dumping practices have continued while anti-dumping measures have been in place, it is likely that such dumping practices will continue in the event that measures would expire. Such reasoning does not present a circular reasoning, but it is rather inferring a consequence or likelihood based on current events.
- (115) CFI further claimed that the surge in US exports in 2022 and 2023 was a response to an exceptional combination of high Union prices, limited Union production, and reduced availabilities of other suppliers. Once Union producers resumed production and Union prices returned to normal levels, US exports had already begun to decline. It claimed that this can be confirmed by the Eurostat data in Table 2 below, showing a drop in US import volumes into the Union from 853 263 tonnes in 2022 to 536 569 tonnes in the review investigation period.
- (116) The Commission disagreed with CFI's claim. First, the Commission found that the import volume observed in the review investigation period represented above 20 % of market share of the Union consumption (see Table 2). Moreover, these imports were found to be dumped, as the investigation has shown. The Commission likewise recalled that even in a context of no exceptional external factors (such as rapidly increasing gas prices and subsequent supply disruptions, which CFI deemed to be mainly responsible for increased export volumes from the US), UAN exports from the US to the Union reached yearly more than 540 000 tonnes in 2016, 2017 and the investigation period of the original investigation, covering the period from 1 July 2017 to 30 June 2018 (see Table 2 of Commission Implementing Regulation (EU) 2019/576⁽¹⁸⁾). This shows that in all periods investigated by the Commission since 2016, the export volumes of UAN to the Union reached significant levels.

⁽¹⁷⁾ The verified data submitted by CFI showed exports to the Union of more than 550 000 tonnes in the review investigation period. This is more than the import volume reported by Eurostat (see Table 2).

⁽¹⁸⁾ Commission Implementing Regulation (EU) 2019/576 of 10 April 2019 imposing a provisional anti-dumping duty on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America (OJ L 100, 11.4.2019, p. 7, ELI: http://data.europa.eu/eli/reg_impl/2019/576/oj).

- (117) Finally, CFI noted that according to paragraph 96 of the disclosure document, the Commission intended to analyse ‘the relationship between prices in the Union and the US’ and the ‘relationship between export prices to the Union and third countries and prices in the US’. However, the disclosure document did not contain any such analysis.
- (118) The Commission clarified that the analysis of the noted price relationships was not necessary to conclude that dumping is likely to continue in the absence of measures. The analysis of the production capacity and spare capacity in the US and the attractiveness of the Union market was sufficient to reach this conclusion (see recitals (102) to (105)).
- (119) For the above considerations, the Commission confirmed the conclusion that dumping is likely to continue should measures be allowed to lapse.

5. INJURY

5.1. Definition of the Union industry and Union production

- (120) The like product was manufactured by around 20 (groups) of producers in the Union during the period considered. They constitute the ‘Union industry’ within the meaning of Article 4(1) of the basic Regulation.
- (121) The total Union production during the review investigation period was established at 2 299 135 tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, namely data collected by Fertilizers Europe and market intelligence available to the applicant. As indicated in recital (32), three Union producers were selected in the sample. Based on verified data, they represented close to 70 % of the total Union production of the like product.

5.2. Union consumption

- (122) The Commission established the Union consumption on the basis of the sales volume of the Union industry on the Union market plus imports from all third countries as recorded in Eurostat.
- (123) Union consumption developed as follows:

Table 1

Union consumption (tonnes)

	2021	2022	2023	RIP
Total Union consumption	3 380 170	3 420 870	2 922 614	2 608 677
<i>Index</i>	<i>100</i>	<i>101</i>	<i>86</i>	<i>77</i>

Source: Fertilizers Europe and Eurostat.

- (124) Over the period considered, the Union consumption fell by 23 %. This decrease in the Union consumption can be explained by a number of reasons: a temporary decrease in production of UAN in the Union when gas and energy prices spiked in 2022; a very significant surge in import volumes in the same year; and best practices for the use of nutrients in farming that limit the usage of mineral fertilisers ⁽¹⁹⁾.

⁽¹⁹⁾ https://agriculture.ec.europa.eu/cap-my-country/sustainability/environmental-sustainability/low-input-farming/nutrients_en .

5.3. Imports from the countries concerned

5.3.1. Cumulative assessment of the effects of imports from the countries concerned

- (125) The Commission examined whether imports of the product concerned originating in the countries concerned should be assessed cumulatively, in accordance with Article 3(4) of the basic Regulation.
- (126) That provision stipulates that the imports from more than one country shall be cumulatively assessed only if it is determined that:
- (a) the margin of dumping established in relation to the imports from each country is more than *de minimis* as defined in Article 9(3) and the volume of imports from each country is not negligible; and
 - (b) a cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between imported products and the like Union product.
- (127) At initiation stage, MHTL alleged that imports from Trinidad and Tobago should be assessed separately due to changed circumstances as compared to the initial investigation. Specifically, according to MHTL, a separate assessment of TT imports would have been justified in the light of the fact that the request found no dumping for TT, the exporters from TT were reliable and politically stable partners for the Union and different from the exporters from Russia and the United States of America and TT imports (with higher prices than imports of other origins and significantly less volume-wise than imports from Russia and the United States of America together) could have not caused material injury to the Union industry. The Commission rejected such claims. The decision as to whether or not imports should be assessed cumulatively must be based on the criteria set out in Article 3(4) of the basic Regulation, which were met in this case as explained in more detail in recitals (129) to (132) below. No other issues raised by MHTL could question the appropriateness of examining imports from Trinidad and Tobago together with imports from the US and Russia ⁽²⁰⁾.
- (128) The exporting producer CFI requested Russian imports to be assessed separately from the imports from Trinidad and Tobago and the United States of America. CFI based its claim on the *Hardboard* ⁽²¹⁾ and *Wire Rod* ⁽²²⁾ cases (involving countries other than Russia) and referred to (i) the unique cost structures of Russian producers resulting from regulated gas prices domestically; (ii) geopolitical factors (namely the Russian's war of aggression against Ukraine and consequent Western sanctions on Russia); (iii) a distinct pricing behaviour as Russia was diverting its natural gas supplies into downstream nitrogen products; and (iv) the request showing significant undercutting only for Russia. The Commission noted that the situation in the cases cited by CFI differed from the situation in the present investigation, thus those arguments could not be transposed to this investigation. For instance, in *Hardboard*, where Brazil imports were assessed separately, the Brazilian imports concerned a product type with a very distinct use. The Commission considers that this is certainly not the case of imported UAN in the present review. In *Wire Rod*, Turkish imports were not cumulated in particular because their prices were very high and the conditions of competition between Turkish and other operators were not deemed similar, whereas imports from the Republic of Moldova were assessed separately since they did not undercut the prices of the Union industry and the injury margin was below the *de minimis* injury threshold. In the present investigation, no country concerned has abnormally high prices and undercutting is significant considering the price sensitive nature of a commodity such as UAN. Following disclosure, CFI alleged that the Commission had not performed a substantive analysis in accordance with Article 3(4)(b) of the basic Regulation (i.e. a substantive analysis of the conditions of competition between products from the different origins) and that the nature and source of any dumping from the US, Russia or TT differed, namely as Russian dumping would stem from structural state-induced cost distortions. The Commission disagreed and noted that the conditions of competition between imported products and the like Union product are assessed in detail in recital (131) below and that the nature of dumping is, in the context of such an analysis, irrelevant.

⁽²⁰⁾ See also Panel Report, *EU – Footwear* (WT/DS405/R), para. 7.403.

⁽²¹⁾ Council Regulation (EC) No 194/1999 of 25 January 1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed (OJ L 22, 29.1.1999, p. 16, ELI: <http://data.europa.eu/eli/reg/1999/194/oj>), recitals 39-41.

⁽²²⁾ Council Regulation (EC) No 703/2009 of 27 July 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of wire rod originating in the People's Republic of China and terminating the proceeding concerning imports of wire rod originating in the Republic of Moldova and Turkey (OJ L 203, 5.8.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/703/oj>), recitals 58-64.

- (129) The margins of dumping established in relation to the imports from each of the three countries concerned were far above the *de minimis* threshold laid down in Article 9(3) of the basic Regulation.
- (130) The volume of imports from each of the countries concerned was not negligible within the meaning of Article 5(7) of the basic Regulation. The market shares in the review investigation period were 12,4 % for imports from Russia, 9,8 % for imports from Trinidad and Tobago and 20,6 % for imports from the United States of America. Although import volumes from Trinidad and Tobago decreased during the period considered, these imports still hold a considerable market share in the Union (9,8 %).
- (131) The conditions of competition between, on the one hand, the dumped imports from Russia, Trinidad and Tobago and the United States of America and, on the other hand, between the dumped imports from the countries concerned and the like product of the Union industry, were similar. More specifically, the imported products competed with each other, as well as with the like product produced in the Union. This is because the imported and domestic products are sold through the same sales channels and to similar categories of customers. Often UAN from different origins is mixed in storage tanks. The product under review is an interchangeable homogenous commodity and competition took place largely based on price alone. During the period considered, the sales prices to the Union of both the domestic producers and the countries concerned (consolidated and individually) peaked in 2022 and decreased significantly afterwards. During the review investigation period, whereas import prices from TT were basically the same as in 2021, Russian import prices shrank by 39 %. US prices also fell but to a lower extent. Prices of imports from any of the countries concerned dropped to levels below the Union sale prices of the Union industry during the review investigation period.
- (132) In light of the above, the Commission considered that the criteria set out in Article 3(4) of the basic Regulation were met and imports from Russia, Trinidad and Tobago and the United States of America were examined cumulatively for the purposes of the injury determination.

5.3.2. Volume and market share of the imports from the countries concerned

- (133) The Commission established the volume of imports on the basis of Eurostat data. The market share of the imports was established by comparing the volume of imports with the Union consumption.
- (134) Imports into the Union from the countries concerned developed as follows:

Table 2

Import volume and market share

	2021	2022	2023	RIP
Volume of imports from the countries concerned (tonnes)	533 210	1 954 098	1 326 333	1 116 079
<i>Index</i>	100	366	249	209
Market share	15,8 %	57,1 %	45,4 %	42,8 %
<i>Index</i>	100	362	288	271
Volume of imports from the Russian Federation (tonnes)	144 663	427 636	300 523	323 539
<i>Index</i>	100	296	208	224
Market share	4,3 %	12,5 %	10,3 %	12,4 %
<i>Index</i>	100	292	240	290
Volume of imports from Trinidad and Tobago (tonnes)	388 547	673 200	261 201	255 972
<i>Index</i>	100	173	67	66

	2021	2022	2023	RIP
Market share	11,5 %	19,7 %	8,9 %	9,8 %
<i>Index</i>	100	171	78	85
Volume of imports from the United States of America (tonnes)	0	853 263	764 610	536 569
<i>Index (*) (basis 2022)</i>	-	100-	90-	63
Market share	-	24,9 %	26,2 %	20,6 %
<i>Index (basis 2022)</i>	-	100	105	82

Source: Eurostat (import volume), cross-checked against questionnaire replies for US.

(*) No meaningful index possible due to the absence of imports in 2021.

- (135) Imports from the countries concerned increased by 109 % over the period considered. The increase in market share was even more pronounced as the market share of the imports concerned increased by 171 %, from 15,8 % in 2021 to 42,8 % in the review investigation period. As Union consumption decreased by 23 % over the same period, the steep increase in market share by the countries concerned was clearly to the detriment of other market participants, namely the Union industry.

5.3.3. Prices of the imports from the countries concerned and price undercutting

- (136) The Commission established the prices of imports on the basis of Eurostat data.
- (137) The weighted average price of imports into the Union from the countries concerned developed as follows:

Table 3

Import prices (EUR/tonne)

	2021	2022	2023	RIP
Russian Federation	277	497	179	169
<i>Index</i>	100	179	65	61
Trinidad and Tobago	244	609	383	241
<i>Index</i>	100	249	157	99
United States of America	-	559	320	210
<i>Index (*)</i>	-	-	-	-
The countries concerned	253	563	300	205
<i>Index</i>	100	222	119	81

Source: Eurostat, cross-checked against questionnaire replies for US.

(*) No meaningful index possible due to the absence of imports in 2021.

- (138) Import prices from the countries concerned decreased by 19 % over the period considered. Import prices increased in 2022 due to prevailing market conditions, notably higher global gas prices which placed a heavier burden on the EU. However, by the review investigation period they had declined to a level below that of 2021 for imports originating from each of the three countries concerned. In the review investigation period, whereas import prices from TT were almost the same as in 2021, Russian import prices shrank by 39 %. US price levels also fell but to a lower extent than Russian imports.

- (139) The Commission determined the price undercutting during the review investigation period by comparing:
- (1) the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and
 - (2) the corresponding weighted average prices per product type of the imports from the cooperating US and TT exporting producers to the first independent customer on the Union market, established on a cost, insurance, freight (CIF) basis, including the anti-dumping duty, with appropriate adjustments for customs duties and post-importation costs. For imports from Russia, in the absence of cooperation from exporting producers, the prices were determined on the basis of Eurostat import statistics.
- (140) Similar to in the original investigation, the sales price of the Union producers was adjusted to an ex-works level except for those Union industry sales which incurred sea freight for delivery to ports such as Rouen (France) and Ghent (Belgium). It was found appropriate to use the prices for delivery to that port instead of calculating ex-works prices for sales representing around 5 % of the sales of the Union industry.
- (141) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary, and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the sampled Union producers' turnover during the review investigation period. It showed a weighted average undercutting margin between 3,5 % and 18 % which was deemed to be significant in view of the price sensitive nature of the UAN commodity.
- (142) In addition, the imports from the countries concerned exercised significant price suppression. Indeed, the price levels were below the cost of production of the Union industry during the review investigation period, thereby not allowing the Union industry to increase its prices to profitable levels.
- (143) Following disclosure, MHTL requested the Commission to establish an injury margin that disregards any projected future costs of the Union industry derived from the compliance with the EU Emissions Trading System (ETS). The Commission confirmed that such costs are not considered when calculating an undercutting margin and that no underselling calculation was performed in the present investigation.

5.4. Imports from third countries other than the countries concerned

- (144) The imports of UAN from third countries other than Russia, Trinidad and Tobago and the United States of America were mainly from Belarus, Ukraine, Serbia and Egypt.
- (145) The (aggregated) volume of imports into the Union as well as the market share and price trends for imports of UAN from other third countries developed as follows:

Table 4

Imports from third countries

Country		2021	2022	2023	RIP
Belarus	Volume (tonnes)	158 783	27 666	19 297	38 512
	<i>Index</i>	100	17	12	24
	Market share	4,7 %	0,8 %	0,7 %	1,5 %
	<i>Index</i>	100	17	14	31
	Average price (EUR/tonne)	203	380	217	174
	<i>Index</i>	100	187	107	86

Country		2021	2022	2023	RIP
Ukraine	Volume (tonnes)	92 143	34 187	16 653	11 062
	<i>Index</i>	100	37	18	12
	Market share	2,7 %	1,0 %	0,6 %	0,4 %
	<i>Index</i>	100	37	21	16
	Average price (EUR/tonne)	278	618	350	280
	<i>Index</i>	100	222	126	101
Serbia	Volume (tonnes)	7 942	42 896	10 217	0
	<i>Index</i>	100	540	129	0
	Market share	0,2 %	1,3 %	0,3 %	0,0 %
	<i>Index</i>	100	534	149	0
	Average price (EUR/tonne)	305	646	732	N/A
	<i>Index</i>	100	212	240	N/A
Other third countries	Volume (tonnes)	423	8 226	4 188	9 843
	<i>Index</i>	100	1 945	990	2 327
	Market share	< 0,1 %	0,2 %	0,1 %	0,4 %
	<i>Index</i>	100	1 922	1 145	3 015
	Average price (EUR/tonne)	498	611	488	338
	<i>Index</i>	100	123	98	68

Source: Eurostat.

- (146) Imports from third countries other than the countries concerned decreased by 77 % over the period considered. Drops in imports from Belarus and Ukraine can be explained by the geopolitical developments (e.g. the war of aggression against Ukraine and EU sanctions imposed on Belarus). In the review investigation period, the market share of imports from third countries other than the countries concerned was only 2,3 %, thus less than the 4,1 % found in the investigation period in the original investigation.

5.5. Economic situation of the Union industry

5.5.1. General remarks

- (147) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (148) As mentioned in recital (32), sampling was used for the assessment of the economic situation of the Union industry.
- (149) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data contained in the macroeconomic questionnaire reply submitted by the applicant. The data related to all Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. The data related to the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

- (150) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (151) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.
- (152) Following disclosure, MHTL submitted that the injury assessment was distorted, given the misleading nature of the starting point (2021). The party called for a qualification of the COVID-19 pandemic and circumstances thereafter, and for an acknowledgement that the starting point for the declines identified in the injury assessment was the exceptional year of 2021. The Commission disagreed with MHTL that the injury assessment was distorted. In the Union, the agri-food chain, including the fertilisers sector, was regarded as essential during the COVID-19 pandemic time and UAN supply and distribution continued. The Commission concluded that the fertiliser industry was not particularly affected by the pandemic ⁽²³⁾ and that as such, the starting point of the period considered for the injury assessment did not present a distorted injury picture.

5.5.2. Macroeconomic indicators

5.5.2.1. Production, production capacity and capacity utilisation

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

Table 5

Production, production capacity and capacity utilisation

	2021	2022	2023	RIP
Production volume (tonnes)	3 649 010	2 107 001	2 142 146	2 299 135
<i>Index</i>	100	58	59	63
Production capacity (tonnes)	8 829 000	8 279 000	8 279 000	8 279 000
<i>Index</i>	100	94	94	94
Capacity utilisation	41 %	25 %	26 %	28 %
<i>Index</i>	100	62	63	67

Source: verified questionnaire reply of Fertilizers Europe.

- (154) In the Union, UAN is normally produced at integrated chemical sites manufacturing several products. In this context, over the period considered, UAN production dropped by 37 %, from 3 649 010 tonnes to 2 299 135 tonnes, which is around 1,4 million tonnes less than in the investigation period of the original investigation. The unprecedented gas and energy crisis during the period considered resulted in temporary production breaks by Union producers.
- (155) Production capacity declined between 2021 and 2022 and then remained stable until the end of the review investigation period.

⁽²³⁾ The fertiliser industry had not been significantly affected by COVID-19 pandemic, in light of the piece of research available at <https://www.sciencedirect.com/science/article/pii/S0301420721000362> (Influence of COVID-19 pandemic on fertilizer companies: The role of competitive advantages, Resources Policy, Volume 71, 2021, 102019, ISSN 0301-4207).

- (156) In view of the rather stable capacities and declining production, the capacity utilisation shrank from 41 % in 2021 to 28 % in the review investigation period, which is far below the capacity utilisation in the investigation period of the original investigation (50 %) and definitely unsustainable in the medium to long run.

5.5.2.2. Sales volume and market share

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

Table 6

Sales volume and market share

	2021	2022	2023	RIP
Sales volume on the Union market (tonnes)	2 587 669	1 353 756	1 545 874	1 433 181
<i>Index</i>	100	52	60	55
Market share	76,6 %	39,6 %	52,9 %	54,9 %
<i>Index</i>	100	52	69	72

Source: verified questionnaire reply of Fertilizers Europe.

- (158) The Union sales volume of the Union industry fell by 45 % over the period considered. This is in sharp contrast with the increasing levels of imports from the countries concerned in a context of declining Union consumption.
- (159) The market share of the Union industry fell by 28 % over the period considered. This development was a result of poor market conditions, especially low prices of imported UAN. The market share of the Union industry was lost to imports from the countries concerned, which market share basically tripled over the period considered.

5.5.2.3. Growth

- (160) The above figures in respect of production, low capacity utilisation, sales volume and market share demonstrate that the Union industry was not able to grow during the period considered, while imports from the countries concerned increased in absolute terms and in terms of market share.

5.5.2.4. Employment and productivity

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

Table 7

Employment and productivity

	2021	2022	2023	RIP
Number of employees	2 272	2 018	2 141	1 845
<i>Index</i>	100	89	94	81
Productivity (tonnes/employee)	1 606	1 044	1 000	1 246
<i>Index</i>	100	65	62	78

Source: verified questionnaire reply of Fertilizers Europe.

- (162) In view of the deteriorating market circumstances of the Union industry, the number of employees of the Union industry fell by 19 % over the period considered. Nevertheless, given temporary plant closures and as production decreased even more, productivity still fell by 22 % over the period considered. When possible, the Union industry endeavoured to transfer UAN jobs to other parts of their chemical site rather than dismissing valuable employees.

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

- (163) All dumping margins were significantly above the de minimis level. The impact of the magnitude of the actual margins of dumping on the Union industry was substantial given the volume and prices of imports from the countries concerned.
- (164) Continuous unfair pricing by exporters from the countries concerned made it impossible for the Union industry to recover from the dumping practices observed in the original investigation.

5.5.3. Microeconomic indicators

5.5.3.1. Prices and factors affecting prices

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

Table 8

Sales prices and cost of production in the Union

	2021	2022	2023	RIP
Average unit ex-works sales price in the Union on the total market (EUR/tonne)	242	636	307	264
<i>Index</i>	100	263	127	109
Unit cost of production (EUR/tonne)	241	571	332	276
<i>Index</i>	100	237	138	115

Source: verified questionnaire replies of the sample of Union producers.

- (166) Sales prices were influenced by the supply-demand dynamics, including temporarily curtailed production by some Union producers which meant an increase of Union sales prices in a context of reduced availability of UAN on the Union market. After prices peaking during the second quarter of 2022, namely due to the impact of Russia's war of aggression against Ukraine on gas and energy prices, UAN sale prices fell through mid-2023 and then stabilised.
- (167) Sales prices increased by 9 % during the period considered whereas the unit cost of production went up by 15 % during the same period. The increasing cost of production was mainly determined by fluctuations in the price of gas, accounting for most of UAN's production costs. However, Union producers were unable to cover the UAN production costs in 2023 and the review investigation period by their sales price levels due to the unfair competition of low-priced imports of UAN from the countries concerned. As a result, UAN sales by Union producers on the Union market became loss-making.

5.5.3.2. Labour costs

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

Table 9

Average labour costs per employee

	2021	2022	2023	RIP
Average annual labour costs per employee (EUR/full time employee)	31 139	35 622	32 901	33 197
<i>Index</i>	100	114	106	107

Source: verified questionnaire replies of the sample of Union producers.

(169) The average labour cost per employee of the sampled Union producers increased by 7 % over the period considered, namely due to the fulfilment of salary indexation commitments. Labour costs per employee were higher in 2022, when profitability peaked.

5.5.3.3. Inventories

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

Table 10

Inventories

	2021	2022	2023	RIP
Closing stocks (tonnes)	87 010	112 808	119 370	82 706
<i>Index</i>	100	130	137	95
Closing stocks as a percentage of production	4,3 %	9,4 %	9,4 %	5,3 %
<i>Index</i>	100	219	219	123

Source: verified questionnaire replies of the sample of Union producers.

(171) Closing stock fell by 5 % over the period considered and stock as a percentage of production slightly increased. This factor was not considered to be a meaningful indicator of injury in the original investigation as stock as a percentage of production was low throughout the period and closing stocks are subject to seasonal variations. The Commission considered this to also be the case in the present investigation. In the present investigation, stock levels found were higher than in the original investigation.

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

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

Table 11

Profitability, cash flow, investments and return on investments

	2021	2022	2023	RIP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	9,4 %	12,6 %	- 25,7 %	- 7,7 %
<i>Index</i>	100	134	- 273	- 82
Cash flow (EUR)	28 973 972	58 982 610	9 101 778	- 9 326 573
<i>Index</i>	100	204	31	- 32
Investments (EUR)	6 402 797	4 911 678	2 801 373	4 311 506
<i>Index</i>	100	77	44	67
Return on investments	54 %	144 %	- 90 %	- 36 %
<i>Index</i>	100	267	- 167	- 67

Source: verified questionnaire replies of the sample of Union producers.

- (173) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. Profitability fell from 9,4 % in 2021 to - 7,7 % in the review investigation period because of the developments in average sales prices and costs of production described in recitals (166)-(167), lower capacity utilisation and lower production to absorb fixed costs. 2022 was an abnormal year, with high raw material and energy prices but also high UAN prices in a context of disrupted supply. Altered production schedules, the rising cost of production and suppressed sales prices due to imports from the countries concerned caused the Union industry to make losses in 2023 and in the review investigation period. These facts cannot be undermined by improved margins in the nitrogen sector referred to by MHTL in its comments on the disclosure based on data reported by market intelligence for Europe (including Norway) for part of 2025 ⁽²⁴⁾, i.e. by data for a sector wider than UAN, for a geographic area wider than the Union and for a period following the review investigation period.
- (174) The net cash flow is the ability of the Union producers to self-finance their activities. The net cash flow developed negatively throughout the period considered and followed closely the profitability trend.
- (175) The return on investments is the profit in percentage of the net book value of investments. It developed negatively over the period considered reflecting the trends previously described for profitability and cash flow.
- (176) The Union industry had limited investments in the period considered, even if continuous investment in an integrated chemical plant is essential to long-term survival. The decreasing investment levels were caused by a reduced ability to raise capital as demonstrated by the deteriorating cash flow situation and the poor market conditions. The investments, lower than in the original investigation, focused on reducing energy consumption, rationalisation and efficiency gains.

⁽²⁴⁾ t25.011233.

5.6. Conclusion on injury

- (177) Over the period considered, the Union industry suffered decreasing sales prices (−9 %) which together with increased costs (+15 %) have caused a profit level of 9,4 % in 2021 to turn into losses in 2023 and the review investigation period. These trends resulted in large falls in cash flow, return on investment and investment levels. Significant negative effects have also been felt in volume indicators such as production, which decreased by 37 %, sales volume, which decreased by 45 %, and market share, that went from 76,6 % in 2021 to 54,9 % in the review investigation period. Also, capacity utilisation levels shrank to worrying levels, too low to recover relevant costs. These developments left the Union industry in an injurious situation. None of the indicators examined showed a recovery or a positive development.
- (178) Following disclosure, MHTL disagreed that the injury indicators examined showed no recovery or a positive development. The Commission dismissed MHTL's comments because they were based on selected developments on selected years and a misrepresentation of facts. For instance, MHTL submitted that the production volumes of the Union industry increased in the review investigation period to their highest level since the start of the period considered, which was fully incorrect (see Table 5). The party also referred to a 'notable improvement in capacity utilisation rates of the Union industry' during the review investigation period (increasing from 25 % to 28 % since 2022), which neglects 2021 and the fact that Table 5 clearly depicts a fall in capacity utilisation during the period considered (−33 %). MHTL considered as a positive development the lower drop in the sales volumes in absolute terms in table 6 between 2023 and the review investigation period (−112 693) as compared to the higher drop in import volumes from the countries concerned in the same period (−210 254 tonnes, as shown in Table 2), which misrepresents that, over the period considered, imports from the countries concerned almost tripled their market share whereas the market share of the Union industry fell by 28 %.
- (179) On the basis of the above, the Commission concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation during the review investigation period.

6. CAUSATION

- (180) In accordance with Article 3(6) of the basic Regulation, the Commission examined whether the dumped imports from the countries concerned caused material injury to the Union industry. In accordance with Article 3(7) of the basic Regulation, the Commission also examined whether other known factors could at the same time have injured the Union industry. Following disclosure, CFI stated that the Commission had failed to do so and that the Commission should have examined the effects of other known factors that caused the initial deterioration of the Union industry before US imports resumed. The Commission rejected CFI's claim as unfounded, and ensured that any possible injury caused by factors other than the dumped imports from the countries concerned was not attributed to the dumped imports. These factors are: effects of imports from other third countries, the export performance of the Union industry, UAN imports by the Union industry, the increasing cost of production and a decreasing Union consumption.

6.1. Effects of the dumped imports

- (181) During the period considered, the Union industry lost significant sales volumes on the Union market, as its Union sales decreased by 45 %. As consumption dropped by 23 %, the Union industry's market share dropped from 76,6 % to 54,9 %.
- (182) The fall in the Union industry's market share can be attributed by imports from the countries concerned, which increased their market share from 15,8 % to 42,8 %. Following the start of Russia's war of aggression against Ukraine, prices of energy increased considerably resulting in rapid increase of cost of production. At the same time, import volumes increased exponentially.
- (183) The duties in force are fixed duties established at a time when UAN prices were low as compared to prices in the period considered. The average Union industry sales price stood at EUR 127/tonne in 2017/2018, the period used for calculating the specific duty amount during the original investigation, whereas the average Union industry sales price observed in the review investigation period was more than two times higher due to the strongly increased costs. Consequently, the effectiveness of the specific duty strongly declined, and imports from the countries concerned had devastating volume effects already in 2022, when UAN prices skyrocketed and fixed anti-dumping duties represented a very low share of the final UAN price. After significant volumes and market share were lost in 2022, as from 2023 the Union industry was in addition unable to pass on the cost increases to its selling prices due to the unfair competition of dumped imports and it incurred significant losses in 2023 and the review investigation period.

- (184) It is therefore clear that the large increase in imports at falling prices that were undercutting and suppressing the Union industry's prices played a major role in the rapid deterioration of the Union industry's economic indicators. Two product specific factors aggravated this impact. Firstly, UAN is a commodity sold to customers based almost exclusively on price. Therefore, only a small difference in price may have a significant consequence. Secondly, UAN is, unlike the bulk of fertilisers, a liquid product that requires special storage tanks. Therefore, Union producers that reach their UAN storage capacity limit have to move UAN into the distribution chain by selling stock at prevailing prices in the market, even if those prices are low.
- (185) CFI stated that its supply to the EU is demand-responsive, not supply-driven, however whether it is CFI that looks for customers or whether customers look for a supplier is irrelevant for the purpose of the present analysis. CFI further stated that at best there was a weak correlation between US imports and the performance decline of the Union producers, that various unrelated market developments had been erroneously attributed to the effect of imports and that the Commission should conclude similarly to *Soy Protein* ⁽²⁵⁾, in which case the causal link between the dumped imports and the injury suffered by the Union industry was found to be broken. Following disclosure, CFI deemed injury trends incompatible with US imports. In this respect it submitted that the Union industry's performance declined already in 2021, which is before US imports re-entered the Union. The Commission disagreed and reminded CFI that causation had been established in the original investigation and that the injury analysis in the current expiry review is primarily focused on the matter as to whether the Union industry had recovered from the past injury caused by the dumped imports and if such injury would continue or recur if measures would lapse. Furthermore, contrary to *Soy Protein*, the present investigation established a clear causal link between the dumped imports from the countries concerned, including the imports from the US, and the material injury suffered by the Union industry. As mentioned in recital (182) above, imports from the countries concerned increased their market share from 15,8 % in 2021 to 42,8 % in the review investigation period. The market share of imports from the US increased from 0 % in 2021 to 20,6 % in the review investigation period. In addition, the dumping margins established were far above *de minimis* for the three countries concerned.

6.2. Imports from third countries

- (186) Imports from third countries were more expensive than imports from the countries concerned. Third country imports also decreased strongly in volume, representing a market share of 7,6 % in 2021 but no more than 2,3 % in the review investigation period. The Commission therefore concluded that such imports did not contribute to the injury of the Union industry.
- (187) During the investigation, the cooperating importer Union Invivo noted that the lower import flows from Belarus, following the sanctions imposed by the EU, led to a reorganisation of import flows from other origins, in a context of lower UAN production by Union producers. The Commission acknowledged that imports of Belarussian UAN indeed decreased significantly due to geopolitical reasons and the sanctions imposed by the EU. However, the Commission also noted that imports from Belarus has a market of 4,7 % in 2021, whereas imports from the countries concerned held, in that year, a market share more than three times higher of 15,8 %. Moreover, whereas imports from Belarus dropped by 120 271 tonnes since 2021, i.e. before the sanctions, imports from the countries concerned increased in that same period by 582 869 tonnes, i.e. almost five times that volume. The drop in imports from Belarus do therefore not explain the strong presence and increase during the period considered of imports from the countries concerned.

6.3. Declining export performance of the Union industry

- (188) During the investigation, cooperating exporting producers attributed the injurious situation of the Union producers to the Union industry's declining exports.

⁽²⁵⁾ Commission Decision of 27 June 2012 terminating the anti-dumping proceeding concerning imports of certain concentrated soy protein products originating in the People's Republic of China (OJ L 168, 28.6.2012, p. 38, ELI: <http://data.europa.eu/eli/dec/2012/343/oj>).

(189) The volume of exports of the sampled Union producers developed over the period considered as follows:

Table 12

Export performance of the sampled Union producers

	2021	2022	2023	RIP
Export volume (tonnes)	572 947	422 193	292 937	425 426
<i>Index</i>	100	74	51	74
Average price (EUR/tonne)	276	627	306	224
<i>Index</i>	100	227	111	81

Source: verified questionnaires of Fertilizers Europe and sampled Union producers.

(190) Exports represent on average 16 % of the Union industry's UAN production during the period considered. In addition, the decline in export sales was limited as compared to the decline in Union sales, even in relative terms, and prices of the Union industry's exports fluctuated and were sometimes above its prices on the Union market. The Commission therefore concluded that the export performance of Union producers did not contribute to the injury suffered by the Union industry.

6.4. Self-inflicted injury by the Union industry

(191) CFI submitted that the injury eventually suffered by Union producers was self-inflicted because some Union producers purchased UAN from the countries concerned. The investigation found that the sampled Union producer CFI referred to had exceptionally purchased low quantities of UAN, in view of the difficult market circumstances, in order to fulfil certain orders. Those operations had no significant impact on the overall injurious situation of the Union industry to the extent of making the causal link not genuine or not substantial. The claim was therefore rejected.

6.5. Increasing costs of production

(192) Cooperating exporting producers, the association AFCOME⁽²⁶⁾ and Union Invivo stated that the injury was caused by the fact that (some) Union producers paid a high price for gas/energy and/or were too reliant on Russian gas (which was weaponised) and/or had inefficient cost structures that limited their ability to respond to external shocks and/or low utilisation rates due to temporary shutdowns of ammonia plants. Cooperating exporting producers added that some of these circumstances were unprecedented, exceptional and increasingly unlikely to recur, although at disclosure stage CFI considered that the Union's supply difficulties were rather structural. MHTL stated that the circumstances in which the negative performance of Union producers took place were exceptional in nature, while available data (in the request) strongly indicated that the Union industry was recovering well from this, and that its situation continues to increase in strength. Following disclosure, AFCOME, INOXA⁽²⁷⁾ and Union Invivo insisted on the fact that the countries concerned had access to gas at lower prices than Union producers, whereas CFI asked for an analysis that the fertiliser sector's performance in the Union mirrored an alleged broader collapse across EU natural gas-intensive industries, including steel, cement, glass and paper.

(193) The claims are dismissed as, in a level playing field, no matter the situation of natural gas-intensive industries other than UAN, Union producers of UAN should have in any case been able to increase their sales prices to a sustainable/profitable level, which the present investigation was showed not to be the case. It is also noted that the evolution of gas/energy prices and costs in the period considered could not explain shrinking profits in this case, as in 2022, when gas/energy prices and costs peaked, the Union industry was profitable. A price difference between gas in the Union and in the countries concerned does not justify the dumping practices found.

⁽²⁶⁾ Association Française de Commercialisation et de Mélanges d'Engrais.

⁽²⁷⁾ Provider of agricultural inputs in North-West France, <http://www.inoxa.fr/>.

- (194) Following disclosure, MHTL contested the Commission's assessment above. For the party, all things considered equal, it does not automatically follow in all circumstances that a seller will be able to increase its sales price *ad infinitum* in order to cover its own costs because other constraints influence the seller's ability to raise prices, such as supply-demand and the prospects of losing customers to competitors. The Commission dismissed MHTL's considerations, which ignore that in a level playing field Union producers should have been able to pass on cost increases rather than making losses once gas prices dropped (in the second part of the period considered).

6.6. Decrease of Union consumption

- (195) Table 1 shows that the consumption on the Union market fell by 23 % overall. The decreasing trend in demand is common for the nitrogen fertilisers, which have been experiencing stable decline in the consumption rates in the recent past due to challenging climate situations, changing environmental regulatory frameworks and geopolitical factors. It is unclear whether the downward trend is likely to continue in the future, in particular as far as UAN is concerned. With respect to future trends, CFI noted that, while UAN demand has fluctuated between 2020-2024, both global and Union UAN demand are projected to increase (although no quantification was provided).
- (196) Following disclosure, CFI asked for an analysis of whether the drop of UAN sales volume by Union producers in the Union derived from a fall in demand and of whether the decrease of Union consumption reduced the Union producers' capacity utilisation, fixed costs absorption and profitability. In this respect, the Commission recalls that Sections 5.2, 5.5.2.1, 5.5.2.2 and 5.5.3.4 above analysed trends in Union consumption, capacity utilisation in the Union, sales in the Union by Union producers, and their profitability.
- (197) The Commission found that, despite the overall decrease in UAN consumption in the Union during the period considered, imports from the countries concerned increased steadily during that period at the expense of other imports and Union industry sales. It was therefore concluded that, while the development of demand might have contributed to the material injury suffered by the Union industry, dumped imports remained the main cause of such injury. In other words, the effects of the decrease in Union consumption were not capable of making the causal link between dumped imports and the injury suffered by the Union industry as non-genuine or not substantial.

6.7. Conclusion

- (198) On the basis of the above, the Commission therefore concluded that imports from the countries concerned caused material injury to the Union industry, whilst the decrease in consumption might have contributed to it. Other factors were found not to have contributed to the found injury.

7. LIKELIHOOD OF CONTINUATION OF INJURY

- (199) The Commission concluded in recital (179) that the Union industry suffered material injury during the review investigation period. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of continuation of injury caused by the dumped imports from the countries concerned if the measures against were allowed to lapse.
- (200) In this respect the following elements were analysed by the Commission: the production capacity and spare capacity in the countries concerned, the likely price levels of imports from the countries concerned in the absence of anti-dumping measures, and their impact on the Union industry, and the attractiveness of the Union market.
- (201) The Commission noted that the analysis of the above-mentioned elements clearly supports the finding of continuation of injury. Regardless, the same elements, combined with the existence of imports from the countries concerned during the period considered despite the imposition of anti-dumping duties, clearly indicate that injury would reoccur absent the renewal of the measure.

7.1. Production capacity and spare capacity in the countries concerned

- (202) As mentioned in recitals (94), (99) and (103), in the three countries concerned there is significant unutilised production capacity. All the exporters in the countries concerned have the capacity to increase their exports to the Union rapidly, as shown by the significant increase of imports from all three countries concerned between 2021 and 2022. Their collective spare capacity was estimated at some two million tonnes, which is two thirds of the consumption in the Union in the review investigation period. It should also be noted that in the two countries concerned holding the bulk of spare capacities (Russia and Trinidad and Tobago) there is little to no domestic market.

7.2. Likely price levels of imports from the countries concerned

- (203) Imports from the countries concerned undercut the Union industry's prices in the Union during the review investigation period. The weighted average undercutting margin was 18 % for imports from Russia, 12 % for imports from Trinidad and Tobago and 3,5 % for imports from the US. Should the measures lapse, undercutting and price suppression is expected to continue, thus further aggravating the injury suffered by the Union industry. The undercutting and price suppression levels for the US would increase if the circumstances referred to in recital (209) below would materialise.
- (204) Cooperating exporting producers exported UAN to a handful of third countries, as detailed in the next section, at prices depending on prevailing market conditions. In the absence of anti-dumping measures in the Union, the price of imports from the countries concerned into the Union will be lower and gain attractiveness. It is noted that CFI was the only cooperating exporting producer with a significant domestic market to serve.
- (205) With the prevalence of distorted artificially low State-fixed gas prices in Russia, and with a deliberate gas dual pricing policy, Russian gas is sold at artificially low prices to the local domestic UAN industry while selling at very high export gas prices to the Union. The effects of the gas dual pricing policy were exacerbated by the unprecedented gas-crisis in the Union. Consequently, Russia is expected to continue any exports of UAN at low prices undercutting Union industry prices.

7.3. Attractiveness of the Union market

- (206) As mentioned in Section 4, the Union market is attractive in terms of its size and prices. UAN is only used in West-Central Europe, the United States of America, Canada, Argentina and Australia and globally only 4 to 5 million tonnes are traded annually⁽²⁸⁾. The Union is the second largest UAN market in the world. CFI noted that, while demand has fluctuated between 2020-2024, both global and Union UAN demand are projected to increase. The Union market remains attractive in terms of price with farmers who consume fertilisers having access to valuable sources of financing, precision fertilisation techniques infrastructure and other resources. Measures in force did not prevent the countries concerned from increasing their market share from 37,7 % in the investigation period of the original investigation to 42,8 % in the review investigation period of this investigation.
- (207) In general, exporters have well-established fertilisers distribution channels in the Union, which logistically facilitates the exports. Their capacity to quickly send significant volumes to the Union was particularly strong in 2022, a year when import volumes into the Union from the countries concerned was some 1,5 times more than in 2021. Russia established quotas for exporting mineral fertiliser in late 2021, but their implementation and extension had little impact on export volumes⁽²⁹⁾.
- (208) In addition, consumption of UAN, which requires specific infrastructure, already existing in the Union, cannot be easily created in new markets.

⁽²⁸⁾ t24.010911 (Union Invivo), slide 9.

⁽²⁹⁾ Press article 'Fertilizer market anticipates little impact from updated Russian export quotas' dated 25 October 2024, available at <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/fertilizers/102524-fertilizer-market-anticipates-little-impact-from-updated-russian-export-quotas>.

- (209) Furthermore, the attractiveness of the Union market will increase if customs tariffs on UAN coming from the US are dropped from the current 6,5 % to zero ⁽³⁰⁾. Additional UAN volumes from the US could be expected due to a recent shift in the US trade policy ⁽³¹⁾, finally removing tariffs that the US intended to apply on certain imports, including UAN. That is likely to result in reinvigorated competition in the US domestic UAN market, then a saturation of that market and a consequent redirection of UAN from the US to the Union premium market.

7.4. Conclusion

- (210) In view of the above, the Commission concluded that the repeal of the measures would in all likelihood result in a significant increase of dumped imports from the countries concerned at injurious price levels, and therefore further aggravating the injury suffered by the Union industry. As a consequence, the viability of the Union industry would be at serious risk.
- (211) Cooperating exporting producers considered the increasing production or market share of Union producers in the review investigation period as compared to 2023 as a sign of recovery of the Union industry. Following disclosure, MHTL pointed at improved operating conditions for the Union industry resulting from falling natural gas prices after the review investigation period, a situation that, in the party's view, would contradict any conclusion regarding the likelihood of a continuation of material injury to the Union industry. These considerations cannot undermine the conclusion in the above recital in light of the analysis in Sections 5.5.2 and 5.5.3 above.
- (212) Material injury would in any event be likely to recur if measures lapse. Specifically, in the absence of renewed measures, there will be in all likelihood a surge of dumped imports from the countries concerned at injurious prices. Following final disclosure, CFI put into question both statements insofar US imports are concerned on the grounds of a flawed dumping analysis. CFI's allegations in this regard were addressed in Section 4.3.3 above. The Commission concluded that the risk of surging injurious dumped imports from the countries concerned is made material by the existence of significant spare capacities in the exporting countries. Available data on export prices further suggest that UAN prices in the Union will continue to be attractive bearing in mind that no other destination can absorb the volume sold by cooperating exporting producers in the Union. As mentioned in recital (206), there are very few UAN consuming countries.

8. UNION INTEREST

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

8.1. Interest of the Union industry

- (214) There are some 20 known producers of UAN across the Union. Union producers covering close to 70 % of Union production volume cooperated with the investigation. None opposed the investigation.

⁽³⁰⁾ Annex I to the Proposal for a Regulation of the European Parliament and of the Council on the adjustment of customs duties on the import of certain goods originating in the United States of America and opening of tariff quotas for imports of certain goods originating in the United States of America, COM(2025) 471 final. Brussels, 28 August 2025. Available at [https://ec.europa.eu/transparency/documents-register/detail?ref=COM\(2025\)471&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=COM(2025)471&lang=en).

⁽³¹⁾ Annex I of the modified Executive Order 12257, available at <https://www.whitehouse.gov/presidential-actions/2025/11/modifying-the-scope-of-the-reciprocal-tariff-with-respect-to-certain-agricultural-products/>.

- (215) In the context of a challenging fertilisers market as regards supply and fluctuating prices, the expected effect of the measures in force was diluted by the high UAN prices and, as a result, did not lead to a major recovery of the Union industry. The repeal of measures is likely to have a negative effect on the Union industry due to the likely increase of injurious imports of the countries concerned causing lower sales volumes and prices, thus aggravating the financial losses and further undermining the Union industry's capability to invest. The extension of the measures would allow the Union industry to pursue operations, offer regular supplies of the product under review, keep jobs, invest to become greener and improve profitability to sustainable levels.
- (216) Representatives of German farmers stated that CBAM ⁽³²⁾ would make the anti-dumping duties unnecessary. The Commission dismissed the claim as CBAM addresses matters other than dumping (namely to counter carbon leakage). Furthermore, nothing suggests that CBAM will stop UAN imports, even if a chilling effect can be reasonably expected, according to the AGPB ⁽³³⁾ and Union Invivo.

8.2. Interest of unrelated importers

- (217) Two unrelated importers submitted a questionnaire reply and agreed to further co-operate with the investigation. Both supported the renewal of the measures as regards imports of UAN from Russia for geopolitical reasons.
- (218) UAN activities represented a minor share of the activities of one of the two co-operating importers, which is a union of cooperatives acting on behalf of its members and served over 20 % of the Union market of the product under review in 2023. The other importer, more reliant on UAN, adapted its selling prices depending on the evolution of the UAN market. The two co-operating importers offered a wide range of services and/or products and had several sources of supply.
- (219) Any negative consequences for importers in the Union stemming from the extension of the measures cannot outweigh the positive consequences of the latter on the Union industry. The extension of the measures is intended to support a level playing field that all parties can benefit from. Moreover, importers offer in general a wide range of fertilisers and/or services and have several sources of supply. Most parties, including both co-operating importers, stated that in the end it would be UAN's ultimate users, i.e. farmers, that were to be the parties affected by price increases (if any) stemming from measures.

8.3. Interest of users

- (220) No parties representing the interests of users submitted questionnaire replies.
- (221) Associations representing relevant agri-cooperatives and/or farmers in the Union (Copa-Cogeca) and in Austria, Belgium (Wallonia), Denmark, Finland, France, Germany, Ireland, Poland and Portugal came forward. None contested the renewal of the measures as regards imports of UAN from Russia for geopolitical reasons. They contested however the renewal of the measures as regards imports of UAN from the other countries concerned on the grounds that the measures harmed farmers. Co-operating exporting producers expressed a similar view and submitted documents in this regard. Some French unions/groups of cooperatives acting as purchase platforms buying agricultural supplies on behalf of farmers commented on the negative impact of measures on French farmers and suggested that farmers finance the absence of gas on the EU territory by paying anti-dumping duties on UAN.
- (222) Associations representing farmers claimed that there are limited/no substitutive products for farmers (and/or other economic operators) because there is not enough production of nitrogen fertilisers in the Union. However, some supporting datasets presented by the parties, namely as regards Union UAN production, were incomplete.

⁽³²⁾ Carbon Border Adjustment Mechanism. Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism (OJ L 130, 16.5.2023, p. 52, ELI: <http://data.europa.eu/eli/reg/2023/956/oj>).

⁽³³⁾ Association Générale des Producteurs de Blé et autres céréales, <https://agpb.fr/missions/>.

- (223) Certain comments concerned the importance of UAN costs in a farm (although the quantification varied from party to party ⁽³⁴⁾) and/or indicated that farmers have been suffering for years for various reasons (such as bad crops, low sale prices, bad weather or high market competitiveness) and underlined the jobs at stake. According to these parties, the maintenance of anti-dumping measures would force some farmers to stop producing and/or further deteriorate a sector that operates in a volatile market, since farmers cannot pass on costs and need to remain competitive in a globalised market. Following disclosure, AGPB stated there were thousands of specialised cereals farms in the Union with thousand of jobs, including in upstream and downstream activities. However, no party quantified the number of jobs that could be concerned or substantiated if, how and/or how many could be, based on actual evidence, in danger.
- (224) While acknowledging that the impact of the measures could vary depending on the type of farm or on the farming practice, it is noted that in the original investigation the Commission found that UAN represented less than 1 % of overall farming costs in the Union. This percentage remained uncontested in the present investigation. In its comments on the disclosure, AGPB stated that the percentage represented a significant amount.
- (225) Any price increase derived from measures was not found to have a significant impact on the farming sector as a whole in the Union, nor in the exports of the main crop in the Union consuming UAN, i.e. wheat. In fact, the Union wheat exports increased from 32,3 million tonnes in 2021/2022, to 35,1 million tonnes in 2022/2023 and then to 38,9 million tonnes in 2023/2024 ⁽³⁵⁾. In this respect, in its comments on the disclosure, AGPB stated that the Commission had overlooked that the Union wheat exports fell in 2024 due to manifold reasons, namely the increase in fertilisers prices, and that many specialised cereals farms would have had negative income in 2024 and 2025. The Commission found AGPB's last statement contradictory with AGPB's considerations about a lack of correlation between the increase in wheat exports in 2021/2022, 2022/2023 and 2023/2024, and fertilisers prices (fertilisers being purchased 18 months before harvest). The Commission finally recalled its finding in the original investigation regarding a lack of correlation between the cost variation of farm inputs and the income of farmers.
- (226) Given that UAN as a fertiliser covers very diverse realities and its use varies a lot from crop to crop, from region to region, etc., like in the original investigation, the Commission focused its analysis on the potential impact of maintaining the measures for farms specialised in common wheat (i.e. the main crop using UAN) in France (the main wheat-producing country in the Union) that use UAN as a sole source of nitrogen fertiliser. It is recalled that France is the second largest consuming country of the product under review in the world and that in 2023 it accounted for 52 % of the European consumption of the product under review ⁽³⁶⁾.
- (227) In 2023, for French fieldcrops specialised farms fertilisers represented 22,7 % of total intermediate inputs ⁽³⁷⁾. French specialised farmers whose main output (over 30 %) was wheat, devoted 27,3 % of their total costs of production to fertilisers. For those farms, UAN represented some 19,1 % of the total costs of production, out of which 1,53 % would derive from the current anti-dumping duties ⁽³⁸⁾. COPA-COGECA contested the 1,53 % finding for the review investigation period, but provided no alternative calculation.
- (228) The Commission thus concluded that, notwithstanding numerous other factors affecting the economic situation of farmers, the cost impact of the current UAN anti-dumping measures remained limited for farmers in the 'worst case scenario', also bearing in mind that many farms in the Union rely on several crops. In its comments on the disclosure, AGPB disagreed with this conclusion on the grounds that, by definition, the farms considered

⁽³⁴⁾ See examples in t24.011415.

⁽³⁵⁾ See Table 3 of Agreste's 'Synthèses conjoncturelles' number 432 of December 2024 available at <https://agreste.agriculture.gouv.fr/agreste-web/disaron/SynGcu24432/detail/>.

⁽³⁶⁾ t24.010911 (Union Invivo).

⁽³⁷⁾ Source: agri data portal, farm economics: <https://agridata.ec.europa.eu/extensions/FADNPublicDatabase/FADNPublicDatabase.html>. It is noted that in the submission t25.011255 AGPB stated that the ratio fertiliser cost / total input for specialised cereals farms (OTEX 15) was 20 % in 2023.

⁽³⁸⁾ With UAN prices around 300 EUR/tonne, anti-dumping duties ranging 22,24-29,48 EUR/tonne for Trinidad and Tobago and the USA increased fertiliser costs of French wheat growers importing UAN by 8 %. Thus the overall effect on costs of the farmers using UAN, in the highest case scenario was estimated at 1,53 % (8 % × 19,1 %).

were specialised in cereals and oilseeds (i.e. not in other crops). For the Commission, such specialisation does not exclude other revenues ⁽³⁹⁾. In all, it cannot be put into question that the 1,53 % costs explained in the recital above calls for qualifying the impact of the current UAN anti-dumping measures for farmers in the ‘worst case scenario’ as ‘limited’.

8.4. Other factors

- (229) Associations representing the interest of farmers, cooperating Union importers and CFI conceded on the renewal of the measures for Russia on the grounds that the Union wanted to reduce dependence on Russia for critical agricultural inputs and that Russia converts gas into nitrogenous fertilisers to bypass EU sanctions ⁽⁴⁰⁾. The Commission acknowledged the broad range of measures put in place against Russia since 2022 for geopolitical reasons. Additional levies on nitrogenous chemical fertilisers from Russia and Belarus including UAN apply since July 2025 ⁽⁴¹⁾.
- (230) Associations representing the interest of farmers, cooperating unrelated importers and cooperating exporting producers opposed the renewal of the measures for countries other than Russia on the grounds that imports of the product under review are necessary, that some non-Union suppliers became unavailable, that production in the Union cannot meet domestic demand, that numerous Union producers serve only their local markets, that there were disruptions in the UAN supply chain and/or that Union producers favour value-added products other than the product under review. MHTL noted that it is essentially the production facility of a Swiss company, that it had significant investments in storage capacities in various Member States, and asked to be regarded as a reliable source of supply established in a friendly and politically stable partner to the Union, in contrast to the growing instability of its political relationships with Russia and the United States of America, and a complement to the Union industry.
- (231) Following disclosure, COPA-COGECA stated that nutrient affordability was under pressure in 2025. AFCOME pointed at a decrease in the supply of UAN mid-2025. AGPB echoed similar concerns while adding that new legislation in the US could attract imports of fertilisers overseas (to the detriment of the Union). Some parties, such as INOXA, stated that Union producers had a structural inability to meet demand, particularly in France.
- (232) The Commission dismissed the arguments summarised in the two recitals above. Some comments were too general, i.e. concerned fertilisation in general but not necessarily UAN. The Commission considered that, overall, there are enough sources of supply, including several Union producers as well as imports. Measures in force did not prevent the countries concerned from increasing their market share from 37,7 % in the investigation period of the original investigation to 42,8 % in the review investigation period of this investigation. Dumping practices cannot be justified by fact that (i) there was temporarily limited production in the Union and some disruptions in the supply chain; and/or (ii) the fact that some Union producers became momentarily less cost-efficient compared to others or compared non-Union producers; and/or (iii) not all Union producers serve the Member State consuming the most UAN in the Union. The investigation showed the benefits for the Union of preserving several sources of supply in a challenging and ever-changing global market, including Union UAN producers, rather than increasing dependence on third countries with unfair trade practices and/or a higher carbon footprint. It also showed that Union producers (some capable of making strategic allocation decisions of capacity amongst different forms of nitrogen fertilisers) have the capacity/possibility to increase UAN production when a level playing field is ensured and satisfy the needs of farmers and their associations that in the course of the investigation were calling for a diversification of UAN supply sources. Following disclosure, MHTL found this last statement at odds with other Commission initiatives, namely the rationale for the

⁽³⁹⁾ Résultats économiques des exploitations agricoles – France; Chiffres clés 2023, 18.12.2024 (updated on 21.1.2025), available via <https://agreste.agriculture.gouv.fr/agreste-web/disaron/Chd2418/detail/>.

⁽⁴⁰⁾ In its submission t24.010183, the US exporting producer CFI quoted namely the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Ensuring availability and affordability of fertilisers, COM/2022/590 final of 9.11.2022, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022DC0590>.

⁽⁴¹⁾ More information is available at <https://trade.ec.europa.eu/access-to-markets/en/news/eu-increases-tariff-duties-russian-and-belarusian-imports-agricultural-products-and-fertilizers#:~:text=The%20EU%20has%20imposed%20new%20tariffs%20applicable%20on,were%20not%20yet%20subject%20to%20extra%20customs%20duties>.

graduated increase in the applicable tariffs in recital (9) of Regulation (EU) 2025/1227 of the European Parliament and of the Council ⁽⁴²⁾. The Commission found however all its various initiatives to be consistent and noted that the recital (9) quoted by MHTL clearly considered that the graduated increase in the tariffs would step up production in the Union.

- (233) Following disclosure, MHTL called for the Commission to carefully ensure consistency in its external action and for a repeal of the measures as far as Trinidad and Tobago is concerned. CFI called for a repeal of the measures as far as the US is concerned. The Commission dismissed the claims as groundless, because the parties did not specifically and adequately substantiate them. In effect these claims were based mainly on their other arguments concerning the conditions of cumulation according to Article 3(4) of the basic Regulation. As specified in Section 5.3.1, the Commission concluded that the conditions of competition between the dumped imports from Russia, Trinidad and Tobago and the United States of America, as well as between the dumped imports from the countries concerned and the like product of the Union industry were similar. Therefore, there is no ground to exclude exports from any of the countries concerned from the scope of this proceeding and the underlying measures.
- (234) Union Invivo claimed that the product under review became an expensive form of nitrogen fertiliser and that the renewal of the measures will negatively affect stakeholders involved in the nitrogen solution distribution chain. The harm, if any, could not be quantified. The Commission dismissed this point. No parties representing storage at ports, distributors or farms, tank trucks of the spraying businesses submitted questionnaire replies or any other verifiable data in this respect.
- (235) MHTL alleged that the imposition of the original measures had a significant impact on downstream industries in the Union, driving up costs and threatening their viability. The Commission dismissed the claim, which was unsubstantiated.
- (236) With a view to diversify supply, AFCOME asked for the Union to import finished UAN and not only gas to produce UAN. Union Invivo stated that importing CNG-based ⁽⁴³⁾ UAN had less impact on the environment than making UAN in the Union manufactured from LNG ⁽⁴⁴⁾ imports on the grounds that UAN production with LNG emits 16 % more greenhouse gas emissions than CNG, while calling for a diversification of the Union supplies, whether of gas or finished products synthesised from gas. The Commission acknowledges that raw materials influence the environmental impact of UAN but dismissed the claim to the extent it is in the Union interest to preserve in the Union several sources of gas supply and of UAN production, including domestic UAN producers.
- (237) Cooperating exporting producers claimed that food security and affordability was at stake, with consumers suffering the most due to increased food prices and the effects of a prolonged cost-of-living crisis. In this context, MHTL stated that the US had let good sense prevail by deciding in August 2022 not to impose anti-dumping and countervailing duties on imports of UAN into the United States of America from Trinidad and Tobago ⁽⁴⁵⁾. The Commission dismissed these arguments. The claims were unsubstantiated as to the extent of the impact of the existing measures on food security and affordability and on consumers. Nothing on file showed that the measures in force affected food security and affordability for the last five years. As to the non-imposition of anti-dumping and countervailing duties in the US in 2022, the conditions and circumstances differ from those in the present investigation. The Commission recalled that the aim of the extension of the measures is to have a level playing field all parties can benefit from.
- (238) Following disclosure, CFI called for a relief to farmers by lowering input costs, improving supply availability and reducing strategic dependence on Russian producers. Parties such as Interore and COPA-COGECA showed concern about the cumulative effect of manifold initiatives, namely CBAM, on the agricultural sector. According to INOXA, all levies (anti-dumping duties, CBAM and customs duties together) account for more than 30 % of the final price of nitrogen fertilisers for farmers, while maintaining the measures would harm yields and cereal

⁽⁴²⁾ Regulation (EU) 2025/1227 of the European Parliament and of the Council of 17 June 2025 on the modification of customs duties applicable to imports of certain goods originating in or exported from the Russian Federation and the Republic of Belarus (OJ L, 2025/1227, 20.6.2025, ELI: <http://data.europa.eu/eli/reg/2025/1227/oj>).

⁽⁴³⁾ Compressed natural gas.

⁽⁴⁴⁾ Liquified natural gas.

⁽⁴⁵⁾ Investigation Nos 701-TA-668-669 and 731-TA-1565-1566 (Final), Publication 5338, August 2022.

quality. For INOXA and CFI, extending the measures would contradict the Union's strategic objectives (namely Common Agricultural Policy, Farm to Fork Strategy, Strategic opening objectives and/or Building strategic stocks). Although the Commission did not recognise the unsubstantiated quantification provided by INOXA, the Commission acknowledged that the levies mentioned by INOXA all have an impact on cost for the agricultural sector. The Commission found the claims as to yields and cereal quality unfounded, noted that the levies mentioned serve different objectives and concluded that anti-dumping duties are needed to the extent trade defence, having resilient fertilisers production in the Union and sanctioning Russia's unjustified war of aggression against Ukraine are amongst the Union's priorities.

8.5. Conclusion on Union interest

- (239) On the basis of the above, the Commission concluded that there were no compelling reasons of the Union interest against the maintenance of the existing measures on imports of UAN originating in the countries concerned.
- (240) AFCOME and Union Invivo put into question the validity of the conclusion as the implementation of CBAM (and, for AFCOME, also the revision of the ETS) will also have an impact on farmers. The Commission found the claims premature and unsubstantiated, thereby dismissing them.
- (241) Notwithstanding the conclusion in recital (239), the Commission notes the importance of the farming sector in the Union and the manifold challenges it is confronted with. Should the price of UAN increase to a level substantially higher than in 2024 and the impact of the current measures on the cost structure of farmers become unsustainable, the Commission shall consider suspending the measures in accordance with Article 14(4) of the basic Regulation.
- (242) Following disclosure, AGPB deemed any potential suspension of the measures ineffective on the grounds that temporary measures do not allow for market adaptation. The Commission recalled that any action taken (temporary or on a more-permanent basis) would have to account for all the interests at stake.
- (243) Following disclosure, associations representing the interests of farmers challenged the conclusion on the grounds of UAN price increases in 2025 and/or a fluctuation of the gap between cereal prices and UAN prices. The Commission noted that the datasets provided (sometimes absent, sometimes with the source missing, sometimes for only a share of 2025, etc.) could not put into question the conclusions of a fully fledged investigation with dumping and injury findings for the periods referred to in recital (7) and which concluded on injurious dumping practices and the likely continuation thereof if measures were repealed.

9. ANTI-DUMPING MEASURES

- (244) On the basis of the conclusions reached by the Commission on continuation of dumping, continuation of injury and Union interest, the anti-dumping measures on UAN from the countries concerned should be maintained.
- (245) To minimise the risks of circumvention due to the difference in duty rates for Russia, special measures are needed to ensure the application of the individual anti-dumping duties. The application of individual anti-dumping duties is only applicable upon presentation of a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this regulation. Until such invoice is presented, imports should be subject to the anti-dumping duty applicable to 'all other imports originating in Russia'.
- (246) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this regulation, the customs authorities of Member States must carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.

- (247) Should the exports by one of the Russian companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (248) The individual company anti-dumping duty rates specified in this Regulation for the Russian companies are exclusively applicable to imports of the product under review originating in Russia and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other imports originating in Russia'. They should not be subject to any of the individual anti-dumping duty rates.
- (249) 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 ⁽⁴⁶⁾. 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*.
- (250) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. They were also granted a period to make representations subsequent to this disclosure.
- (251) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽⁴⁷⁾ 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.
- (252) 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 mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution, currently falling under CN code 3102 80 00, and originating in Russia, Trinidad and Tobago, and the United States of America.
2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Country	Company	Fixed amount of duty (EUR per tonne)	TARIC additional code
Russia	PJSC Acron	42,47	C500
Russia	Joint Stock Company 'Azot'	27,77	C501
Russia	Joint Stock Company 'Nevinnomyssky Azot'	27,77	C504
Russia	All other imports originating in Russia	42,47	C999

⁽⁴⁶⁾ European Commission, Directorate-General for Trade, Directorate G, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

⁽⁴⁷⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

Country	Company	Fixed amount of duty (EUR per tonne)	TARIC additional code
Trinidad and Tobago	Methanol Holdings (Trinidad) Limited	22,24	C502
Trinidad and Tobago	All other imports originating in Trinidad and Tobago	22,24	C999
United States of America	CF Industries Holdings, Inc.	29,48	C503
United States of America	All other imports originating in the United States of America	29,48	C999

3. The application of the individual duty rates for the Russian companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume in tonnes) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in Russia. 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 Russia shall apply.

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

Article 2

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

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

Done at Brussels, 6 January 2026.

For the Commission
The President
Ursula VON DER LEYEN