COMMISSION IMPLEMENTING REGULATION (EU) 2026/801

of 9 April 2026

imposing provisional anti-dumping duties on imports of terephthalic acid originating in the Republic of Korea and the United Mexican States

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 7 thereof,

After consulting the Member States,

Whereas:

1. PROCEDURE

1.1. Initiation

(1) On 13 August 2025, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of terephthalic acid ('TA') originating in the Republic of Korea ('Korea') and the United Mexican States ('Mexico'), (collectively referred to as 'the countries concerned'), on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* [2] ('the Notice of Initiation').

(2) The Commission initiated the investigation following a complaint lodged on 30 June 2025. The complaint was made by one Union producer located in Belgium, INEOS Aromatics ('INEOS' or 'the complainant') representing more than [27 %–47 %] of the Union industry's production of TA in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

(3) The Commission made imports of the product concerned subject to registration by Commission Implementing Regulation (EU) 2025/2013 [3] ('the registration Regulation').

1.3. Interested parties

(4) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the complainants, other known Union producers, the known exporting producers, known importers, suppliers and users, traders, the Korean and Mexican authorities as well as associations known to be concerned about the initiation of the investigation and invited them to participate.

(5) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

[1] OJ L 176, 30.6.2016, p. 21, ELI: http://data.europa.eu/eli/reg/2016/1036/oj.

[2] Notice of initiation of an anti-dumping proceeding concerning imports of terephthalic acid, originating in the Republic of Korea and Mexico (OJ C, C/2025/4539, 13.8.2025, ELI: http://data.europa.eu/eli/C/2025/4539/oj).

[3] Commission Implementing Regulation (EU) 2025/2013 of 8 October 2025 making imports of terephthalic acid originating in the Republic of Korea and Mexico subject to registration (OJ L, 2025/2013, 9.10.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/2013/oj).

1.4. **Comments on initiation**

(6) The Korean government and several interested parties submitted comments on the initiation of the investigation namely: Mexican exporting producers Akra Polyester, S.A. de C.V. ('Akra') and Tereftalatos Mexicanos S.A. de C.V. ('Temex'), together referred to as 'Alpek', and Korean Chemical Industry Association ('KCIA') on behalf of Korean exporting producers.

(7) First, the Korean Government and these parties claimed that the non-confidential version of the complaint did not meet the standards under Article 19(2) of the basic Regulation as it did not contain sufficiently detailed data, with ranges being too broad to permit reasonable understanding and analysis of the principle arguments in the complaint and requested an updated non-confidential version of the complaint using narrower ranges or indexed figures.

(8) Second, KCIA claimed that it could not be considered that the complaint was lodged 'by or on behalf of the Union industry', given that it was not shown that it is supported by Union producers whose collective output constitutes more than 50 % of the total production of the like product produced by the portion of the Union industry which expressed either support for or opposition to the complaint, since the open version of the complaint stated that the 'Complainant accounts for approximately [Percentage well over the 25 % threshold] % of the total production of terephthalic acid in the EU during the [C]IP', thus not showing that the 50 % threshold was met.

(9) The complainant opposed this interpretation of the 50 % threshold, arguing that this applies exclusively to assessing whether an eventual opposition by the Union industry outweighs support or neutrality among producers who have formally expressed a position on the complaint.

(10) Third, Alpek, KCIA and the Korean government also claimed that the investigation should not have been initiated, arguing that the complaint did not contain sufficient evidence of material injury and causal link. Alpek also claimed that imports from Mexico could not have been the cause of injury and that they should not have been assessed cumulatively with Korean imports.

(11) Specifically, these parties claimed that the period selected in the complaint was not representative as 2021, the starting point for the injury analysis was heavily impacted by disruptions in global maritime commerce and COVID-19 lockdowns, which reduced volumes of imports into the Union creating unusually favourable market conditions, distorting the injury picture, and that the trends observed are just a return to a normal market. The parties also claimed that the complainant itself increased its market share in the Union, improved export volumes, profit figures, and production volumes, which runs contrary to the claim of a systemic injury to the Union industry.

(12) The complainant countered these claims, highlighting that the situation in the market before the COVID-19 pandemic was not one of a normal, non-injurious market, and pointing to the fact that it already successfully lodged an anti-dumping complaint in 2016.

(13) With regard to the claims that the non-confidential version of the complaint does not permit an understanding of trends and patterns, the Commission found that the version open for inspection by interested parties of the complaint contained sufficient essential evidence and non-confidential summaries of data to allow interested parties to sufficiently understand the development of the injury indicators on which the complaint was based and to exercise their rights of defence throughout the proceeding and complied with the requirements of Article 19(2) of the basic Regulation.

(14) The Commission concluded that there was good cause for the confidential treatment by giving ranges, as there was just one complainant, INEOS, meaning that majority of the figures are company specific data.

(15) The Commission also noted that these parties themselves made substantial arguments and observations on trends on the basis of this, allegedly insufficient data. This also suggests that the non-confidential summaries in the open version of the complaint did, in fact, provide a meaningful understanding of the underlying sensitive information.

(16) As concerns KCIA's claims on lack of standing to lodge the complaint, the Commission pointed out that, in accordance with Article 5(4) of the basic Regulation, the complaint is deemed to be made 'by or on behalf of the Union industry', if the members of the Union industry who expressly support the complaint account for at least 25 % of total production of the Union industry and if those supporting represent a higher production than those opposing.

(17) The Commission carried out a standing examination before initiation. For this purpose, all Union producers mentioned in the complaint and otherwise known to the Commission before initiation have been contacted and taken into consideration in the calculation of representativeness of the complainants. A Note on standing was put on the open case file on the day of initiation of the investigation, showing that the complainant acted on behalf of more than [27 %–47 %] of the total Union production, that one producer expressed a neutral position, and that no producers opposed the initiation of the investigation.

(18) The relevant thresholds from Article 5(4) of the basic regulation were thus shown to have been met and Commission rejected this claim as unfounded.

(19) Regarding Alpek's claims on cumulative assessment, the Commission found that the conditions for cumulative assessment of imports from the countries concerned at the stage of the complaint were met on the basis of the available information and statistics.

(20) In particular, the dumping margins were found to be above *de minimis*. As shown by available official import statistics, dumped imports were not negligible (above *de minimis*) in terms of volumes for both countries concerned. Furthermore, the conditions of competition were considered similar. Cumulative assessment was, therefore, justified.

(21) The legal standard of evidence required for a complaint under Article 5 of the basic Regulation ('sufficient to justify the initiation of an investigation') makes it clear that the quantity and quality of information in the complaint is not the same as the one on which the Commission bases its findings at the end of an investigation. In fact, the complaint needs to include sufficient evidence of dumping, injury and a causal link which is reasonably available to the complainant.

(22) Further to that, Article 5 of the basic Regulation does not require that all injury factors mentioned in Article 3(5) of the basic Regulation are analysed in a complaint or show deterioration to establish sufficient evidence of material injury. Indeed, the wording of Article 5(2) of the Basic Regulation states that the complaint must contain information on changes in the volume of the allegedly dumped imports, the effect of those imports on prices of the like product on the Union market and the consequent impact of the imports on the Union industry, as demonstrated by relevant (but not necessarily all) factors and indices having a bearing on the state of the Union industry, such as those listed in Articles 3(3) and 3(5).

(23) In the present case, the Commission's analysis of the evidence provided by the complainant, in accordance with Article 5(2) of the basic Regulation, has shown that the complaint contained sufficient evidence of dumping, injury and a causal link between the allegedly dumped imports and the alleged injury. Therefore, this claim was dismissed.

1.5. **Sampling**

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

Sampling of Union producers

(25) In its Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. However, since all three known Union producers came forward, it was ultimately decided that sampling was not necessary as they could all be investigated. These three Union producers represented 100 % of Union production of the product concerned in the investigation period.

Sampling of unrelated importers

(26) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.

(27) No unrelated importers provided the requested information and agreed to be included in the sample. Sampling was, therefore, not necessary.

Sampling of exporting producers

(28) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked all exporting producers in Korea to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Republic of Korea to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.

(29) Three exporting producers in Korea provided the requested information and agreed to be included in the sample. In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of two exporting producers on the basis of the largest representative volume of exports to the Union which could reasonably be investigated within the time available. In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned and the authorities of Korea were consulted on the selection of the sample. No comments were received.

(30) Given that there was only one known exporting producer in Mexico and no other exporting producers from Mexico came forward after the initiation, there was no need for sampling with regard to Mexico.

1.6. **Questionnaire replies and verification visits**

(31) The Commission made available online ([4]) the questionnaires for the exporting producers on the day of initiation.

(32) The Commission sought and verified all the information deemed necessary for a provisional determination of dumping, resulting injury and Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers:

— INEOS, Geel, Belgium,

— Indorama Ventures Quimica S.L.U. ('IVQ'), San Roque, Cádiz, Spain,

— Orlen S.A ('Orlen'), Warsaw, Poland.

Exporting producers in Korea:

— Samnam Petrochemical Co., Ltd., Seoul, Korea,

— Taekwang Industrial Co., Ltd., Seoul, Korea.

(33) No Mexican exporting producer provided a questionnaire reply. Furthermore, ten users provided questionnaire replies, but these have not been verified at this stage of the investigation.

1.7. **Investigation period and period considered**

(34) The investigation of dumping and injury covered the period from 1 July 2024 to 30 June 2025 ('the investigation period'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2022 to the end of the investigation period ('the period considered').

([4]) https://tron.trade.ec.europa.eu/investigations/case-history?caseId=2809.

2. PRODUCT UNDER INVESTIGATION, PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product under investigation

(35) The product under investigation is terephthalic acid of a purity by weight of 99,5 % or more, usually falling under Chemical Abstracts Service ('CAS') number 100-21-0 and usually corresponding to the Customs and Statistics ('CUS') number 0023865-3, currently falling under CN code ex 2917 36 00 (TARIC code 2917 36 00 11) ('the product under investigation').

(36) TA is primarily used in the production of polyethylene terephthalate ('PET'), which has applications in bottles, packaging, fibres, films, and chips. Smaller quantities are also used in plasticisers, coatings, and other specialty applications.

2.2. Product concerned

(37) The product concerned is terephthalic acid originating in Republic of Korea and the United Mexican States, currently falling under CN code ex 2917 36 00 (TARIC code 2917 36 00 11) ('the product concerned').

2.3. Like product

(38) The investigation showed that the following products have the same basic physical chemical and technical characteristics as well as the same basic uses:

— the product concerned when exported to the Union,

— the product under investigation produced and sold on the domestic market of countries concerned, and

— the product under investigation produced and sold in the Union by the Union industry.

(39) The Commission decided at this stage that those products are therefore like products within the meaning of Article 1(4) of the basic Regulation.

2.4. Claims regarding product scope

(40) Various parties (user UAB NEO Group and KCIA with its member companies Samnam Petrochemical Co., Ltd., Taekwang Industrial Co., Ltd and Hanwha Impact Corporation) asked for the exclusion of qualified terephthalic acid ('QTA') from the product scope arguing that:

— purified terephthalic acid ('PTA') and QTA do not share the same physical and chemical characteristics,

— the Union industry only produces PTA and not QTA and it would therefore be impossible to compare the price difference between PTA and QTA, while WTO case law obliges an investigating authority to ensure price comparability when conducting its price effects analysis.

(41) UAB NEO Group elaborated that although QTA can be used in the production of bottle-grade PET chips, it cannot fully substitute PTA. Consequently, PTA must be incorporated into the process together with QTA at a specific ratio.

(42) The complainant countered by asserting that QTA shares the same physical and chemical characteristics as PTA and is largely interchangeable in most downstream applications, thereby effectively competing with PTA in polyester production market.

(43) The Commission provisionally concluded that both product types share the same physical and chemical characteristics and uses. Furthermore, any differences in the purity levels of QTA and PTA did not warrant an exclusion of QTA from the product scope. Moreover, it was found that QTA effectively competes with PTA in the production of downstream product PET across all grades of PET. The evidence collected showed that at least some users effectively use both PTA and QTA in their production interchangeably. Also, there was not found to be a clear price difference between QTA and PTA that would justify an adjustment to the cost/price of QTA. Therefore, the Commission rejected the claim.

3. DUMPING

3.1. Korea

3.1.1. *Normal value*

(44) The Commission first examined whether the total volume of domestic sales for each sampled cooperating exporting producer 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 concerned to the Union during the investigation period. On this basis, the total sales by each sampled exporting producer of the like product on the domestic market were representative.

(45) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for the exporting producers with representative domestic sales.

(46) The Commission then examined whether the domestic sales by each sampled 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 investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. On this basis, the sales for each product type by each sampled exporting producer of the like product on the domestic market were representative.

(47) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the 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.

(48) 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.

(49) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the IP.

(50) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the IP, 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.

(51) The analysis of domestic sales showed for both sampled exporting producers that less than 80 % of all domestic sales were profitable. Accordingly, the normal value was calculated as a weighted average of the profitable sales during the IP.

3.2. Export price

(52) Both sampled exporting producers sold to the Union exclusively via unrelated traders established outside the Union, including traders located in Korea and in third countries. The investigation confirmed that the product concerned was shipped directly by the producers to the the Union and the invoice/payment flow went via the unrelated traders.

(53) Therefore, the export price at ex-works level was established on the basis of Article 2(8) of the basic Regualtion.

3.3. **Comparison**

(54) Article 2(10) of the basic Regulation requires the Commission to make a fair comparison between the normal value and the export price at the same level of trade and to make allowances for differences in factors which affect prices and price comparability. In the case at hand the Commission chose to compare the normal value and the export price of the sampled exporting producers at the ex-works level of trade. As further explained below, where appropriate, the normal value and the export price were adjusted in order to: (i) net them back to the ex-works level; and (ii) make allowances for differences in factors which were claimed, and demonstrated, to affect prices and price comparability.

3.3.1. *Adjustments made to the normal value*

(55) In order to net the normal value back to the ex-works level of trade, adjustments were made on the account of inland transportation costs, handling and loading and packaging.

(56) Allowances were made for the following factor affecting prices and price comparability: credit costs.

3.3.2. *Adjustments made to the export price*

(57) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of inland transportation costs, handling and loading and packaging.

(58) Allowances were made for the following factors affecting prices and price comparability: credit costs and bank charges.

3.4. **Dumping margins**

(59) For the sampled cooperating exporting producers, 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 concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

(60) On this basis, the provisional weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin (%)
Samnam Petrochemical Co., Ltd.	6,2
Taekwang Industrial Co., Ltd.	0

(61) For the cooperating exporting producers outside the sample, the Commission calculated the weighted average dumping margin, in accordance with Article 9(6) of the basic Regulation. Therefore, that margin was established on the basis of the margins of the sampled exporting producers, disregarding the margin of the exporting producer which was found not to be dumping.

(62) On this basis, the provisional dumping margin of the cooperating exporting producers outside the sample was established at 6,2 %.

(63) For all other exporting producers in Korea, the Commission established the dumping margin on the basis of the facts available, in accordance with Article 18 of the basic Regulation.

(64) Since the Commission is aware of at least one exporting producer in Korea that did not cooperate in the investigation, it decided to establish the dumping margin for non-cooperating exporting producers at the level of the 25 % of the dumped transactions of the cooperating sampled company with the highest dumping margin.

(65) The provisional dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin (%)
Cooperating non-sampled exporting producer: Hanwha Impact Corporation	6,2
All other imports originating in Korea	13,7

3.5. **Mexico**

(66) As indicated already in recital (33) no Mexican exporting producer cooperated in the investigation. Therefore, the Commission based its findings on dumping on facts available, in accordance with Article 18 of the basic Regulation.

3.5.1. *Normal value*

(67) As there was no publicly available information on domestic prices of TA in Mexico neither for Alpek nor for any other producer, the Commission constructed the normal value for Mexico using data from the investigation period as indicated in the complaint ([5]) as well as data from the Instituto Nacional de Estadística y Geografía (INEGI) for the chemical industry sector.

(68) The normal value was constructed using the ratios of factors of production from the Union industry as indicated in the complaint and the domestic prices of these factors in Mexico, plus readily available data from the non-cooperating producer Alpek:

(a) the selling, general and administrative ('SG & A') expenses incurred by the non-cooperating exporting producer Alpek, for the IP; and

(b) the profit realised by the non-cooperating exporting producer Alpek in the most recent profitable business year, 2022.

3.6. **Export price**

(69) The export price of TA from Mexico to the Union was based on data from Eurostat and Surveillance 3 database ('Surveillance') ([6]). TA is classified under CN code 2917 36 00 (TARIC code 2917 36 00 00), specific for 'terephthalic acid and its salts'. While the product concerned by this investigation is only terephthalic acid, according to the complaint, all imports from Mexico into the Union under this CN code correspond to TA.

3.7. **Comparison**

(70) Article 2(10) of the basic Regulation requires the Commission to make a fair comparison between the normal value and the export price at the same level of trade and to make allowances for differences in factors which affect prices and price comparability.

(71) Since this price data of the Eurostat statistics represents prices at CIF level, it was adjusted to the ex-works level by deducting sea freight, customs clearance and internal transportation costs updated to the amount of the inflation rates in Mexico.

([5]) For Paraxylene and Acetic Acid: Eurostat; for Import and Export transport costs: Doing Business Report of 2020 Mexico of World Bank Group, the values from the Report were increased by inflation rate until the IP according to the inflation rates of Banco de México; for the freight from Mexico to the EU: Xeneta platform upon payable subscription; for Electricity: Comisión Federal de Electricidad ('CFE'); for Natural Gas: Comision Reguladora de Energia ('CRE').

([6]) Database established in line with Article 55 of Commision Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558, ELI: http://data.europa.eu/eli/reg_impl/2015/2447/oj). More information is available at: https://taxation-customs.ec.europa.eu/online-services/online-services-and-databases-customs/surveillance-system_en.

3.8. **Dumping margin**

(72) 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 concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

(73) On this basis, the provisional dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin (%)
All exporting producers	75,5

4. **INJURY**

4.1. **Definition of the Union industry and Union production**

(74) The like product was manufactured by three producers in the Union during the investigation period: INEOS, Orlen, and IVQ. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation. Two more producers from Indorama group were active on the Union market during the period considered: IndoramaVentures Portugal PTA – Unipessoal Lda in Sines, Portugal ('Indorama Portugal') and Indorama Ventures Europe B.V. in Rotterdam, Netherlands ('Indorama Netherlands'). Both of these facilities ceased production in 2023 and 2024, respectively.

(75) The total Union production during the investigation period was established at around 1,65 million tonnes. The Commission established the figure on the basis of all available information concerning the Union industry, such as the verified macro questionnaire submitted by the complainant, supplanted with data from individual injury questionnaires submitted by the three Union producers active in the investigation period: INEOS, Orlen, and IVQ.

(76) As indicated in recitals (25) and (74) above, the three Union producers represented 100 % of the total Union production of the like product in the investigation period.

4.2. **Captive use**

(77) To establish whether the Union industry suffered injury as a result of dumping and to determine consumption and the various economic indicators related to the situation of the Union industry, the Commission examined whether and to what extent the subsequent use of the Union industry's production of the like product (captive use) had to be taken into account in the analysis.

(78) TA is one of the main raw materials in production of PET. The most notable use of TA is in the production of PET resin, which is used predominantly in manufacture of plastic bottles and food packaging. A much smaller share of TA is used to produce PET fibres, chips and film, which are then used for plasticisers, coatings, and other specialty applications.

(79) The Commission found that a substantial part [35–60] % of IVQ's TA production was destined for captive use. A significant part of TA production was internally transferred without commercial invoices for further downstream production of PET within the company. This was part of a vertical integration strategy pursued for cost optimisation ([7]) and IVQ did not purchase any TA from unrelated suppliers for its PET production. With that in mind, even though IVQ's internal transfer prices of TA were comparable to market prices, the Commission found this part of the market to be captive.

([7]) See, for example, Indorama's press release: https://www.indoramaventures.com/en/updates/other-release/158/ivl-acquisition-of-cepsa-business-in-spain-complete#:~:text=Bangkok%2C%20Thailand%20%E2%80%93%2008%20April%202016,a%20subsidiary%20of%20Compa%C3%B1%C3%ADa%20Espa%C3%B1ola (last accessed on: 17 February 2026).

(80) A similar strategy of vertical integration was also pursued by Indorama Netherlands ([8]). In estimating the free-market consumption and captive use of total TA production in the Union the Commission therefore considered that the same share of Indorama Netherlands' production was destined for captive use in the years that it was operational. This assessment was done on the basis of available information, including the estimates submitted by the complainant in the macroeconomic questionnaire.

(81) The distinction between captive and free market is relevant for the injury analysis because products destined for captive use are not exposed to direct competition from imports. By contrast, production destined for free market sale is in direct competition with imports of the product concerned.

(82) To provide a picture of the Union industry that is as complete as possible, the Commission obtained data for the entire TA activity and determined whether the production was destined for captive use or for the free market.

(83) The Commission examined certain economic indicators relating to the Union industry on the basis of data for the free market. These indicators are: sales volume and sales prices on the Union market; market share; growth; export volume and prices; profitability; return on investment; and cash flow. Where possible and justified, the findings of the examination were compared with the data for the captive market in order to provide a complete picture of the situation of the Union industry.

(84) However, other economic indicators could meaningfully be examined only by referring to the whole activity, including the captive use of the Union industry. These are: production; capacity, capacity utilisation; investments; stocks; employment; productivity; wages; and ability to raise capital. They depend on the whole activity, whether the production is captive or sold on the free market.

4.3. **Union consumption**

(85) The Commission established the Union consumption on the basis of the verified macro questionnaire submitted by the complainant, supplemented with data from the verified individual injury questionnaires submitted by the three Union producers, and Eurostat and Surveillance data.

(86) The Commission found that Lithuania granted confidential treatment to a significant volume of imports of TA pursuant to Article 19 of Regulation (EU) 2019/2152 of the European Parliament and of the Council ([9]). For that reason Eurostat data did not show the sources for all TA imports. The Commission therefore used Surveillance data to determine the volumes, values, and sources of imports into Lithuania, while Eurostat data were used to determine the volumes, values, and sources of imports in the remaining 26 Member States.

(87) For the above reason, it was necessary to express as ranges the data on volumes and prices of imports, and all other data from which these figures could be inferred.

(88) On the basis of data as described above, Commission determined that the Union consumption developed as follows:

Table 1

Union consumption (tonnes)

	2022	2023	2024	Investigation period
Total Union consumption	[2 500 000–3 000 000]	[1 800 000–2 300 000]	[2 100 000–2 600 000]	[2 000 000–2 500 000]
Index	*100*	*72*	*85*	*83*

([8]) See, for example, Indorama's press release: https://www.indoramaventures.com/en/updates/other-release/172/ivl-announces-completion-of-expansion-of-pta-capacity-in-europe (last accessed on: 17 February 2026).

([9]) Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/2152/oj).

	2022	2023	2024	Investigation period
Captive market	[300 000–350 000]	[250 000–300 000]	[200 000–250 000]	[150 000–200 000]
Index	*100*	*86*	*71*	*58*
Free market	[2 100 000–2 600 000]	[1 500 000–2 000 000]	[1 800 000–2 300 000]	[1 800 000–2 300 000]
Index	*100*	*71*	*87*	*86*

Source: Verified questionnaire replies of the three Union producers, verified macro-questionnaire, Eurostat and Surveillance data.

(89) The period considered was marked by a decrease in total Union consumption of TA.

(90) 2023 was a particularly challenging year for the Union industry, as total demand dropped by 28 % compared to the previous year, while free market demand dropped by 29 %. This decrease was driven by general economic uncertainty within the Union affecting PET industry as the main customer of TA, as well as a normalisation of buying behaviour and destocking of main customers after the COVID-19 pandemic.

(91) In 2024, as the market stabilised, the demand rose somewhat, but total demand was still 15 % below the demand in 2022, while free market demand was 13 % below. Total demand decreased by additional 2 percentage points in the investigation period, and free market demand by 1 percentage point.

(92) The captive market shrunk in each year of the period considered and by 42 % over the period considered. This drop was mainly driven by the closure of Indorama Netherlands facility, which was gradually decreasing production (including for captive use) and stopped production of both TA and PET in 2024.

(93) The fact that the captive market consumption decreased so linearly compared to the free market demand, further speaks to the conclusion that destocking was a major factor behind the drop in free market demand in 2022. As the vertically integrated producers of PET did not need to build up stock of TA, they could simply continue supplying themselves with TA to the extent that there was demand for PET in any given year.

4.4. **Imports from the countries concerned**

4.4.1. *Cumulative assessment of the effects of dumped imports from the countries concerned*

(94) The Commission examined whether dumped imports of product originating in the countries concerned should be assessed cumulatively, in accordance with Article 3(4) of the basic Regulation.

(95) As established in recital (60) above, one Korean exporting producer, Taekwang, was found not to be dumping. Imports of Taekwang were, therefore, excluded from the injury assessment. Below considerations concern only the remaining, dumped, imports from Korea and dumped imports from Mexico. Taekwang's imports are considered as other third country imports.

(96) The margin of dumping established in relation to the dumped imports from Korea and Mexico was above the *de minimis* threshold laid down in Article 9(3) of the basic Regulation. The volume of dumped imports from each of the countries concerned was not negligible within the meaning of Article 5(7) of the basic Regulation. Market shares in the investigation period were 23 % for dumped imports from Korea and 5 % for Mexico.

(97) The conditions of competition between the dumped imports from Korea and Mexico and between the dumped imports from the countries concerned and the like product were similar. More specifically, the imported products competed with each other and with the product produced in the Union because they are sold through the same sales channels and to the same categories of customers.

(98) Therefore, all the criteria set out in Article 3(4) of the basic Regulation were met and dumped imports from Korean and Mexico were examined cumulatively for the purposes of the injury determination.

(99) Alpek highlighted that imports from Mexico have remained stable over the period considered and that the complainant did not request a cumulative assessment of imports from Mexico and Korea. Alpek claimed that price effects of imports from Mexico and Korea should thus be established independently.

(100) The complainant countered Alpek's claims, arguing that, by the very fact that the complainant submitted a single complaint covering imports of the same product from both Mexico and Korea, the complainant necessarily invoked the analytical framework of Article 3(4) of the basic Regulation. The complainant also highlighted that the Article 3(4) does not list a formal request by the complainant as one of the conditions for cumulative analysis.

(101) The Commission agreed that a request by the complainant is not a requirement for cumulative analysis. Imports from Mexico were found to be dumped and, despite a decrease over the period considered, were present in significant quantities. Therefore, all the conditions for cumulative analysis pursuant to Article 3(4) of the basic Regulation were met.

(102) The Commission therefore concluded that effects of dumped imports from the countries concerned should be assessed cumulatively and rejected Alpek's claim.

4.4.2. *Volume and market share of dumped imports from the countries concerned*

(103) The Commission established the volume of dumped imports on the basis of Eurostat and Surveillance data, as explained in recital (86) above. The market share of dumped imports was established on the basis of the import volumes and Union free market consumption as established in Table 1 above, deducting the sales of Taekwang.

(104) Dumped imports into the Union from the countries concerned developed as follows:

Table 2

Import volume and market share

	2022	2023	2024	Investigation period
Voume of dumped imports from Korea	[350 000–410 000]	[250 000–310 000]	[340 000–400 000]	[440 000–500 000]
Index	*100*	*74*	*94*	*125*
Market share (%)	16	16	17	23
Voume of imports from Mexico (tonnes)	[120 000–150 000]	[120 000–150 000]	[140 000–170 000]	[110 000–140 000]
Index	*100*	*98*	*111*	*83*
Market share (%)	6	8	7	5
Volume of dumped imports from the countries concerned (tonnes)	[470 000–560 000]	[370 000–460 000]	[480 000–570 000]	[550 000–640 000]
Index	*100*	*80*	*99*	*114*
Market share (%)	21	24	24	28

Source: Eurostat, Surveillance and verified questionnaire reply of Taekwang.

(105) Dumped imports from Korea and Mexico were present in the Union market throughout the period concerned. The dent in demand in 2023, as set out in recital (90), was also reflected in a 20 % decrease in volume of dumped imports in that year.

(106) After this drop in 2023, the volume of dumped imports began to increase sharply. In 2024, dumped imports already grew by 19 percentage points compared to 2023. This increase continued also in the investigation period, where dumped imports grew by an additional 15 percentage points, even as demand decreased, increasing overall by 14 % over the course of the period concerned.

(107) The evolution of market shares showed that the dumped imports continuously increased despite the volatility in demand. While with the reduced demand in 2023 dumped imports also decreased in absolute terms, they nonetheless increased their market share by 4 percentage points in that year. In 2024, as total demand and imports both increased, the market share of dumped imports remained stable. However, in the investigation period dumped imports gained an additional 4 percentage points of market share in the Union, as the volume of dumped imports kept rising even as demand decreased again.

4.5. **Prices of dumped imports from the countries concerned and price undercutting**

(108) The Commission established the prices of dumped imports on the basis of Surveillance and Eurostat data.

(109) Price undercutting of dumped imports was established on the basis of verified questionnaire replies of the sampled exporting producers in Korea for imports from Korea, and on the basis of Surveillance and Eurostat prices for imports from Mexico.

(110) The weighted average price of dumped imports into the Union from the countries concerned developed as follows:

Table 3

Import prices (EUR/tonne)

	2022	2023	2024	Investigation period
Korea	[840–1 000]	[720–880]	[730–890]	[680–840]
Index	*100*	*83*	*84*	*77*
Mexico	[900–1 060]	[800–960]	[790–950]	[650–810]
Index	*100*	*83*	*80*	*73*
Weighted average price	953	795	791	723
Index	*100*	*83*	*83*	*76*

Source: Eurostat and Surveillance.

(111) Prices of dumped imports from both Korea and Mexico were decreasing in each year of the period considered, with a slight upward fluctuation of import prices from Korea in 2024. As global supply chain disruptions in 2022 affected transport costs and prices of raw materials, cost of production and prices from third countries and in the Union were elevated ([10]).

(112) Prices of dumped imports fell by 17 % from 2022 to 2023. Prices from Mexico kept falling in 2023 by an additional 3 percentage points, whereas the price for Korea slightly increased in that year. Prices from both countries then decreased by an additional 7 percentage points in the investigation period, resulting in an overall decrease of 24 % of the weighted average import price from both countries over the period considered.

([10]) As can be seen in Table 7 for costs and prices of the Union industry, and Table 11 for prices of non-dumped imports from Taekwang.

(113) The Commission determined the price undercutting during the investigation period by comparing:

(a) the weighted average sales prices of the three Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and

(b) the corresponding weighted average prices of the imports from the sampled producers to the first independent customer on the Union market for Korean imports, and average import prices from Surveillance and Eurostat statistics for Mexican imports, established on a cost, insurance, freight (CIF) basis, with appropriate adjustments for customs duties and post-importation costs.

(114) The price comparison was made on a type-by-type basis for transactions at the same level of trade, and after deduction of rebates and discounts. QTA prices were compared with PTA prices as the Commission established that both product types effectively compete on the same markets and there was no significant cost or price difference between the two types justifying any adjustment.

(115) The result of the comparison was expressed as a percentage of the Union producers' theoretical turnover during the investigation period. No dumped imports were found to be undercutting in the investigation period.

(116) However, the Commission established the existence of price suppression and depression throughout the period considered. Dumped imports were sold into the Union at prices below the Union industry's costs of production in all years of the period considered. In 2022 and 2023 they were also sold at prices below the Union industry prices.

(117) The price of said dumped imports was decreasing in each year of the period considered. Faced with strong presence of ever cheaper dumped imports in the market and a continuous loss of market share to said imports, Union producers were unable to set or increase their prices above their cost of production in any year of the period considered. To the contrary, Union producers were forced to keep reducing their prices to maintain at least some market share. As shown in Table 7 below, with the exception of 2023 when a larger decrease in cost of production took place, the year-on-year price reduction by the Union industry was of a much larger magnitude than the decrease in its cost of production; Union producers were reducing their prices ever further below their cost of production, resulting in a lossmaking situation.

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

4.6.1. *General remarks*

(118) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

(119) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of the data contained in the verified macro questionnaire submitted by the complainant, adjusted where necessary with the data from individual injury questionnaires submitted by the three Union producers, as well as on the basis of Surveillance and Eurostat data on imports of the product under investigation. The data related to all Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the verified questionnaire replies of the three Union producers. The data related to the three Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

(120) 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.

(121) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.6.2. *Macroeconomic indicators*

4.6.2.1. Production, production capacity and capacity utilisation

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

Table 4

Production, production capacity and capacity utilisation

	2022	2023	2024	Investigation period
Production volume (tonnes)	2 498 563	1 604 032	1 884 941	1 654 276
Index	*100*	*64*	*75*	*66*
Production capacity (tonnes)	3 841 107	3 687 866	2 107 061	1 944 406
Index	*100*	*96*	*55*	*51*
Capacity utilisation (%)	65	43	89	85
Index	*100*	*67*	*138*	*131*

Source: Macro-questionnaire provided by the complainant and individual injury questionnaires.

(123) The production volume in the Union decreased by 34 % over the period considered. The steepest drop, of 36 %, happened in 2023. Such a steep decline was partly due to abovementioned drop in demand that year. As demand improved somewhat in 2024, so did the production volume of the Union industry, but they were still 25 % below their starting point in 2022 and decreased by an additional 9 percentage points in the investigation period.

(124) The reduction in Union production capacity clearly illustrates the level of injury suffered by the Union industry. The underlying trend is a massive reduction in Union production capacity during the period considered as several production facilities shut down in 2023 and 2024. Overall, as a result of these shutdowns, total production capacity in the Union halved between 2022 and the investigation period.

(125) For this reason, the apparent improvement of capacity utilisation, or the declines in capacity utilisation in 2023 and the investigation period compared to 2022 and 2024, respectively, are not instructive to the state of the Union industry, as they mainly relate to the closure of Union plants which reduced overall production capacity. Instead, total sales volumes and production capacity are much more informative.

4.6.2.2. Sales quantity and market share

(126) The Union industry's sales quantity and market share developed over the period considered as follows:

Table 5

Sales quantity and market share

	2022	2023	2024	Investigation period
Free market sales (tonnes)	[1 600 000–1 900 000]	[950 000–1 250 000]	[1 200 000–1 500 000]	[1 000 000–1 300 000]
Index	*100*	*61*	*78*	*71*
Market share of free market sales (%)	73	63	66	61

Source: Macro-questionnaire provided by the complainant and individual injury questionnaires.

(127) Union industry sales have declined by 29 % over the period considered. The biggest drop was recorded in 2023, coinciding with the dip in Union demand (see Table 1 above). However, while free market demand decreased by 29 % in 2023, the Union sales volumes dropped by a much more significant 39 %.

(128) With the improvement in demand in 2024, Union industry's sales also increased, but were still 22 % below 2022 levels. Finally, in the investigation period, Union industry's sales volumes decreased by additional 7 percentage points, again a much more significant decrease than the 1 percentage point drop in Union demand.

(129) The Union industry's market share fell from 73 % in 2022 to 63 % in 2023. As demand improved in 2024, The Union industry's market share rose by 3 percentage points in 2024, but then dropped again by 5 percentage points, resulting in the lowest level during the period considered.

4.6.2.3. Growth

(130) The period concerned was marked by a substantial decline in Union industry performance. Union industry's sales volumes in the free market decreased by 29 % over the period concerned, losing 12 percentage points of the market share. In contrast, the volume of dumped imports increased by 19 % over the period considered, gaining 7 percentage points of market share. The difficult market situation also resulted in the shutdown of several Union production sites, cutting the total Union TA production capacity essentially in half.

(131) As explained above, the period considered was also marked by a decrease in total Union consumption, with the biggest drop observed in 2023, as free market demand in the Union fell by 29 % compared to 2022. Union producers' sales volume as well as import volumes were at their lowest levels in that year.

(132) However, while in 2023 the Union industry sales fell by 39 % compared to 2022, the volume of dumped imports from Korea and Mexico decreased only by 20 %. This resulted in diverging trends in market share evolution, whereby the Union industry lost 10 percentage points of market share, while the dumped imports gained 3 percentage points.

(133) In 2024, the free market demand somewhat improved but remained 13 % lower than in 2022. Union industry's sales also grew by 17 percentage points but were still 22 % lower than in 2022. Dumped imports, at the same time, increased by 19 percentage points and bounced back to almost the same level as in 2022.

(134) In the investigation period Union demand decreased again, this time by a modest 1 percentage point. Despite this, volumes of dumped imports rose by an additional 19 percentage points, while Union industry's sales fell again, by 7 percentage points. In the investigation period the dumped imports thus gained an additional 4 percentage points of the market share, while the Union industry lost 5 percentage points.

4.6.2.4. Employment and productivity

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

Table 6

Employment and productivity

	2022	2023	2024	Investigation period
Number of employees	1 088	900	642	607
Index	*100*	*83*	*59*	*56*
Productivity (unit/ employee)	2 296	1 783	2 937	2 723
Index	*100*	*78*	*128*	*119*

Source: Macro-questionnaire provided by the complainant and individual injury questionnaires.

(136) The difficult situation of the Union industry resulted in the loss of 480 FTEs over the period considered. Reflecting the above-described closures of TA plants in the Union (Section 4.6.2.1), but also the curtailment of workforce in the three Union producers still operating, the total number of employees was decreasing in each year of the period considered. The workforce shrank by 17 % in 2023, followed by another huge decrease of 24 percentage points in 2024, and a further reduction of 3 percentage points in the investigation period.

(137) Productivity developed in line with the changes in production and employment. It was notably at its lowest in 2023 when the demand in the Union dipped. Productivity seemingly jumped by 50 percentage points in 2024, but not due to improvements to production processes, but rather as a result of factories closing and the remaining producers consolidating production and curtailing staff.

(138) In the investigation period, as Union producers kept losing free market sales volumes and market shares, with captive use also decreasing, even with additional curtailment of the workforce productivity decreased again by 9 percentage points.

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

(139) 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 not negligible, given the volume and prices of dumped imports from the countries concerned.

(140) TA was already subject to an anti-dumping investigation, initiated in 2016 against imports of TA from Korea. However, the investigation was terminated on 6 June 2017 ([11]) because the dumping margins found were below *de minimis*. No data were therefore available to assess the effects of possible past dumping.

4.6.3. *Microeconomic indicators*

4.6.3.1. Prices and factors affecting prices

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

Table 7

Sales prices in the Union

	2022	2023	2024	Investigation period
Average unit sales price on the free market (EUR/ tonne)	1 001	811	737	698
Index	*100*	*81*	*74*	*70*
Unit cost of production (EUR/ tonne)	1 066	1 024	876	860
Index	*100*	*96*	*82*	*81*

Source: Verified questionnaire replies of the three Union producers.

(142) While both the Union industry's average unit cost of production and average free market sales price were decreasing in each year of the period considered, due to price pressure from cheap dumped imports, Union producers were forced to sell at prices below their cost of production in all years of the period considered.

([11]) Commission Implementing Decision (EU) 2017/957 of 6 June 2017 terminating the anti-dumping proceeding concerning imports of purified terephthalic acid and its salts originating in the Republic of Korea (OJ L 144, 7.6.2017, p. 27, ELI: http://data.europa.eu/eli/dec_impl/2017/957/oj).

(143) As already mentioned in recital (111), the cost of production in 2022 was globally elevated. This was particularly true in the Union, as energy prices increased following the Russian invasion of Ukraine.

(144) As the global market situation normalised and energy prices in the Union began to stabilise from 2023 onwards, costs and prices started to decrease. The Union industry's average cost of production decreased by 4 % in 2023, followed by a substantial decrease of an additional 14 percentage points in 2024. The decrease in cost of production continued gradually in the investigation period, decreasing by an additional percentage point.

(145) Union industry's sales prices were also decreasing in each year of the period considered, but were consistently lower that the unit cost of production. This showed that production costs were not the main driver behind the price levels.

(146) Instead, dumped imports were sold into the Union at prices below the Union industry's cost of production in all years of the period considered. As the Union producers were losing market share to these cheap imports in each year (with the exception of a temporary recuperation of some market share in 2024), they had to resort to aggressive price reductions and sell below their cost of production to retain at least some sales volumes.

(147) In 2022 and 2023 dumped imports were sold at prices below the Union industry prices. The Union industry thus decreased the prices by 19 % between 2022 and 2023, with a further 7 percentage points decrease in 2024, and a 4 percentage points decrease in the investigation period.

4.6.3.2. Labour costs

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

Table 8

Average labour costs per employee

	2022	2023	2024	Investigation period
Average labour costs per employee (EUR/ year)	100 273	106 190	109 635	123 942
Index	*100*	*106*	*109*	*124*

Source: Verified questionnaire replies of the three Union producers.

(149) Average labour costs per employee increased by 6 % in 2023 and another 3 percentage points in 2024. Finally, they increased 15 additional percentage points in the investigation period.

4.6.3.3. Inventories

(150) Stock levels of the three Union producers developed over the period considered as follows:

Table 9

Stocks

	2022	2023	2024	Investigation period
Closing stock (unit of measurement)	63 623	38 583	88 864	85 394
Index	*100*	*61*	*140*	*134*
Closing stock as a percentage of production (%)	3	2	5	5

Source: Verified questionnaire replies of the three Union producers.

(151) Closing stock levels fluctuated in line with production and sales volumes, dropping in 2023 by 39 %, before more than doubling in 2024, and then decreasing slightly by 6 percentage points in the investigation period.

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

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

Table 10

Profitability, cash flow, investments and return on investments

	2022	2023	2024	Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	– 4	– 25	– 17	– 21
Cash flow (EUR)	– 5 727 453	– 126 149 667	– 194 936 339	– 200 367 756
Index	*– 100*	*– 2 203*	*– 3 404*	*– 3 498*
Investments (EUR)	37 617 198	48 691 745	30 504 952	26 133 432
Index	*100*	*129*	*81*	*69*
Return on investments (%)	– 10	– 51	– 74	– 79
Index	*– 100*	*– 489*	*– 711*	*– 757*

Source: Verified questionnaire replies of the three Union producers.

(153) The Commission established the profitability of the three 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.

(154) As shown in the difference between the Union industry's average sales prices and unit cost of production, the Union industry was incurring losses already in 2022, as it was trying to compete with dumped imports which were sold for prices below the Union industry's cost of production.

(155) In 2023, as demand in the Union dropped and Union industry's sales were at their lowest levels, while at the same time cutting prices to compete with cheaper dumped imports, the Union industry suffered its biggest losses in the entire period considered, of –25 %.

(156) Union demand and Union industry's sales volumes slightly improved in 2024 while production costs decreased. However, this did not translate into profitable operations. Instead, as the volume of dumped imports kept increasing while their prices decreased further, the Union industry was forced to further decrease its prices, resulting in only slightly less negative results, with –17 % profit in that year.

(157) As pressure from dumped imports persisted also in the investigation period, with a further decrease in price and an increase in their volumes and market share, the Union industry lost sales volumes and cut prices yet again, resulting in a worsening profit margin, at –21 %.

(158) The net cash flow is the ability of the Union producers to self-finance their activities. The net cash flow was negative already in 2022 and consistently deteriorated over the period considered, further demonstrating the dire state of the Union industry.

(159) Investments also decreased over the period considered as the Union industry's situation deteriorated. The amount of investments increased somewhat in 2023, as regular maintenance had to be undertaken by some of the Union producers. In 2024 and the investigation period, however, investments decreased by 38 and 12 percentage points, respectively.

(160) The return on investments is the profit in percentage of the net book value of investments. With reductions in new investments into production facilities and declining profit levels, return on investments also consistently deteriorated over the period considered.

(161) The ability of the Union industry to raise capital had also been severely affected by the erosion of the profitability as well as the increasingly negative cash flow incurred over the period considered.

4.7. **Conclusion on injury**

(162) As outlined above, the evolution of the volume of dumped imports and their price effects need to be considered against the backdrop of the evolving market demand.

(163) As described in Section 4.3 above, free market Union consumption decreased by 14 % over the period considered. Due to specific market conditions, the demand dropped significantly in 2023 (by 29 %), before stabilising somewhat in 2024, but still at the level of 13 % lower than in 2022. The decrease continued gradually in the investigation period, with demand dropping by an additional percentage point.

(164) Some loss of sales volumes might have been expected in the context of a shrinking market. However, the drop in Union industry's sales and production volume was much more pronounced than the 14 % decrease in Union demand: the Union industry's sales volumes decreased by a much more significant 29 % between 2022 and the investigation period. Their market share also decreased from 73 % to 61 % over that period, showing clear volume injury. The volume of dumped imports from Korea and Mexico increased by 14 % over that period, increasing their market share from 21 % to 28 %.

(165) Dumped imports were sold into the Union at prices below the Union industry's costs of production in all years of the period considered. In 2022 and 2023 they were also sold at prices below the Union industry prices. As the Union producers were losing market share to dumped imports in each year, they had to resort to aggressive price reductions. In an attempt to retain at least some sales volumes, the Union industry was selling at prices even below those of the dumped imports in 2024 and the investigation period, at the expense of further depressing their already lossmaking situation. Such price patterns indicated price suppression in 2022, and both price suppression and depression in 2023, 2024 and the investigation period.

(166) Tables 4 and 6 showed that capacity utilisation and productivity seemingly increased above 2022 levels in 2024 and the investigation period. However, as explained in the respective sections, this was a consequence of several facilities closing in the Union during 2023 and 2024, as well as reductions in workforce at the three Union producers' facilities still operating. These seemingly positive trends thus do not speak to the absence of injury, quite the contrary.

(167) As shown above, all the main injury factors showed negative trends. Production volume, capacity, sales volume, market share, growth, employment, profitability, cash flows, investments, return on investment, and the ability to raise capital all deteriorated during the period considered.

(168) On the basis of the above, the Commission concluded at this stage that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

5. **CAUSATION**

(169) 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. The Commission 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: decline in consumption, imports from third countries, export performance, and cost of production.

5.1. **Effects of the dumped imports**

(170) Against the backdrop of decreasing demand, dumped imports from Korea and Mexico kept coming into the Union at prices far below Union industry's cost of production. Union industry was at the same time losing sales volumes and market shares, and was forced to reduce their prices ever further to retain at least some market share, incurring huge losses.

(171) Over the course of the period considered, the Union industry lost 12 % of the market share, while their production and free market sales volumes decreased by 34 % and 29 %, respectively. During the same period, the volume of dumped imports increased by 19 %, gaining 7 % of market share from the Union industry.

(172) The analysis of the injury indicators in recitals (85) to (168) above showed that the economic situation of the Union industry, while experiencing the sharpest decline in 2023, worsened further in 2024 and the investigation period compared to 2022, which coincided with a significant increase of dumped imports from the countries concerned.

(173) Some users have pointed to the fact that prices of Korean and Mexican dumped imports were very close to the prices of the Union industry, claiming that they could, therefore, not be causing injury to the Union industry.

(174) The complainant disagreed with this interpretation, pointing out that prices were seemingly aligned precisely because of the price pressure exerted by the dumped imports.

(175) Indeed, as was already established above, the dumped imports caused significant price suppression in 2022 and 2023, and both price suppression and depression in 2023, 2024, and the investigation period, as the Union industry was not able to increase its prices above their cost of production. Instead, while their prices were set at the level below the unit costs of production already in 2022, the Union industry had to further decrease them throughout the period considered.

(176) In view of the above considerations, the Commission provisionally established that there is a causal link between the material injury suffered by the Union industry and the dumped imports from the countries concerned within the meaning of Article 3(6) of the basic Regulation. Such injury had both volume and price effects.

5.2. **Effects of other factors**

5.2.1. *Consumption*

5.2.1.1. Captive use

(177) As shown in Table 1 above, presence of captive market in the Union during the period considered was established, for production of PET. As captive use volumes declined gradually in each year of the period considered, without the major drop in 2023 observed in the free market, they represented between [7–10] % and [13–16] % of the total Union consumption during the period considered.

(178) Total captive use decreased by 42 % over the period considered, which was, as mentioned in recital (92), driven by the fact that Indorama Netherlands plant closed; the volume of captive use in the other Union producer which used some of its production captively remained relatively stable over the period considered.

(179) Due to this and the fact that the captive use represented between only a limited share of total Union production (between [7–10] % and [13–16] %during the period considered), the Commission concluded that captive market developments did not contribute to the injury.

5.2.1.2. Decline in consumption

(180) As already described, the free market Union consumption decreased by 14 % over the period considered. However, as also described above, the Union industry's sales volumes decreased by a much more significant 29 %, while the volume of dumped imports increased by 14 % even in such shrinking market, and gained 7 % of the market share.

(181) Therefore, while the shrinking market would have undoubtedly led to the loss of some sales volumes, even if a decline in demand would have caused injury to the Union industry, the fact that dumped imports gained an additional 7 % of market share during the period considered demonstrates that declining demand is not the main driver behind the injury to the Union industry. Shrinking market, instead, created a challenging situation in which cheap dumped imports began to seize market share from the Union producers by aggressive reduction in prices, bringing down sales volumes and prices of the Union producers, with a devastating impact on their profitability.

(182) Finally, given that the demand decreased by 14 % only, the Commission concluded that this decrease in demand did not attenuate the causal link.

5.2.2. *Imports from third countries*

(183) The quantity of imports from other third countries developed over the period considered as follows:

Table 11

Imports from third countries

Country		2022	2023	2024	Investigation period
Taekwang	Volume (tonnes)	[100 000–135 000]	[160 000–195 000]	[155 000–190 000]	[150 000–185 000]
	Index	*100*	*155*	*149*	*143*
	Market share (%)	5	11	8	8
	Average price (EUR/tonne)	[800–1 000]	[800–1 000]	[740–940]	[700–900]
	Index	*100*	*92*	*85*	*78*
China	Volume (tonnes)	[8 000–10 000]	[24 000–26 000]	[34 000–36 000]	[56 000–58 000]
	Index	*100*	*300*	*418*	*685*
	Market share (%)	0	1	2	3
	Average price (EUR/tonne)	667	781	799	730
	Index	*100*	*117*	*120*	*109*
Other third countries	Volume (tonnes)	[7 500–8 500]	[7 000–8 000]	[2 000–3 000]	[1 500–2 500]
	Index	*100*	*92*	*29*	*26*
	Market share (%)	0	0	0	0
	Average price (EUR/tonne)	1 100	1 021	1 412	942
	Index	*100*	*93*	*128*	*86*
Total of all third countries except the countries concerned, together with non-dumped imports from Korea	Volume (tonnes)	[120 000–150 000]	[200 000–230 000]	[200 000–230 000]	[220 000–250 000]
	Index	*100*	*160*	*158*	*170*

Country		2022	2023	2024	Investigation period
	Market share (%)	6	13	10	11
	Average price (EUR/tonne)	954	880	825	746
	Index	*100*	*92*	*87*	*78*

Source: Eurostat, Surveillance and Taekwang's questionnaire reply.

(184) The non-dumped imports from Taekwang were also coming into the Union at prices below the Union industry cost of production in every year of the period considered, but above their sales prices in 2023, 2024, and the investigation period.

(185) At the same time, Taekwang's imports jumped to their highest level in 2023 and steadily declined in 2024 and the investigation period. Their market share more than doubled in 2023, but decreased in 2024 and remained stable in the investigation period.

(186) Prices of imports from China were the cheapest in 2022 and 2023, but above the prices of dumped imports in 2024 and the investigation period, although still below Union industry's prices and cost of production. The volume of these imports, however, despite gradually increasing and gaining market share, were minimal.

(187) Finally, imports from other third countries were virtually non-existent. The Commission therefore concluded that these imports could not have had an impact on the Union market or the Union users.

(188) On the other hand, imports from Taekwang were significant and sold below the Union industry's cost of production. Although they seized a few percentage points of market share, they did not have the same effect on Union industry's prices as the dumped imports, which were cheaper than Taekwang's imports in all the years of the period considered and much larger in quantities. This is further evidenced by the fact that Taekwang import prices were higher than Union industry's sales prices in 2023, 2024, and the investigation period.

(189) Chinese imports, however, were sold at prices below Union industry's unit cost of production and sales prices in all years of the period considered. However, the volumes of these imports were low and they had a market share of 0–3 % over the period considered.

(190) In sum, it can be seen that the cheaply priced imports from Taekwang and China also seized around 5 % of the market share from the Union industry. Considering the above, however, even if they contributed to the injury suffered by the Union industry, their effect was not such as to attenuate the causal link between the injury suffered by the Union industry and dumped imports from the countries concerned.

(191) On the basis of the above, the Commission concluded that imports from third countries did not attenuate the causal link.

5.2.3. *Export performance of the Union industry*

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

Table 12

Export performance of the three Union producers

	2022	2023	2024	Investigation period
Export volume (tonnes)	[450 000–510 000]	[350 000–410 000]	[250 000–310 000]	[150 000–210 000]
Index	*100*	*80*	*59*	*43*

	2022	2023	2024	Investigation period
Average price (EUR/tonne)	931	755	678	651
Index	*100*	*81*	*73*	*70*

Source: Verified questionnaire replies of the three Union producers.

(193) Exports of TA were also declining gradually during the period considered. Export volumes decreased by 20 % in 2023, additional 21 % in 2024, and additional 16 % in the investigation period. Export prices showed the same declining pattern as domestic sales, as the Union industry kept decreasing the prices to stem the loss of export markets too.

(194) However, given the relatively low share of exports, representing [16–20] % of total sales of the Union producers at the beginning of the period considered, which decreased to [11–15] % during the investigation period, shows that the slowdown of exports would have had modest impact at best and does not attenuate the causal link between the dumped imports and the injury of the Union industry.

5.2.4. *Cost of production*

(195) Several interested parties and the Republic of Korea claimed that the main reason behind the caused injury were high costs of production, and specifically that the Union industry was particularly susceptible to energy and electricity prices shocks due to a historic structural dependence of the Union on imports of energy from Russia.

(196) The parties pointed out that the years 2022 and 2023 were marked by a sharp rise in costs of electricity and natural gas, as the Union introduced sanctions on Russia following its invasion of Ukraine and supplies of natural gas dropped significantly.

(197) The parties claimed that the resulting inflation, and notably increase in electricity and raw material prices, including paraxylene, which was specific to the Union, left the Union industry at a competitive disadvantage to imports from Korea and Mexico.

(198) The complainant acknowledged the sharp rise in production costs in 2022 due to soaring energy prices following the Russian invasion of Ukraine. As can be seen from Table 7 above, the costs of production, despite decreasing somewhat, remained elevated in 2023 as well.

(199) However, this does not attenuate the causal relation between the increasing dumped imports and the injury suffered by the Union industry.

(200) The fact that the prices of dumped imports from Korea and Mexico were the highest in 2022 suggests that an elevated costs environment was not specific to the Union only.

(201) Furthermore, Union costs of production were decreasing in each year of the period considered, and decreased significantly in 2024 and the investigation period compared to 2022. At the same time, dumped imports were coming into the Union in ever increasing quantities and with lower prices, preventing the Union industry from increasing the prices above their costs of production.

(202) As can clearly be seen in Table 10 above, the profitability of the Union industry was much lower in 2024 and the investigation period (the years of lowered costs of production) than in 2022 (the year with the highest cost of production). Other injury indicators show similar patterns. The significant deterioration of the Union industry's situation does not coincide in time with the period of highest production costs, but with increasing presence of dumped imports in the Union market.

(203) Finally, the Commission highlighted that, while the high costs environment may have been a broader macroeconomic reality for the Union industry in 2022 and 2023, imports from Korea and Mexico were found to be engaged in dumping. Therefore, while higher costs of production may have been a challenging factor, they do not break or attenuate the causal link between unfairly priced imports, which were suppressing and depressing Union industry prices, and the injury caused to the Union industry.

5.3. **Conclusion on causation**

(204) As set out above, against the background of the declining demand on the Union market of 14 % over the period considered, Union producers' sales decreased by 29 %. While a certain loss of sales volumes would have be expected across the board in a shrinking market, dumped imports, however, increased by 13 % in the same period.

(205) Furthermore, the low-priced imports from Taekwang and China may have also contributed to the injury, as they also increased in volume and gained almost 5 % of market share taken together.

(206) However, this increase was not to such an extent that would attenuate the causal link. 7 percentage points of market share in the Union were lost by the Union industry directly to dumped imports, which were sold at prices below the Union industry's cost of production, and lower than prices of Taekwang. To stem further loss of market share and maintain at least some level of production volume, Union producers kept decreasing their prices further and further below their costs of production, incurring massive losses over the period considered.

(207) The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports. The effect of shrinking demand, imports from third countries, and export performance on the Union industry's negative developments in terms of loss of sales volumes, market share, and profitability was only limited.

(208) On the basis of the above, the Commission concluded at this stage that the dumped imports from the countries concerned caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate the causal link between the dumped imports and the material injury. The injury consisted mainly of loss of market share, price suppression, and depression, and falling profitability.

6. **LEVEL OF MEASURES**

(209) To determine the level of the measures, the Commission examined whether a duty lower than the margin of dumping would be sufficient to remove the injury caused by dumped imports to the Union industry.

6.1. **Injury margin**

(210) The injury would be removed if the Union Industry were able to obtain a target profit by selling at a target price in the sense of Articles 7(2c) and 7(2d) of the basic Regulation.

(211) In accordance with Article 7(2c) of the basic Regulation, for establishing the target profit, the Commission took into account the following factors: the level of profitability before the increase of imports from the country under investigation, the level of profitability needed to cover full costs and investments, research and development (R & D) and innovation, and the level of profitability to be expected under normal conditions of competition. Such profit margin should not be lower than 6 %.

(212) As a first step, the Commission established a basic profit covering full costs under normal conditions of competition. As not all three Union producers could provide reliable data to show profitability on sales to unrelated customers in the Union before the increase of dumped imports from the countries concerned, the Commission established the basic profit to determine the non-injurious price at 6 %, in accordance with Article 7(2c) of the basic Regulation.

(213) Several interested parties contested the complainant's claim for a target profit margin of [8–18] %, which was proposed in the complaint. They claimed that the target profit should be set at 6 %.

(214) The Commission reminded that the target profit used in the complaint was based on the complainant actual historical profits for TA production. In this investigation, as two additional Union producers filled in the questionnaire reply, Commission sought to establish target profit in accordance with Article 7(2c) of the basic Regulation.

(215) However, as indicated in recital (212), as not all Union producers could provide reliable data to show profitability on sales to unrelated customers in the Union before the increase of dumped imports from the country concerned, Commission had to resort to establishing basic profit at 6 %, the minimum level provided by Article 7(2c) of the basic Regulation. The claims of the parties with regard to the level of target profit thus became moot.

(216) The EU Industry provided evidence that its level of investments, research and development (R & D) and innovation during the period considered would have been higher under normal conditions of competition. Following the verification, the claims of the EU Industry were found to be warranted. To reflect this in the target profit, the Commission calculated the difference between investments, R & D and innovation ('IRI') expenses under normal conditions of competition as provided by the EU Industry and verified by the Commission with actual IRI expenses over the period considered. Such difference, expressed as a percentage of turnover, ranged between was [0–1,5] %.

(217) Percentage calculated for each producer was added to the basic profit of 6 % mentioned in the recital (212) to obtain their target profit.

(218) On this basis, the non-injurious price is established between [50–60] and [70–80] EUR/T, resulting from applying the above-mentioned profit margin for each of the Union producer to the cost of production during the investigation period of each of three Union producers.

(219) In accordance with Article 7(2d) of the basic Regulation, as a final step, the Commission assessed the future costs resulting from Multilateral Environmental Agreements, and protocols thereunder, to which the Union is a party, and of ILO Conventions listed in Annex Ia ('future compliance costs') that the Union industry will incur during the period of the application of the measure pursuant to Article 11(2) of the basic Regulation. Based on the evidence presented by the tree union producers, the Commission established an additional cost between [8–14] and [36–42] EUR/T, depending on the costs incurred by each producer. This difference was added to the non-injurious price mentioned in recital (218) above.

(220) On this basis, the Commission calculated a weighted average non-injurious price of [880–1 020] EUR/T for the like product of the Union industry by applying the above-mentioned target profit margin to the cost of production of each of the three Union producers during the investigation period and then adding the adjustments under Article 7(2d) on a type-by-type basis.

(221) The Commission then determined the injury margin level on the basis of a comparison of the weighted average import price of the sampled cooperating exporting producers in Korea and on the basis of Eurostat prices for Mexico, as established for the price undercutting calculations, with the weighted average non-injurious price of the like product sold by the three Union producers on the Union market during the investigation period. Any difference resulting from this comparison was expressed as a percentage of the weighted average import CIF value.

(222) The injury elimination level for 'other cooperating companies' and for 'all other imports originating in country concerned' is defined in the same manner as the dumping margin for these companies and imports (see recitals (59) to (65) and (72) to (73) above).

Country	Company	Dumping margin (%)	Injury margin (%)
Korea	Samnam Petrochemical Co., Ltd.	6,2	34,7
Korea	Other cooperating non-sampled company: Hanwha Impact Corporation	6,2	34,7
Korea	All other dumped imports originating in country concerned	13,7	47,0
Mexico	All imports originating in country concerned	75,5	25,7

6.2. **Conclusion on the level of measures**

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

Country	Company	Provisional anti-dumping duty (%)
Korea	Samnam Petrochemical Co., Ltd.	6,2
Korea	Other cooperating non-sampled company: Hanwha Impact Corporation	6,2
Korea	All other dumped imports originating in country concerned	13,7
Mexico	All imports originating in country concerned	25,7

7. **UNION INTEREST**

(224) Having decided to apply Article 7(2) of the basic Regulation, the Commission examined whether it could clearly conclude that it was not in the Union interest to adopt measures in this case, despite the determination of injurious dumping, in accordance with Article 21 of the basic Regulation. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry and of users.

7.1. **Interest of the Union industry**

(225) Union industry has been heavily loss-making in the period considered. They have lost sales volumes and market share, and were forced to keep their prices at unsustainable levels. The difficult situation already resulted in closure of several production facilities in the Union and loss of around 500 workplaces. The main microeconomic injury indicators of the three Union producers still in operation also deteriorated over the period concerned.

(226) As explained above, dumped imports were the driving cause behind this injury. The imposition of anti-dumping measures will, therefore, alleviate the burden of unfair pricing, allowing the Union industry to increase their prices to more sustainable levels and likely reverse this decline.

(227) On the other hand, non-imposition of measures will likely allow these worsening trends to continue, potentially wiping out the remainder of the Union industry as well.

(228) Imposition of measures would therefore be in the interest of the Union industry.

7.2. **Interest of unrelated importers and traders**

(229) No unrelated importers or traders came forward in this investigation to oppose the measures. The Commission therefore concluded that the imposition of measures would not be against the interest of unrelated importers and traders.

7.3. **Interest of users, consumers or suppliers**

(230) Ten users participated in this investigation, providing questionnaire replies, while several of them also submitted comments opposing the imposition of duties. Four of them also requested and were granted a hearing to elaborate on their position.

(231) With the currently available data, the Commission estimated that these ten companies employ around 1 400 people in total in the TA-related segment of their business. These ten companies appear to account for all of Korean and half of all Mexican imports into the Union. Most of them are using TA in production of PET.

(232) In their comments, the users opposing the duties mostly claimed that any increase in the price of TA as their main raw material will make their products even less competitive against imports into the Union and on export markets, as they are extremely price sensitive. This will potentially result in their removal from the market, causing the demand for the Union industry's TA to further shrink and risking the entire value chain. The users thus concluded that anti-dumping measures would thus not ultimately be serving their purpose.

(233) In their questionnaire replies, only two users reported a profit in the investigation period, one user (Celanese Performance Solutions Switzerland Sàrl ('Celanese')) did not report any profitability figures out their business in the Union, while the other seven were lossmaking, both in the TA-related segment of the business and at total company level.

(234) While one of the two profitable users had a relatively high share of TA in their total cost of production and was sourcing moderate quantities of TA from countries concerned, it was highly profitable in the investigation period. It was estimated that, with current level of duties, there will retain a healthy profit.

(235) Two other users, Celanese and Envalior Deutschland GmbH, sourced only a very limited share of their TA from the countries concerned. It was therefore concluded that they will not be significantly impacted by the duties.

(236) For one of the remaining seven users, TA represents a very small share of their total costs of production. This user is already lossmaking, however, and sources around half of their TA in the countries concerned. They would thus likely be negatively affected by the imposition of duties, but to a lesser extent, given the small share of TA in their total cost of production.

(237) For the remaining six users, TA represents a more significant share in their total cost of production, ranging between 30 % and 75 %. They also source between 20 % to 85 % of their TA from the countries concerned. Since from the current data it was not possible to assess how much of their supply is coming from Taekwang which will not be subject to the duties, and as all of these users had either negative or low profitability, with the level of information available at this stage, the Commission concluded that the duties would add additional burden on their business.

(238) At the same time, the data submitted by the ten users above shows that, on aggregate, the ten of them source around 1/3 of their TA supply from the Union industry, or around 300 000 tons in total. These users also accounted for 90 % of total imports of TA into the Union in the investigation period, around 730 000 tons.

(239) As shown in Table 1 above, free market demand for TA in the Union free market was established at more than 2 million tons in the investigation period. This means that there are users in the Union which account for the other half of the market, i.e. around 1 million tons of TA, which they are buying almost exclusively from the Union industry and who did not come forward to oppose the duties.

(240) Considering the huge losses that the Union industry has been suffering, if the remaining Union producers shut down their facilities too, this would eliminate an important source of supply for some of the above ten users that submitted questionnaire replies and also for the users who did not come forward in the investigation.

(241) On top of this, even if eight of these users have been lossmaking, with their profitability in the IP ranging from −3 % to −15 %, the TA producers are in an even more precarious situation, with their profitability established at −21 % in the investigation period. Considering this and that the level of dumping established for the largest importing country Korea is relatively low, the Commission concluded that it was overall not against the Union interest to impose measures.

(242) In addition, the PET industry, to which almost all of the above users who provided questionnaire replies belong to, is already protected by trade defence measures against Indian and Chinese imports. These measures therefore already provide a level of protection for their downstream competitiveness against the producers in those countries.

(243) Finally, even if eight of the ten users that submitted questionnaire replies have been lossmaking, their profitability in the in the investigation period ranged from −3 % to −15 %. The Union TA producers are, however, in an even more precarious situation, with their profitability established at −21 % in the investigation period (see Table 10 above).

(244) Some parties additionally claimed that the Union industry does not have the capacity to meet the Union demand and that this is why it was necessary to source from Korea and Mexico.

(245) The Commission pointed out in that regard that the purpose of anti-dumping duties is not to close imports off from the market, but to restore the level playing field in the market.

(246) The Commission also highlighted that even in the investigation period, after total Union production capacity nearly halved, the Union industry still had the capacity to supply 85 % of total Union demand (both free market and captive). In addition, there are ample alternative sources of supply: imports from Taekwang will not be subject to any anti-dumping duty, substantive capacities are available in China, and new capacities are being installed in Türkiye. There is therefore no risk of shortage of supply.

(247) Taking all the above considerations into account, and considering that the level of dumping established for the largest importing country Korea is relatively low, the Commission concluded that it is overall not against the interest of the users to impose measures.

7.4. **Conclusion on Union interest**

(248) On the basis of the above, the Commission concluded that there were no compelling reasons to conclude that it was not in the Union interest to impose measures on dumped imports of TA originating in Korea and Mexico at this stage of the investigation.

8. **PROVISIONAL ANTI-DUMPING MEASURES**

(249) On the basis of the conclusions reached by the Commission on dumping, injury, causation, level of measures and Union interest, provisional measures should be imposed to prevent further injury being caused to the Union industry by the dumped imports.

(250) Provisional anti-dumping measures should be imposed on dumped imports of terephthalic acid originating in Korea and Mexico, in accordance with the lesser duty rule in Article 7(2) of the basic Regulation. The amount of the duties was set at the level of the lower of the dumping and the injury margins.

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

Country	Company	Provisional anti-dumping duty (%)
Korea	Samnam Petrochemical Co., Ltd.	6,2
Korea	Other non-sampled cooperating company: Hanwha Impact Corporation	6,2
Korea	All other dumped imports originating in country concerned	13,7
Mexico	All imports originating in country concerned	25,7

(252) For Korea, the individual company anti-dumping duty rate specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflect the situation found during this investigation with respect to these companies. These duty rates are exclusively applicable to imports of the product concerned originating in the countries concerned and produced by the named legal entities. Imports of the product concerned 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 country concerned'. They should not be subject to any of the individual anti-dumping duty rates.

(253) For all imports from Mexico, the applicable duty rate is the rate for 'all imports originating in country concerned'.

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

(255) 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.

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

9. **REGISTRATION**

(257) As mentioned in recital (3), the Commission made imports of the product concerned subject to registration. Registration took place with a view to possibly collecting duties retroactively under Article 10(4) of the basic Regulation.

(258) In view of the findings at provisional stage, the registration of imports should be discontinued.

(259) No decision on a possible retroactive application of anti-dumping measures has been taken at this stage of the proceeding.

10. **INFORMATION AT PROVISIONAL STAGE**

(260) In accordance with Article 19a of the basic Regulation, the Commission informed interested parties about the planned imposition of provisional duties. This information was also made available to the general public via DG TRADE's website. Interested parties were given three working days to provide comments on the accuracy of the calculations specifically disclosed to them.

(261) No comments on the accuracy of the calculations were received. Samnam provided comments within the given deadline. However, these comments related to the calculation methodology and will therefore be addressed at the definitive stage.

11. **FINAL PROVISIONS**

(262) In the interests of sound administration, the Commission will invite the interested parties to submit written comments and/or to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within a fixed deadline.

(263) The findings concerning the imposition of provisional duties are provisional and may be amended at the definitive stage of the investigation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is imposed on imports of terephthalic acid, currently falling under CN code ex 2917 36 00 (TARIC code 2917 36 00 11) and originating in the Republic of Korea ('Korea') and the United Mexican States ('Mexico').

2. The rates of the provisional 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 of origin	Company	Provisional anti-dumping duty (%)	TARIC additional code
Korea	Samnam Petrochemical Co., Ltd.	6,2	88BN
Korea	Hanwha Impact Corporation	6,2	88BO
Korea	All other imports originating in country concerned	13,7	8999
Mexico	All imports originating in country concerned	25,7	8999

3. Anti-dumping duties are not applicable to the Korean exporting producer Taekwang Industrial Co., Ltd. (TARIC additional code 899BP).

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

5. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security deposit equivalent to the amount of the provisional duty.

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

Article 2

1. Interested parties shall submit their written comments on this regulation to the Commission within 15 calendar days of the date of entry into force of this Regulation.

2. Interested parties wishing to request a hearing with the Commission shall do so within 5 calendar days of the date of entry into force of this Regulation.

3. Interested parties wishing to request a hearing with the Hearing Officer in trade proceedings are invited to do so within 5 calendar days of the date of entry into force of this Regulation. The Hearing Officer may examine requests submitted outside this time limit and may decide whether to accept to such requests if appropriate.

Article 3

1. Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 1 of Implementing Regulation (EU) 2025/2013.

2. Data collected regarding products which entered the EU for consumption not more than 90 days prior to the date of the entry into force of this regulation shall be kept until the entry into force of possible definitive measures, or the termination of this proceeding.

Article 4

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

Article 1 shall apply for a period of six months.

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

Done at Brussels, 9 April 2026.

For the Commission
The President
Ursula VON DER LEYEN