2025/1330

11.7.2025

COMMISSION IMPLEMENTING REGULATION (EU) 2025/1330

of 10 July 2025

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

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE

1.1. Initiation

(1) On 23 May 2024, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of lysine originating in the People's Republic of China ('the country concerned' or 'the PRC') 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 8 April 2024 by Metex Noovistago ([3]) ('the complainant'). The complaint was made by the Union industry of lysine 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) 2024/2732 ([4]) ('the registration Regulation').

1.3. Provisional measures

(4) In accordance with Article 19a of the basic Regulation, on 17 December 2024, the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry. Interested parties were invited to comment on the accuracy of the calculations within three working days.

(5) No comments were received regarding the accuracy of the calculations.

(6) The Commission imposed provisional anti-dumping duties on imports of lysine originating in the PRC by Commission Implementing Regulation (EU) 2025/74 ([5]) ('the provisional Regulation').

([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 lysine originating in the People's Republic of China (OJ C, C/2024/3265, 23.5.2024, ELI: http://data.europa.eu/eli/C/2024/3265/oj).
([3]) Metex Noovistago was acquired by Group Avril and, on 16 July 2024, changed its legal name to Eurolysine.
([4]) Commission Implementing Regulation (EU) 2024/2732 of 24 October 2024 making imports of lysine originating in the People's Republic of China subject to registration (OJ L, 2024/2732, 25.10.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2732/oj).
([5]) Commission Implementing Regulation (EU) 2025/74 of 13 January 2025 imposing a provisional anti-dumping duty on imports of lysine originating in the People's Republic of China (OJ L, 2025/74, 14.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/74/oj).

1.4. **Subsequent procedure**

(7) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), a cooperating exporting producer referred to in the provisional Regulation as Qiqihar Longjiang Fufeng Biotechnology Co., Ltd stated that its name should be corrected into Qiqihar Longjiang Fufeng Biotechnologies. In light of the information submitted by the company in the course of the investigation, the Commission accepted the request.

(8) Following the provisional disclosure, the two sampled exporting producers: Meihua Holdings Group Co. Ltd ('Meihua') and Heilongjiang Eppen Biotech Co.,Ltd ('Eppen'); the complainant, a user: Vall Companys, importers: Andres Pintaluba, Dutch Protein & Services B.V., Barentz Iberia and Kyowa Hakko Europe, the users' associations European Feed Manufacturer's Federation, Spanish Feed Manufacturers Confederation (CESFAC) and the importers' association Danish Grain and Feed Association filed written submissions making their views known on the provisional findings within the deadline provided by Article 2(1) of the provisional Regulation.

(9) Likewise, the China Chamber of Commerce for Metals, Minerals and Chemicals Importers and Exporters ('CCCMC'), having been empowered by four exporting producers to represent them ([6]), submitted comments within the deadline.

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

(11) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports of lysine originating in the PRC ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.

(12) Following final disclosure, the complainant, Eppen, Meihua, CCCMC, European Feed Manufacturers' Federation (FEFAC), CESFAC and Danish Grain and Feed Association submitted comments. The comments were addressed in the respective sections below.

1.5. **Claims on initiation**

(13) CCCMC reiterated its concerns regarding a deficient non-confidential summary, claiming that it is an obligation on investigating authorities to ensure that parties to an investigation provide non-confidential summaries in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

(14) The Commission reiterated that, as explained in recitals 12 and 13 of the provisional Regulation, the complaint contained sufficient information that was reasonably available to the complainant and that the non-confidential summary of the complaint did contain the relevant factors and indices having a bearing on the state of the Union industry, as required by Article 5(2) of the basic Regulation. Thus, the Commission does not agree that the rights of defence of the companies represented by CCCMC were breached at the stage of initiation.

1.6. **Sampling**

(15) In the absence of any comments on sampling, the conclusions in recitals 18 to 23 of the provisional Regulation were confirmed.

1.7. **Individual examination**

(16) In the absence of any comments, recital 24 of the provisional Regulation was confirmed.

([6]) Anhui BBCA BIOCHEMICAL Co., LTD, Dongxiao Biotechnology Co., Ltd., Heilongjiang Eppen Biotech Co., Ltd and Meihua Holdings Group Co. Ltd.

1.8. **Questionnaire replies and verification visits**

(17) In the absence of any comments, recitals 24 to 28 of the provisional Regulation were confirmed.

1.9. **Investigation period and period considered**

(18) In the absence of any comments, recital 29 of the provisional Regulation was confirmed.

2. **PRODUCT CONCERNED AND LIKE PRODUCT**

(19) After disclosure, CCCMC reiterated its claim that lysine sulphate should be excluded from the investigation and therefore the product scope should be limited to lysine hydrochloride (HCl) and liquid lysine. It specified that lysine sulphate, lysine HCl and liquid lysine differ in their characteristics, consumer perception and quality. In particular, quoting from a research paper, CCCMC claimed that lysine sulphate is of a lower quality than lysine HCl and that it contains a higher proportion of impurities. Therefore, CCCMC argued that, contrary to the Commission's conclusions in recital 37 of the provisional Regulation, lysine HCl and lysine sulphate are not interchangeable and thus lysine sulphate is not in direct competition with the lysine HCl and lysine liquid produced by the Union industry.

(20) The Commission noted that the article cited by CCCMC, actually supported the Commission's position on interchangeability. The article compared the effect of the two categories as feed for shrimp ([7]), proving that similarity in use. The article noted in the introduction section: 'L-lysine monohydrochloride (L-lysine HCl), which contains a minimum of 78 % lysine […] is a common source of free lysine for addition to poultry and aquaculture diets. One alternative is L-lysine sulphate'. And further in the same section 'L-lysine sulphate showed equal efficacy as L-lysine HCl in studies with chicken and pigs'. The fact that several research papers evaluated in detail the relevant advantages of the different forms for use in animal feed – and often concluded that they were equivalent – clearly indicated that they are considered as interchangeable by consumers and are in competition with each other for the same market, i.e. animal feed. Therefore, the Commission dismissed the claim.

(21) Dutch Protein Services B.V., an importer of food grade lysine, claimed that lysine should be distinguished between lysine intended for use in the feed industry and lysine used in the preparation of products for human consumption, and requested that lysine used in the food industry and currently classified under TARIC subheading 2922 41 00 90 should not be subject to the anti-dumping duties. It claimed that food grade lysine does not compete with animal feed grade lysine, as there are differences in the scope of application of food and feed grade lysine, which is also legally defined. The circle of producers of both products is different and there is also a difference in average price level between food and feed grade lysine. The importer claimed that none of the Chinese producers of feed grade lysine holds a relevant licence to also produce food grade lysine. The sales figures in the food sector are significantly lower in terms of volume, with a much higher price level.

(22) The importer further observed that none of the Chinese producers producing food grade lysine was approached by the Commission and stressed that no food grade lysine is produced in the Union and such production takes place entirely outside the Union. The importer claimed that imports of food grade lysine can therefore not cause material injury to the Union industry, not result in Union sales below production cost or significant losses and not result in a significant loss of sales volumes and market share of the Union industry. The importer also claimed that CN code 2922 41 00 90 is actually used in the food industry and not in the feed industry.

([7]) Jin Niu, Xu Chen, Hei-Zhao Lin, Chun-Hou Li, Kai-Chang Wu, Yong-Jian Liu1 & LiXia Tian, 'Comparison of L-lysine HCl and L-lysine sulphate in the feed of *Penaeus monodon* and re-evaluation of dietary lysine requirement for *P. monodon*' (2017), 48 *Aquaculture Research*, Volume 134, available at Comparison of L-lysine·HCl and L-lysine sulphate in the feed of *Penaeus monodon* and re-evaluation of dietary lysine requirement for *P. monodon* – Niu – 2017 – *Aquaculture Research* – Wiley Online Library.

(23) Kyowa Hakko Europe GmbH, an importer of lysine used in pharmaceutical, nutritional and industrial applications, claimed that lysine is produced predominantly for animal feed, while the market for use in pharmaceutical products is a segmented niche market that differs greatly in terms of market participants, volumes and pricing compared to the sales market for animal feed. The sales figures in the pharmaceutical sector are significantly lower in terms of volume, with a much higher price level. Furthermore, it claimed that the market for lysine HCl used for pharmaceutical purposes, contrary to the market for lysine used in feed, is growing. Kyowa Hakko Europe GmbH submitted that the market segmentation and the different pricing were not sufficiently considered in the investigation.

(24) The importer also claimed that there are no indications that the import of lysine for use as an active pharmaceutical ingredient led to the product being placed on the Union market below its normal value and, therefore, there is no injury to the Union industry. Kyowa Hakko Europe GmbH requested the Commission to exclude lysine used in the pharmaceutical sector from the product scope or, alternatively, to apply end-use regime according to Article 254 UCC within the framework of the special procedures.

(25) The claims of Dutch Protein Services B.V. and Kyowa Hakko Europe GmbH are addressed together in the following recitals.

(26) The Commission announced in the Notice of Initiation ([8]) that the product under investigation is lysine and its esters, salts thereof, regardless of the application. As summarised in recital 37 of the provisional Regulation, during the investigation the Commission analysed the application of lysine in a wide range of applications such as feed market, pharmaceutical and food, and concluded that the form of lysine and the content of lysine in the product, do not alter its basic definition, its characteristics, or the perception that various parties have of it. The different forms of lysine have the same function, i.e. to provide highly digestible lysine to animals and human beings, either in pharmaceutical products, in food (as a dietary supplement), or feed. The form of lysine is therefore irrelevant, and all three forms are interchangeable as they are the same nutrient.

(27) In view of the above claims, the Commission analysed the application of lysine in a wide range of applications such as feed market, pharmaceutical and food (dietary supplement), and concluded that the form of lysine and the content of lysine in the product, do not alter its basic definition, its characteristics, or the perception that various parties have of it. Even though the requirements on purity of pharmaceutical and food lysine are higher, the different forms of lysine have the same function, i.e. to provide highly digestible lysine to animals and human beings, either in pharmaceutical products, in food (as a dietary supplement), or feed. In this lysine is no different from any other product manufactured and marketed in various product types. The Commission further clarified that the Union industry produced and sold lysine to the pharmaceutical and food sector in the investigation period. Although the Union industry supplied mainly the animal feed market, it proved to be able to supply also the pharmaceutical and food markets with higher demands on purity of lysine.

(28) Concerning the claim on CN code, the Commission clarified that the CN code 2922 41 00 was published in the Notice of Initiation and was part of the scope of the investigation since the beginning. The CN code belongs to the category of Organic chemicals and is subdivided into:

— TARIC 2922 41 00 20 at the time of the initiation (currently falling under 2922 41 00 30): L-Lysine hydrochloride (CAS RN 657-27-2) or an aqueous solution of L-lysine (CAS RN 56-87-1), containing by weight 50 % or more of L-lysine,

— TARIC 2922 41 00 90: Other.

(29) The Commission noted that both lysine HCl and liquid lysine, for any type of use, are imported under these TARIC codes. Therefore, lysine salts, lysine acetate and lysine aspartate, intended for pharmaceutical use, are falling under CN code 2922 41 00, and they are subject to the current investigation.

([8]) See footnote 2.

(30) The Commission rejected the allegation that it had not reached out to Chinese producers of food grade lysine. Indeed, the Commission recalled that, as specified in recital 21 of the provisional Regulation, it had contacted all known producers of lysine, regardless of the grade or use, in the PRC and that had requested the assistance of the Mission of the People's Republic of China to the European Union to check and, if needed, complement the list it used. It had subsequently sampled the largest exporting producers that had come forward, as set out in recitals 21 to 23 of the provisional Regulation. Moreover, as noted in recital 23 of the provisional Regulations, the only reservations expressed by the interested parties with regards to the sample of the exporting producers was the number of sampled companies, not the type of lysine the sampled companies sell on the Union market.

(31) With regard to the claim for end use exemption, the Commission noted that in addition to the elements detailed under recital 37 of the provisional Regulation, Meihua Holdings Group Co.,Ltd, one of the sampled Chinese exporting producers, had agreed to acquire the amino acid business of Kyowa Hakko Bio Co., Ltd ([9]). The Commission also noted that the deal is subject to regulatory approval and is expected to be completed in the fourth quarter of 2025. As Kyowa Hakko Bio Co., Ltd is currently in the process of becoming a related company to Meihua Holdings Group Co.,Ltd, the Commission considers that the conditions to fulfil end use exemption laid down in Article 254 of the Union Customs Code ([10]) are not met.

(32) Based on the above considerations, recitals 30 to 38 of the provisional Regulation were confirmed.

3. **DUMPING**

(33) Following provisional disclosure, the sampled exporting producers Meihua and Eppen, CCCMC and the complainant commented on the provisional dumping findings.

3.1. **Normal value**

(34) The details of the calculation of the normal value were set out in recitals 39 to 228 of the provisional Regulation.

3.1.1. *Existence of significant distortions*

(35) No comments were received concerning the existence of significant distortions in the PRC. Therefore, the findings in recitals 52 to 151 of the provisional Regulation were confirmed.

3.1.2. *Representative country*

(36) No comments were received as to the finding that Colombia met the criteria laid down in Article 2(6a)(a), first indent of the basic Regulation in order to be considered as an appropriate representative country. The conclusions in recitals 152 to 174 of the provisional Regulation were confirmed.

3.1.3. *Sources used to establish costs and benchmarks*

(37) Following disclosure, the two sampled exporting producers submitted individual responses on the sources used to establish costs and benchmarks.

([9]) Meihua Bio Plans Acquisition of Kyowa Hakko Bio's Key Assets – HPACHINA. Also, https://uk.marketscreener.com/quote/stock/MEIHUA-HOLDINGS-GROUP-CO--7795036/news/MeiHua-Holdings-Group-Co-Ltd-agreed-to-acquire-Amino-acid-and-Human-Milk-Oligosaccharide-businesses-48448122/.

([10]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/952/oj).

(38) Eppen commented on the calculation used by the Commission to calculate benchmarks for by-products. They objected to the use of the pro rata calculation used by the Commission and requested that the Commission uses instead GTA prices. In the Annex II to the second FOP note the Commission had notified that for by-products they were aiming to use either GTA or other alternative sources. In recitals 187 and 188 of the provisional Regulation, the Commission explained that the by-products reported by the producers show great diversity in quality, which is then reflected in their diversity in pricing, but in all cases the main price driver remains corn. While analysing the submissions by the producers, the Commission had also noted that all HS codes declared for by-products are characterised by great diversity, as they are so called 'basket codes', covering a great variety of very diverse products, that do not match the by-products declared. Taking the diversity in price for the by-product itself and the variety of products covered by the codes, the Commission concluded that the GTA data for these codes is not reliable for the determination of benchmarks. In the absence of other data available in the GTA or from another source, the Commission concluded that the best approximation of the price for these by-products is to adhere to a practice already used in an anti-dumping proceeding of a product in the same category as lysine ([11]) and use a pro rata calculation. As the producer has not provided any additional information that would lead to a more reliable estimation of the benchmark, their comments were dismissed.

(39) In recitals 176, 178 and 196 of the provisional Regulation, the Commission explained that the benchmark for steam used in the production of lysine was calculated on the bases of the cost of natural gas. Eppen alleged that they purchase steam from a related company which uses coal as fuel and requested that the calculation of the price is adjusted on the basis of steam coal.

(40) In this regard it is noted that the related company had not been part of the information submitted by the Eppen group in their questionnaire replies to allow verification during the on-spot visit. No further information on the production procedure of steam or evidence substantiating this allegation was submitted. Moreover, in other cases in the same general category of products (e.g. erythritol) the Commission has used the natural gas to steam conversion. In the absence of evidence, the Commission dismissed the claim.

(41) Meihua submitted evidence and referred to verification exhibits showing that the coal used by Meihua Jilin and Meihua Xingjiang are lignite (HS code 2702 10) and sub-bituminous coal (HS code 2701 19), respectively. Meihua requested that the Commission adapts the benchmark for coal to reflect the coal used. They proposed to either use the GTA prices for lignite and sub-bituminous coal, or alternatively to use Colombian prices for steam coal.

(42) To establish a benchmark for coal, the Commission used the weighted average of unit prices of imports to all countries originating in all countries excluding the PRC and countries listed in Annex 1 of Regulation (EU) 2015/755 of the European Parliament and of the Council ([12]), as reported in the GTA (recitals 178 and 185 of the provisional Regulation). The benchmark was set on the basis of the price of anthracite (HS code 2701 11), as this was the code declared by the exporting producer in its questionnaire response. Yet, in light of the evidence submitted, the Commission accepted the claim, as the use of GTA prices for lignite and sub-bituminous coal more accurately account for the types of coal employed by the Meihua group. The Commission updated the coal benchmark for Jilin Meihua using GTA data for lignite to 0,502 CNY per kg and that of Xingjiang Meihua with GTA data for to subbituminous coal to 0,969 CNY per kg.

(43) The determination of the coal benchmark in the provisional regulation had not taken into consideration transport costs as no transport costs had been declared by Meihua in their questionnaire reply. While analysing the additional data submitted by Meihua on coal purchases mentioned in recital 41 above, the Commission noted that the transactions included transport costs which had not been declared in the producers' questionnaires, as required by the Commission.

([11]) Commission Implementing Regulation (EU) 2024/1959 of 17 July 2024 imposing a provisional anti-dumping duty on imports of erythritol originating in the People's Republic of China (OJ L, 2024/1959, 19.7.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1959/oj).

([12]) Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33, ELI: http://data.europa.eu/eli/reg/2015/755/oj).

(44) On the basis of the new submissions, the Commission determined that transport costs accounted for 11,4 % of the lignite purchase costs for Jilin Meihua and 44,6 % of the sub-bituminous coal purchase costs for Xingjiang Meihua. To calculate the total cost, the Commission applied these percentages as a markup to the coal benchmark prices derived from GTA as explained in recital 42. This resulted in a final price of 0,560 CNY per kg for the lignite used by Jilin and 1,402 CNY per kg for the subbituminous coal used by Xingjiang Meihua, inclusive of purchase costs.

(45) In their submission, Meihua requested a review of the calculations regarding the benchmark for labour cost. They noted that the benchmark was based on ILO data for the monthly earnings for 'Broad sector: Industry' in Colombia in 2023, whereas the weekly hours worked reflected 'other manufacturing' activities in Colombia in 2023. The Commission accepted that there is a clerical error and further analysed the data available in the ILO database. The Commission identified in the same source (LFS – Integrated Household Survey) a benchmark for average hourly earnings of employees in chemical industries in Colombia in the investigation period. This benchmark reflects the sector of lysine production better than the more generic industry earnings. Thus, the Commission decided to use this benchmark, which amounts to 19,8 CNY/hour after including the contributions, such as social security mentioned in recital 189 of the provisional Regulation.

(46) Following final disclosure, Meihua submitted that the Commission's practice is to establish benchmarks of raw materials by reference to import statistics. The benchmarks are prices at CIF level, which already include transport cost. Thus, the Commission erred in adding the mark-up for transport costs when establishing the benchmarks for lignite and subbituminous coal (recital 44).

(47) The Commission agreed that the international benchmarks of 0,502 CNY per kg for lignite and 0,969 CNY per kg for subbituminous coal are at CIF price level and include transport costs to the border. However, it is the Commission's consistent practice to include transport costs from the border to the factory gate when calculating the normal value. The calculation of the normal value includes an increase of the value of the international benchmark by the ratio of transport costs to material costs, as reported by the exporting producers. Only by adding these costs the value of the input materials, as delivered to the factory gate of a producer in the representative country, is properly reflected. To this end, the Commission applied the ratios as derived from the questionnaire responses of Meihua. As the Commission followed the established methodology, Meihua's request to remove the transport mark-up is dismissed and the calculations disclosed to Meihua and the resulting dumping margins remained unchanged.

(48) Eurolysine also made comments on the calculation of the coal benchmarks. They objected to the change of the benchmark to lignite and subbituminous coal, stating that the Commission should not have amended the original benchmark which was based on anthracite, because Meihua requested the change of coal benchmarks only after provisional disclosure. The Commission noted that it always seeks to draw its conclusions on correct facts and on the best data available. As cited in recital 41, the Commission was in a position to base its conclusions on data already submitted and verified during the on-spot verification visit to the Meihua factory (see recital 28 of the provisional Regulation), and thus could accept Meihua's submission regarding the types of coal employed by the companies of the group. Thus, the comment was dismissed.

(49) Eurolysine further objected to the use of the international benchmarks for coal citing that this approach deviates from that applied in the provisional Regulation. They also commented that the Commission has not included imports into China in the calculation of the benchmarks. Both comments are factually incorrect. The Commission had used an international benchmark for anthracite as seen in recital 185 of the provisional regulation. The Commission included imports into China as can be seen in the open version of the coal benchmark calculations provided in the context of the final disclosure ([13]). Therefore, the comments were dismissed.

(50) Eurolysine also commented that there is a clerical error in the factoring in of the transport costs that is described in recital 44 proposing an alternate calculation method for the transport mark-up. As explained in recital 47, the mark-up calculation was strictly adhering to the Commission's methodology. Therefore, the comment was dismissed.

([13]) t25.004917.

(51) Following final disclosure, Eppen repeated their request for the benchmark for steam to be calculated on the basis of lignite rather than gas, as set out in recital 195 of the provisional Regulation. They claimed that the steam was purchased from a related company 'Eppen Energy' that was reported to the Commission and which should have been part of the verification visit. They present to the Commission print screens of the related company's accounting system, showing lignite as the material of steam production. The Commission notes that no data on the use of coal was presented during the verification visit. Following the second FOP Note, Eppen had several opportunities to present information on the use of coal – and on the specific quality of coal – to produce steam. No data was presented prior to the definitive stage and the data submitted at final disclosure cannot be verified. Therefore, the Commission dismissed the claim.

(52) In the absence of other comments, further to the updated benchmark for labour referred to in recital 38 above and the changes to the coal benchmark summarised in recital 42 above, the findings regarding the normal value as set out in recitals 39 to 208 of the provisional Regulation were confirmed. For clarity purposes, the following rows replace rows 'Labour' and 'Coal' of Table 1 of the provisional Regulation:

'Table 1

Factors of production of lysine

Factor of Production	Commodity Code	Source of data	Value (CNY)	Unit of measurement
Labour				
Labour	[N/A]	ILO	19,8	Labour hour
Energy				
Subbituminous coal	2701 19	GTA	0,969	Kg
Lignite	2702 10	GTA	0,502	Kg'

3.2. **Export price**

(53) In the absence of comments concerning the calculation of export price, recitals 209 to 212 of the provisional Regulation were confirmed.

3.3. **Comparison**

(54) As explained in recital 218 of the provisional Regulation, adjustments were made to the export price where products were sold from the producer company towards other companies in the same group and then exported to the Union, pursuant to Article 2(10)(i) of the basic regulation for the mark-up received by the related trader, whenever the traders were considered to perform functions similar to those of an agent working on a commission basis. Meihua requested the Commission to exclude the SG & A and profit contribution of related trading companies from the calculation of the export claiming that they do not perform the function of an agent. They claimed that all of the Meihua Group's companies (both production and trading entities) are subject to a single economic control, operate together as a single undertaking with a division of functions for the purposes of producing and trading the product under investigation, and their relations are not organised on the basis of commercial relations similar to those of an agency or otherwise subject to a commission basis.

(55) The Commission noted that the questionnaire replies submitted by Meihua, and in particular the 'Physical and Financial Flowchart of Export Sales', characterise the trading companies as 'traders' and evince the existence of negotiations between the producing companies and the traders.

(56) The fact that trading companies act as agents working on a commission basis is further corroborated by the existence of sales contracts between the two traders and the factories. More importantly, the purchase contract between Meihua HQ and Jilin Meihua contains clauses that are, respectively, a liability clause and a clause regarding the resolution of disputes amicably or if that fails, in front of a court. The existence of this evidence precludes the characterisation of Meihua companies based in the People's Republic of China as a single economic entity. As noted by the case-law, the presence of an arbitration clause intended to resolve contractual disputes liable to arise between the two contracting companies and the lack of solidarity between those companies presuppose not only the existence of two distinct legal persons, but also two economic entities with divergent interests, and does not appear to be reconcilable with the existence of a single economic entity and with the classification of one of those companies as an internal sales department ([14]). This applies even more in the case of Meihua HK, a subsidiary based in Hong Kong, a customs territory separate from China, that has 'trading' as its sole activity as submitted by Meihua, and that negotiates terms with the factories and signs relevant contracts. Therefore, the Commission dismissed the claim of Meihua and confirmed the conclusions set out in recital 218 of the provisional Regulation.

(57) Following final disclosure, Meihua repeated its claims regarding the single economic entity status of the Meihua companies, but submitted no new information in this regard. Therefore, their claim was rejected.

(58) Eppen also commented following final disclosure, regarding the status of Eppen Asia. Eppen requested that Eppen Asia is not considered a separate entity, and that no deductions for profit and SG & A are made to arrive at the ex works export price. Eppen claimed that Eppen Asia is a shell company with no substantive operation, and not acting as an agent working on a commission basis.

(59) The Commission noted, however, that Eppen stated in their submission following final disclosure that the price of sales from Heilongjiang Eppen to Eppen Asia was determined by deducting a small margin of the final price of the final price from the independent costumers, which is the very nature of a commission. Furthermore, one of the contracts submitted by Eppen and quoted in their comments to the final disclosure, includes liability and arbitration clauses regarding the resolution of disputes amicably or if that fails, in front of the China International Economic and Trade Arbitration Commission in accordance with the provisions of the said Commission. The existence of this evidence precludes the characterisation of Eppen Asia as a part of a single economic entity. As noted also in recital 56, according to case-law, the presence of an arbitration clause intended to resolve contractual disputes liable to arise between the two contracting companies and the lack of solidarity between those companies presuppose not only the existence of two distinct legal persons, but also two economic entities with divergent interests. Thus, it does not appear to be reconcilable with the existence of a single economic entity and with the classification of one of those companies as an internal sales department. This applies even more in the case of Eppen Asia, a subsidiary based in Singapore, a separate country. Therefore, the Commission dismissed the claim of Eppen and confirmed the conclusions set out in recital 218 of the provisional Regulation.

(60) Finally, Eppen claimed that the list of employees proves that Eppen Asia does not have sales functions as there is no personnel with sales functions in their titles. In this regard, the Commission notes that employment contracts submitted by Eppen clearly state that 'the Company shall have the right to direct the employee to perform services for any of the related services not mentioned in this job'. On the basis of the above, the claim for single economic entity is dismissed.

(61) Both Meihua and Eppen commented on the Commission's methodology when calculating the SG & A costs contribution in the construction of the normal value and consequently the comparison of the normal value with the export price at ex-works level. These comments are a continuation of comments addressed in recitals 219 to 222 of the provisional Regulation.

([14]) See for instance Judgment of 11 September 2024, *Sveza Verkhnyaya Sinyachikha NAO and Others v European Commission*, T-2/22, ECLI:EU:T:2024:615, paragraph 57.

(62) In their submission following provisional measures, Eppen noted that the SG & A costs of the Colombian company Sucroal used by the Commission to construct the normal value contains three elements: Distribution costs, administration costs and 'other costs'. Eppen claims that the 'distribution costs' correspond to cost elements that are direct expenses incurred beyond the ex-works level. As such, they should not be included in the calculation of the constructed normal value of the company under investigation. The Commission notes that Eppen provided no evidence regarding the breakdown of the distribution costs, to support the claim. Thus, this claim was dismissed.

(63) Similarly, Meihua claimed that the Commission has incorrectly included distribution costs in the constructed SG & A costs ratio, while it has simultaneously deducted such costs from the calculation of the Meihua Group's export price. Meihua's claim relies solely on the assumption that the breakdown of SG & A of Sucroal relating to 'distribution costs' mirrors expenses such as handling and loading, freight, and other ancillary expenses that were deducted from the export price to bring it to ex-works level. However, this assumption is not supported by any evidence on file.

(64) Regarding both claims, the Commission notes that the 'distribution costs' reported by Sucroal are part of the SG & A costs. This is shown by the fact that 'other costs' reported in the Orbis database, are disaggregated into 'distribution costs', 'administration costs' and 'other costs' in the data provided by the Colombian authorities. The data available do not make a further distinction within the distribution costs that would allow to identify and exclude specific categories of costs. As such, distribution costs are selling costs, that may include transport costs, but also other categories of costs, such as leasing of storage and distribution facilities, including the necessary machinery and vehicles, or advertising and market research, which were not deducted from the export price.

(65) Meihua further claimed that the burden of proof falls with the Commission as it has to prove that it used an 'undistorted and reasonable' amount of administrative, selling and general costs and for profit, as required by Article 2(6a) of the basic Regulation. These claims had been addressed in recital 220 of the provisional Regulation. In the latest submission, Meihua further claimed that the Commission should accept that it bears the burden of proof by referring to Commission Implementing Regulation (EU) 2025/58 ([15]) imposing anti-dumping duties on imports of certain pneumatic tyres originating in the PRC.

(66) The Commission noted that in recital 267 of Implementing Regulation (EU) 2025/58, the Commission only addressed the question of the suitability of the SG & A costs in a general manner, stating that 'SG & A and profit did not appear disproportionately high and thus were deemed as appropriate'. Regarding detailed information on SG & A costs, the Commission notes that in the case of pneumatic tyres, as set out in recitals 270 and 271 of Implementing Regulation (EU) 2025/58, the Commission indeed subtracted transportation costs from the calculation of the SG & A costs to bring it to ex-works level, based on information available in the company's financial statements. However, in the case of Sucroal, no such detailed information was readily available, nor made available by the exporting producers (Eppen and Meihua) to allow the Commission to subtract transportation costs.

(67) Following final disclosure, both Meihua and Eppen repeated their claims regarding the Commission's methodology when calculating the SG & A costs contribution in the construction of the normal value, but submitted no new information. Therefore, their claims were dismissed.

(68) In the absence of any additional information that would allow the exclusion of particular costs from the SG & A costs calculation, the Commission considered that the level of SG & A costs of Sucroal is undistorted and reasonable for the ex-works level of trade and rejected the claims received. In the absence of other comments regarding 'Comparison' recitals 213 to 222 of the provisional Regulation were confirmed.

([15]) Commission Implementing Regulation (EU) 2025/58 of 15 January 2025 imposing a definitive anti-dumping duty on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L, 2025/58, 16.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/58/oj), recitals 262 and 269-271.

3.4. **Dumping margins**

(69) As described in recital 52 above, following claims from interested parties and in the absence of any further comments, the Commission recalculated the dumping margins.

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

Company	Definitive dumping margin (%)
Meihua Group: — Jilin Meihua Amino Acid Co., Ltd — Xinjiang Meihua Amino Acid Co., Ltd	47,7
Heilongjiang Eppen Biotech Co., Ltd	58,2
Other cooperating companies	53,1
All other imports originating in the People's Republic of China	58,2

4. **INJURY**

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

(71) In the absence of comments on the determination of the Union industry and Union production, the Commission confirmed its conclusions set out in recitals 229 to 231 of the provisional Regulation.

4.2. **Union consumption**

(72) The revision of the Chinese import data for lysine in the investigation period, as explained in recitals 79 to 82 and shown in the revised Table 3, had an impact on Table 2 of the provisional Regulation. The definitive Table 2 is as follows:

'Table 2

Union consumption (tonnes in HCl equivalent)

	2020	2021	2022	IP
Total Union consumption	[465 000 – 510 000]	[470 000 – 515 000]	[450 000 – 495 000]	[410 000 – 450 000]
Index	*100*	*102*	*97*	*86*

Source: Eurostat (lysine HCl, liquid lysine, lysine sulphate 2023), Specialised market intelligence (*) (lysine sulphate 2020-2022).

(*) The specialised market intelligence is stated in recital 237 of the provisional Regulation.'

(73) During the period considered, the Union consumption decreased by 14 percentage points.

(74) In the absence of comments on Union consumption, the Commission confirmed its conclusions set out in recitals 234 to 236 of the provisional Regulation.

4.3. **Imports from the country concerned**

(75) In recitals 237 and 238 of the provisional Regulation, the Commission explained that, in order to not unduly include other products, the import data of lysine sulphate it used were from specialised market intelligence providers of Chinese and Indonesian trade statistics. The exact source could not be disclosed at the request of the data provider, but the Commission had been able to cross-check these data.

(76) After disclosure, CESFAC and Vall Companys argued that the Commission's decision to not disclose the source of import data for lysine sulphate meant that interested parties must take them at face value. In addition, they claimed that the Commission and Eurolysine had not outlined the methodology used by the providers or the adjustments that were subsequently made to the export or import data to allow the identification of lysine sulphate imports in view of their classification in 'basket' CN codes.

(77) CESFAC and Vall Companys submitted revised figures for imported lysine from China, using Eurostat data for imports of lysine HCl and lysine sulphate import data which they had obtained from Kemiex, a market intelligence provider which follows essential raw material supply chains. The combined data of Eurostat and Kemiex showed a volume of Chinese imports of 296 869 tonnes in the investigation period, which is 11 % lower than the 329 052 tonnes published by the Commission in Table 3 of the provisional Regulation. CESFAC and Vall Companys Group noted that, in their revised calculation, Chinese imports of lysine had remained relatively stable throughout the period concerned, declining from 2020 to 2022 and recovering from 2022 to 2023. Overall, Chinese imports had only increased by 6 % from 2020 to the investigation period in comparison to the 8 % reported by the Commission and they had increased by 9 % rather than 15 % from 2022 to 2023.

(78) In the same vein, CCCMC claimed that the Commission had failed to demonstrate that there has been a significant increase in dumped imports from China, in either absolute terms, or relative to consumption or production, stating that an import volume increase by 8 % is not significant. It submitted official China export statistics for lysine HCl showing an overall decrease of exported volumes in the period considered of 14 % between 2021 and 2022, and of additional decrease of 16 % between 2022 and 2023 (investigation period). CCCMC submitted Eurostat import data for lysine sulphate (CN 2309 90 31, and 2309 90 96) for the period considered to demonstrate a decrease in the imported volumes to the Union, claiming that the Commission failed to assess properly the import volumes of lysine and the entirety of trends observed during the investigation period.

(79) In the provisional Regulation, the Commission applied import data for lysine sulphate from a specialised market intelligence for the entire period considered to ensure consistency for lysine sulphate, even though a separate CN code for lysine sulphate was created in 2023. In view of CESFAC's argument of imported volume of lysine sulphate from China for the investigation period, the Commission re-assessed the situation. Given the availability of a separate CN code for lysine sulphate as from 2023, it concluded that it was more appropriate to use, for that year, the import data from Eurostat for that product type, as those data are the most reliable. For the preceding years, as lysine sulphate was imported under basket codes and Eurostat data was not available strictly for lysine sulphate, and the Kemiex data submitted by CESFAC was understated in comparison to the Eurostat import statistics for lysine sulphate in the investigation period, the Commission considered that the import data from the specialised market intelligence it had used at the provisional stage continued to be the most reliable source.

(80) The Commission noted, moreover, that there were clear indications that the Kemiex data used by CESFAC contained serious flaws, because, as also noted by the complainant, CESFAC admitted that for the investigation period (2023) the estimated volume of lysine sulphate exports from China, i.e. 31 205 tonnes, was lower than the applicable quota, which was confirmed by the Commission to be exhausted on 6 October 2023. The Commission recalled that CESFAC had used a specialised market intelligence for essential raw material supply chains, rather than an import/export database.

(81) The data provided by CESFAC were 5 % lower than the Eurostat import data for the investigation period, which confirmed that the import volumes according to Kempiex are understated.

(82) In view of the updated import statistics, as described in recital 79 above, Table 3 of the provisional Regulation is revised as follows:

'Table 3

Import volume and market share

	2020	2021	2022	IP
Volume of imports from China (tonnes)	304 015	294 812	285 083	313 449

	2020	2021	2022	IP
Index	*100*	*97*	*94*	*103*
Market share (%)	[60–69]	[49–63]	[59–69]	[70–79]
Index	*100*	*96*	*96*	*120*

Source: Eurostat (lysine HCl, liquid lysine, lysine sulphate 2023), Specialised market intelligence (lysine sulphate 2020-2022).'

(83) The Commission established that during the period considered, the imports from China increased by 3 %, whilst the market share of those imports increased from [60 %-69 %] in 2020 to [70 %-79 %] in the investigation period. The Chinese imports maintained a dominant share on the Union market throughout the period considered and the overall increase in imported volumes occurred at time when the Union consumption of lysine decreased by 14 %, resulting in a market share increase by 20 %. On that basis, the Commission rejects the claim that there has not been a significant increase of dumped imports from China.

(84) With regard to the claim on non-transparent treatment of the source of import data for lysine sulphate between 2020-2022, the Commission explained in recitals 98 to 101 below why it considered it justified not to disclose the specialised market intelligence.

(85) The complainant stated that the objective of the submission of the EU lysine industry dated 7 November 2024 concerning lysine sulphate was to provide more accurate data. This submission was done in a fully transparent manner, with the possibility for all interested parties to access and check the data, including the breakdown between the different types of lysine. Given that the number of specialised market intelligence providers is limited, the complainant has not disclosed the source.

(86) CCCMC claimed that the Commission had not diligently assessed the conversion rates between lysine HCl, liquid lysine and lysine sulphate, arguing that the Commission had not provided evidence to support correctness of the conversions. CCCMC noted that lysine sulphate is also available in liquid form. The liquid forms contain 25 % lysine and the solid forms about 50 %. As a result, CCCMC argued that import figures presented by the Commission are incorrect and inflated and they do not shed light on how the Commission applied conversion rates to imports under CN code 2922 41 00, which covers both lysine HCl and liquid lysine.

(87) CCCMC also claimed that the Commission failed to provide reasoned and adequate explanations concerning the evidence that lysine sulphate is produced only in China and Indonesia and failed to conduct a segmented injury analysis by distinguishing between lysine HCl, liquid lysine and lysine sulphate.

(88) The Commission gathered evidence at the level of sampled Chinese exporting producers that the Chinese companies export only lysine HCl (78 % content of lysine in the product) and lysine sulphate (55 % content of lysine in the product), i.e. with the lysine content used in the conversion rates to convert lysine sulphate to lysine HCl equivalent. The Commission reiterated that these rates are explained in recital 234 of the provisional Regulation. The Commission noted that they are based on the publicly available and well-known chemical composition and molecular masses of the products and have been verified during the visits to the Chinese exporting producers. Furthermore, the disclosed contents of lysine are used by the users and have not been disputed by importers nor users. The only known exporters of lysine sulphate during the period considered were Chinese and Indonesian exporting producers. No evidence against this assertion was brought up by any of the interested parties. With regard to the segmented injury analysis, the Commission concluded in recital 37 of the provisional Regulation that the lysine form is irrelevant as all three forms (HCl, liquid and sulphate) are interchangeable because they are the same nutrient with the same function. The Commission also concluded in recital 27 above that the intended use of lysine, the form of lysine and the content of lysine in the product do not alter its basic definition, its characteristics, or the perception that various parties have of it. Therefore, it was not necessary to carry a segmented injury analysis. The Commission rejected the claim.

(89) Following final disclosure, CCCMC submitted that the Commission granted excessive confidentiality to lysine sulphate import data and the source of the data. Firstly, CCCMC alleged that the Commission did not disclose separate data for imports of lysine sulphate from China, only consolidated imports already converted into lysine HCl.

(90) The Commission explained in the provisional Regulation (recital 37) that all forms of lysine are interchangeable as they are the same nutrient, and have similar essential physical, technical and chemical characteristics. While the Commission published consolidated imports converted into lysine HCl, the Commission also explained in the provisional Regulation that only lysine HCl and lysine sulphate is imported from China. The imports of lysine HCl were extracted from Eurostat. It is therefore possible to calculate the HCl converted volumes of imports of lysine sulphate by applying the conversion factor of 0,705 tonne of lysine sulphate to HCl equivalent described in recital 234 of provisional Regulation. This claim is rejected.

(91) Secondly, CCCMC alleged that the Commission did not demonstrate that the disclosure of the source of import data of lysine sulphate and the import data itself would allegedly be 'of significant competitive advantage to a competitor' or have 'a significantly adverse effect upon a person supplying the information or upon a person from whom that person has acquired the information', claiming Chinese exporters should have access to this information, as it relates to their imports.

(92) The Commission explained in recital 238 of the provisional Regulation that the source of the data concerning the Chinese imports could not be disclosed at the request of the data provider. The Commission further explained in recital 99 below why it considered sufficient to disclose the data for imports of lysine sulphate from China without disclosing the origin of those data. The Commission maintained that the import data of lysine sulphate were disclosed (recital 82 above) and that the disclosure of the source of those data would be against the conditions of the source data provider.

(93) Thirdly, following the final disclosure, CCCMC reiterated that the Commission failed to conduct a segmented injury analysis distinguishing between lysine HCl, liquid lysine and lysine sulphate, claiming the lysine forms are not interchangeable and that the Commission had the data necessary to conduct such an analysis.

(94) The Commission maintained its position set out in recital 88 above, and further explained that vast majority of lysine is used in animal feed, for which the interchangeability of lysine forms was confirmed by the lysine users. The scientific article quoted by CCCMC in recital 20 above demonstrated that the forms of lysine are in direct competition. The Commission maintained its position that the provisional Regulation contained all the essential evidence and non-confidential summaries of data provided under confidential cover in order for interested parties to exercise their right of defence.

(95) CCCMC further alleged that the Commission did not address comments on the evaluation of impact of Chinese imports on the situation of the Union industry concerning decreased Union consumption, and trends in production volumes of Union industry in conjunction with Chinese imports to the Union. In particular, CCCMC claimed that the Union industry's production suffered from the greatest drop between 2021 and 2022, i.e., when the Chinese imports of lysine also decreased and were therefore not the explanatory force of the decreasing trend.

(96) The Commission maintained that the comments submitted by CCCMC were addressed in sufficient detail in recitals 79, 83, 88 above and recitals 103, 105, 106 and 107 below. In summary, contrary to the claims of CCCMC, it is clear from Table 2 that the Union consumption decreased by 14 percentage points in the investigation period, while the Union production decreased by 83 percentage points (Table 5). In the same period, the Chinese imports maintained dominant market share in the Union (Table 3), and even though the imported volumes decreased by 3 percentage points in 2022, the decrease was lower that the decrease in Union consumption (– 5 percentage points). Furthermore, the Commission had addressed the comment on spiralling effect in the investigation period in recital 284 of the provisional Regulation. The argument was rejected.

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

(97) CCCMC submitted that, according to Eurostat for CN code 2922 41 00, 2309 90 96 (basket code) and 2309 90 31 (basket code), the decrease of Chinese import prices between 2022 and 2023 are much higher compared to the prices provided by the Commission in the provisional Regulation (Eurostat data for CN code 2922 41 00 and Eurolysine's data for lysine sulphate) and that the grant of confidentiality of import data strongly impinges upon its rights of defence.

(98) With regards to the import statistics, the Commission clarified that while Eurostat is a publicly available database on import statistics for eight-digit CN codes, regarding lysine sulphate the Commission could not use the import statistics of current TARIC codes 2309 90 31 51, 2309 90 31 59, 2309 90 96 51, 2309 90 96 59, as those TARIC codes were 'basket codes' including products other than the product concerned between 2020 and 2022. Moreover, in the provisional Regulation, the Commission explained in recitals 237 and 238 that lysine HCl (China) import data was extracted from Eurostat, and import data on lysine sulphate was cross-checked from a specialised market intelligence to gain more accurate view of lysine sulphate imports. Concretely, the Commission extracted import statistics of lysine sulphate (basket codes) from Eurostat and Surveillance for the period considered and noted that the import volumes were between 662 896 tonnes in 2020 and 537 126 tonnes in 2023, i.e. significantly above the duty-free tariff quota. Given that the duty-free quota of lysine sulphate was exhausted every year of the period considered in the Autumn months, the Commission considered the Eurostat statistics as not accurate. The Commission analysed export data from China on lysine sulphate extracted from a specialised market intelligence and noted that those data show more accurate view of lysine sulphate imports in the Union.

(99) Furthermore, the Commission noted that in the Case T-326/21 ([16]), the General Court concluded in paragraph 52 and 53 that 'certain allegations in the submission appear to criticise the Commission for not communicating to the applicants the origin of the data used. However, the applicants do not explain how disclosure of the origin of the data was necessary in order to defend their interests, since the data themselves had been communicated to them and the Commission had responded to their objections. In the light of the foregoing, it is in no way apparent that the Commission failed to communicate to the applicants the information necessary in order to enable them effectively to make known their views on the truth and relevance of the facts and circumstances alleged and on the evidence relied on by it'. Considering this case-law, the Commission therefore considered it sufficient to disclose the data for imports of lysine sulphate from China without disclosing the origin of those data. The CCCMC's claim was therefore rejected.

(100) Furthermore, the Commission recalled that the CN codes 2309 90 96 and 2309 90 31, used by CCCMC to demonstrate average price decrease of lysine sulphate between 2022 and 2023, were 'basket codes' containing other imported products until 2023. Therefore, any demonstration of price development on these CN codes by CCCMC is unsubstantiated and incorrect, as the prices used were an average of prices of lysine and other products. The Commission further explained the imported volumes of lysine from China in Section 4.3.1 and 5.1 of this Regulation.

(101) The Commission therefore considered that the complaint and the provisional Regulation contained all the essential evidence and non-confidential summaries of data provided under confidential cover in order for interested parties to exercise their right of defence throughout the proceeding. It is recalled that Article 19 of the basic Regulation and Article 6(5) of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade allow for the safeguarding of confidential information in circumstances where disclosure would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person has acquired the information. The information provided under confidential cover falls under these categories. In any event, the complainant has provided summaries of the contents of the confidential segments of the complaint. It had also explained in recital 17 of the provisional Regulation that in view of the fact that Union industry consists of a single producer it was understandable that injury factors were given in ranges and in indexed form in the complaint. Thus, the Commission rejected that the rights of defence of the companies represented by CCCMC were breached in the investigation.

([16]) Judgment of 21 June 2023, *Guangdong Haomei New Materials Co. Ltd and Guangdong King Metal Light Alloy Technology Co. Ltd v European Commission*, T-326/21, ECLI:EU:T:2023:347.

(102) CCCMC further argued that the Commission did not present data to show the undercutting trend, a pricing conduct that continues throughout the period considered. CCCMC further claimed that the Commission did not provide evidence of how Chinese and Union imports interacted over the period considered, submitting that the Commission's finding of existence of price undercutting is inconsistent with the obligation to conduct an objective examination. In view of this claim, the complainant submitted that the Union industry had demonstrated in the complaint that the undercutting has not been static, as it started long before the investigation period and continuously increased.

(103) The Commission noted that an objective price undercutting analysis should be based on a comparison of prices between like product types. It is therefore the Commission's consistent practice to make this analysis on the basis of the detailed sales data of sampled exporting producers and the Union industry in the investigation period, as those data allow for a type-by-type comparison. No such analysis can be made for the preceding years, absent of such detailed data. The claim was rejected.

(104) CCCMC further claimed that Eurostat data show substantially higher prices of Chinese imports than the data provided by the Commission in Table 4 of the provisional Regulation, and that the Commission has not provided sufficient evidence as to the price undercutting, price depression and price suppression of the Chinese imports to the Union industry. It highlighted that Chinese import volumes and market share decreased in 2021 and the Chinese prices increased substantialy, while the Union industry was significantly loss-making. CCCMC claimed that if Chinese imports would have suppressed the Union industry's sales prices, the profitability of the Union industry should have improved in 2021.

(105) With regard to Chinese import prices, as was already explained in the provisional Regulation, the average price of Chinese imports for lysine HCl is extracted from Eurostat for CN code 2922 41 00. The average price of Chinese imports for lysine sulphate is extracted from a specialised market intelligence provided by the complainant. The data published in Table 4 is the result of a weighted average of import price of lysine HCl and lysine sulphate, based on the imported volumes of each form in a given year.

(106) The Commission reiterates that it is incorrect to consider average import prices under CN codes 2309 90 31 and 2309 90 96, as these CN codes included a number of other products between 2020 and 2022. With regard to the investigation period, the Commission explained in recitals 79 to 82 above that it updated the import data for lysine sulphate in the investigation period for CN codes 2309 90 31 and 2309 90 96, as those codes were reserved only for lysine sulphate in 2023. The updated data resulted in a change of the average import price in the investigation period, and Table 4 of the provisional Regulation is therefore revised as follows:

'Table 4

Import prices (EUR/tonne)

	2020	2021	2022	IP
China	876	1 342	1 679	1 159
Index	*100*	*153*	*192*	*132*

Source: Eurostat (lysine HCl, liquid lysine, lysine sulphate 2023), Specialised market intelligence (lysine sulphate 2020-2022).'

(107) With regard to the claim questioning price depression and price suppression caused by the Chinese imports to the Union industry, the Commission noted that the prices of dumped Chinese imports were much lower than the sale prices of the Union industry (and the import prices of lysine from Brazil, Indonesia and South Korea) during the period considered. It is clear that such low prices, in combination with a very high market share, amounting to [70 %-79 %] in the investigation period, have dragged down prices of the Union industry, as evidenced by their profitability figures.

(108) CCCMC requested the Commission to provide a detailed non-confidential version of the injury margin calculation showing that injury was found for 100 % of the imported volumes of the sampled companies, including the adjustments made by the Commission. The Commission rejected the request, and it reminded CCCMC that the undercutting calculations were disclosed to the sampled exported producers only because the calculations are company specific and contain sensitive price data, therefore, they are confidential by nature. All of the data providers had the opportunity to verify in detail the relevant calculation made by the Commission and to comment on it.

(109) Following final disclosure, CCCMC alleged that the Commission did not provide factual basis for finding the existence of price undercutting 'for 100 % of the imported volumes of the sampled companies' considering that there is a mismatch between forms of lysine.

(110) The Commission informed that details of the calculations of the price undercutting, are confidential and that they had been communicated to the sampled Chinese exporting producers concerned. The Commission maintained that the applied approach was in line with the basic Regulation.

(111) CCCMC further claimed that the Commission did not provide a factual basis for the finding that the Chinese imports allegedly low prices exercised price depression to the Union industry and that provisional Regulation did not even mention price depression.

(112) The Commission clarified that recitals 250 and 289 of the provisional Regulation described the price suppression exercised by the Chinese imports. The Commission explained that the Chinese imports were significantly undercutting the Union industry prices in the investigation period and the Chinese prices were below the prices of the Union industry throughout the period considered, dragging down the Union industry sales prices further aggravating the financial losses. This was demonstrated by the Chinese import volumes, market share and average import price. The claim was rejected.

(113) In absence of other comments, recitals 244 to 250 of the provisional Regulation were confirmed.

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

4.4.1. *General remarks*

(114) In the absence of any comments, recitals 251 to 254 of the provisional Regulation were confirmed.

4.4.2. *Macroeconomic indicators*

4.4.2.1. Production, production capacity and capacity utilisation

(115) In absence of other comments, recitals 255 to 258 of the provisional Regulation were confirmed.

4.4.2.2. Sales volume and market share

(116) The revision of the Chinese import data for lysine in the investigation period, as explained in recital 79 and shown in the revised Table 3, had an impact on Table 6 of the provisional Regulation. The definitive Table 6 is as follows:

'Table 6

Sales volume and market share

	2020	2021	2022	IP
Sales volume on the Union market (tonnes)	[52 000–57 000]	[68 000–75 000]	[31 000–34 000]	[7 500–9 000]

	2020	2021	2022	IP
Index	*100*	*132*	*63*	*16*
Market share (%)	10,7	14	7	2
Index	*100*	*130*	*65*	*18*

Source: Questionnaire reply Eurolysine.'

(117) In absence of any comments, recitals 259 to 261 of the provisional Regulation were confirmed.

4.4.2.3. Growth

(118) In absence of any comments, recital 262 of the provisional Regulation was confirmed.

4.4.2.4. Employment and productivity

(119) In absence of any comments, recitals 263 to 265 of the provisional Regulation were confirmed.

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

(120) In absence of any comments, recitals 266 to 267 of the provisional Regulation were confirmed.

4.4.3. *Microeconomic indicators*

4.4.3.1. Prices and factors affecting prices

(121) In absence of any comments, recitals 268 to 271 of the provisional Regulation were confirmed

4.4.3.2. Labour costs

(122) In absence of any comments, recitals 272 to 273 of the provisional Regulation were confirmed.

4.4.3.3. Inventories

(123) In absence of any comments, recitals 274 to 275 of the provisional Regulation were confirmed.

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

(124) Following final disclosure, CCCMC alleged that the Commission did not address comments on cash flow increase of Union industry and return on investment.

(125) The Commission maintained that the cash flow trend was explained in recital 278, and the return on investments in recital 280 of the provisional Regulation. Even though the cash flow improved in the investigation period due to sales from stock, it remained negative throughout the period considered. The seemingly improving trend of return on investments in the investigation period was attributed to lower loss in profitability than in the previous years, caused by low production in the investigation period. The effect of Chinese imports on the decrease in production volumes was described in Sections 4.3 and 4.4 of the provisional Regulation. The claims were rejected.

(126) In absence of any comments, recitals 276 to 281 of the provisional Regulation were confirmed.

4.5. **Conclusion on injury**

(127) All claims of the parties following the provisional Regulation were rejected. The Commission therefore concluded, based on the findings disclosed in the provisional Regulation, that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation and recitals 282 to 286 of the provisional Regulation were, therefore, confirmed.

5. **CAUSATION**

5.1. **Effects of the dumped imports**

(128) CCCMC, CESFAC and Vall Companys alleged that the provisional Regulation did not adequately address the causal link between Chinese imports and the Union industry's sales and whether lysine imports from China actually caused the material injury of the Union industry. It therefore relied partly on CESFAC's own (alternative) import data, which the Commission rejected, as duly explained under Section 4.3 above.

(129) CCCMC, CESFAC and Vall Companys argued that the evolution of the Union industry's sales volumes has no correlation with the evolution of the Chinese imports, in particular as Chinese imports decreased in volume between 2021 and 2022 and the Union industry did not take advantage of that decrease, as its sales dropped as well in 2022. However, as shown in Tables 2 and 3 of the provisional Regulation, consumption dropped significantly between 2021 and 2022, much stronger than the volume of Chinese imports, and therefore there was no scope for the Union industry to recover some of the volumes lost to Chinese markets, had that been possible in terms of costs and prices. The claim was therefore rejected.

(130) CCCMC also claimed that the Commission had not demonstrated the price undercutting and that the Chinese imports caused the Union industry's price depression and price suppression. In this respect, the Commission noted that the prices of dumped Chinese imports were much lower than the sale prices of the Union industry and the import prices of lysine from Brazil, Indonesia and South Korea (Table 12 of the provisional Regulation). It is therefore evident that the price of Chinese lysine, with a dominant position on the Union market throughout the entire period considered, exercised price suppression and price depression to the Union industry and also on imports from other non-Chinese sources. The Commission therefore rejected the claim.

(131) Following final disclosure, CCCMC alleged that the positive attribution test of the impact of the Chinese imports through their volume, price effects, and impact on the Union industry is not met and that the Chinese imports had not caused injury to the Union industry. CCCMC claimed that the Commission did not examine in sufficient detail how the volumes and prices of the subject imports interacted with the prices of domestic like products over the period considered in order to cause price undercutting and suppression and injury to the Union industry.

(132) The Commission disagreed and considered that a sufficient level of analysis in this respect was disclosed in Section 4 of provisional Regulation and in the final disclosure document (reflected in Section 4 of this Regulation). The claim was dismissed.

(133) In the absence of other comments, recitals 288 to 291 of the provisional Regulation were confirmed.

5.2. **Effects of other factors**

5.2.1. *Imports from third countries*

(134) CESFAC and Vall Companys submitted that third country imports were a significant contributor to the injury claimed by the Complainant during the period considered, in particular in 2022, and that the Commission had failed to assess the impact of other third countries' imports on the injury during the period considered.

(135) The Commission recalled that the Commission had analysed the role that imports from other third countries could have had on the injury of the Union industry under recitals 292 to 298 of the provisional Regulation. In that analysis, it had concluded (i) that the market share of non-Chinese third countries decreased between 2020 and the IP by 4 % and it stood at [20 %-25 %] in the investigation period; and (ii) that the import prices of dumped Chinese imports were much lower than the sale prices of the Union industry and the import prices of lysine from Brazil, Indonesia and South Korea, three of the four other sources of imports; whereas prices of imports from the USA were at similar levels – but import volumes from the USA had been halved from 2020 to the investigation period. CESFAC and Vall Companys did not question those findings, and the claim was therefore rejected. The revision of the Chinese import data for lysine in the investigation period, as explained in recitals 79 and shown in the revised Table 3, had an impact on the market share in the investigation period of third non-Chinese exporting producers of lysine. The Commission disclosed ranges in Table 12 of the provisional Regulation. The new market shares remain in the ranges disclosed in the provisional Regulation.

(136) In the absence of other comments, recitals 292 to 298 of the provisional Regulation were confirmed.

5.2.2. *Export performance of the Union industry*

(137) CESFAC and Vall Companys claimed that export sales representing 20 % of the Union industry's total sales is a significant share and not be taken lightly in the Commission's analysis.

(138) The Commission maintained, for the reasons explained in recitals 300 and 301 of the provisional Regulation (notably, volume, volume trend and prices) that these sales did not attenuate the causal link.

(139) Following final disclosure, CCCMC alleged that the poor export performance, self-imports, and focus shift from lysine to specialty products and poor pre-existing financial situation did break the alleged causal link between the dumped imports and the material injury found.

(140) The Commission maintained, as explained in recitals 300 and 301 of the provisional Regulation, that the Union industry exports decreased linearly with the decrease in production in the period considered. The Commission already demonstrated in the Section 4.3 of the provisional Regulation and the final disclosure document (reflected in Section 4.3 above) that the decrease in production was due to Chinese imports. With regard to the claim on self-imports, the Commission explained in recital 303 of provisional Regulation that those imports were considered marginal and intended to improve the cash flow position of the Union industry. Similarly, in recital 310 of the provisional Regulation, the Commission explained that the production of other amino acids is separate from the production process of lysine and does not have impact on the capacity utilisation of the lysine plant. The Commission also maintained that the claim on the poor pre-existing economic situation of the Union industry was addressed sufficiently in recital 312 of the provisional Regulation. The claim was rejected.

(141) In the absence of other comments, recitals 299 to 301 of the provisional Regulation were confirmed.

5.2.3. *Other factors*

(142) In absence of any comments, recitals 302 to 313 of the provisional Regulation were confirmed.

5.3. **Conclusion on causation**

(143) All claims of the parties following the provisional Regulation were rejected. The Commission therefore concluded, based on the findings disclosed in the provisional Regulation, that the dumped imports from the PRC caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate or break the causal link between the dumped imports and the material injury.

6. LEVEL OF MEASURES

6.1. Injury margin

(144) CCCMC, CESFAC and Vall Companys claimed that no information concerning the investment plans and postponed projects has been provided in the non-confidential file and that this amount should not be used in the calculation of the target profit, specifying that 'normal conditions of competition' should not be equated to 'ideal conditions of competition' and that the assessment of the target profit must be conducted with reference to the actual (normal) conditions of competition in the market at issue.

(145) The complainant submitted that the main aspects of its strategy were to industrialise the production of glycolic acid and to create additional production capacity for valine and the two projects required significant investments. Due to the poor economic performance caused by dumped lysine from China, the complainant was never in the position to materialise these investments.

(146) The Commission recalled that in the provisional Regulation and a Note to the File ([17]), it had explained that it had verified the information provided by the complainant in this regard and found the claim to be warranted. It had also explained how it had established the relevant adjustment. For reasons of confidentiality, no details could be provided on the complainant's investment plans and postponed projects. The Commission considered that under normal conditions of competition, the market would not be distorted by dumped imports causing injury. The verified claim on investments foregone could clearly be linked to the distorted market situation and the Commission therefore confirmed that an adjustment therefore of the target price under Article 7(2c) of the basic Regulation was warranted.

(147) Following final disclosure, CCCMC alleged that essential facts were not demonstrating that adjustments under Article 7(2)c of the basic Regulation were justified. CCCMC claimed the investments foregone could not be clearly linked to the distorted market situation.

(148) The Commission maintained that for reasons of confidentiality, the information contained in the Note to the File mentioned in recital 146 above was deemed sufficient to substantiate that the postponed investment plans were linked to the dumped Chinese imports. The claim was therefore rejected.

(149) Secondly, CCCMC and CESFAC disagreed with the Commission's calculation of Union industry's current and future environmental costs performed under Article 7(2d) of the basic Regulation, also with a view to adjusting the target price. CCCMC claimed that the environmental standards applied by the Commission artificially inflated the target price and that the WTO rules do not permit the use of anti-dumping policies to enforce environmental or labour standards extraterritorially. CCCMC also disagreed with the calculation of future cost of emission allowances, claiming that the figure calculated by the Commission is overstated, and submitted that the complainant has consistently received more free ETS allowances that it needed to cover its actual emissions. The complainant disputed CCCMC's claim that the EU lysine industry received more allocations than it needed to cover its actual emissions, and it submitted that CCCMC took into account only data for one installation in the French registry, and that the production of amino acids is not eligible for the compensation of indirect CO_2 costs associated with electricity.

(150) The Commission rejected the claim of CCCMC and CESFAC. It noted that the amount of ETS allowances received is based on the production volume of previous years. For the next several years, the complainant will therefore receive fewer allowances, since its production volume in recent years was lower due pressure from the dumped imports. The figures used are thus realistic, verified amounts and not overstated, as claimed by the parties. As regards the alleged WTO incompatibility of the inclusion of current and future environmental costs in the target price, the claim was unsubstantiated and based on the incorrect assumption that the calculation of the target price has extraterritorial effects or was meant to enforce environmental or labour standards in third countries.

([17]) t24.011363.

(151) CESFAC and Vall Companys also stated that the Commission's methodology to calculate ETS cost seems to be based on the total pollutant emissions volume currently attributed to the complainant, rather than emissions associated with lysine production only. The Commission clarified that it established the estimated future additional costs only in relation to the production of the product concerned and the upstream products generating CO_2 emissions. The methodology was explained in the mentioned Note to the File.

(152) CCCMC further disputed a target profit of 10,69 % as an unrealistic and unreasonable scenario. The Commission recalled that the methodology for calculation of the target price is set out in recitals 318 to 326 in the provisional Regulation and it strictly follows the provisions of Article 7(2c) and 7(2d) of the basic Regulation. The Commission applied a reasonable profit margin, as set out in the basic Regulation, of 6 %. Subsequently, the Commission calculated 4,69 % in investments foregone, R & D, innovation (IRI) and ETS based on the verified figures of the Union industry. CCCMC did not explain why it considered the resulting adjustment unrealistic and unreasonable and the claim is therefore rejected.

(153) Following final disclosure, CCCMC reiterated that the Commission's approach to establish the target profit of 10,69 %, comprising of basic profit, IRI and ETS cost, was incorrect. CCCMC alleged that the Union industry was lossmaking throughout the period considered and that it was factually and legally unjustified to apply a profit margin of 6 %. CCCMC claimed that, in the absence of profit of Union industry, the target profit should have been established at 6 %.

(154) The Commission explained in recital 320 of the provisional Regulation that, as the Union industry suffered losses during the entire period considered and the Union industry data could not be used, the Commission established a profit margin at 6 % as a basic profit. Furthermore, the level of investments, research and development (R & D) and innovation of 4,69 % under normal conditions of competition was calculated based on the verified investment plans of the Union industry, as explained in recital 146 above, and added to the basic profit to obtain the target profit.

(155) The Commission considered that that CCCMC is correct that in the absence of profit by the Union industry because of significant imports from China throughout the period considered, the basic profit should indeed be established at 6 % in accordance with Article 7(2c) of the basic Regulation ([18]). However, the Commission observed that this basic profit is set as a minimum and not a maximum level pursuant to Article 7(2c) of the basic Regulation. Moreover, this basic profit needs to be adjusted in case when the Union industry makes a legitimate claim that the target profit should include an amount of R & D and innovation expenses foregone. 4,69 % represents only that amount which is to be added to the basic profit. The interpretation of CCCMC would lead to the illogical conclusion that an industry in the circumstances of lysine industry would be entitled to the profit of 6 % irrespective of whether it successfully claims that it had had such investments foregone.

(156) The Commission therefore observed that the overall target profit established of total 10,69 %, that is including a basic profit and R & D investments under normal conditions of competition, is in accordance with Article 7(2c) of the basic Regulation.

(157) In any case, even if the claim was accepted and the overall target profit was to be set at 6 %, the resulting injury margins would have been still significantly higher than the dumping margins, which set the level of the duties, for all parties. The Commission therefore considered the claim moot as it would not have had an impact on the duty level for any of the exporting producers.

(158) In the absence of comments, recital 328 of the provisional Regulation was confirmed. Therefore, the definitive injury elimination level for the cooperating exporting producers and all other companies is as follows:

([18]) See for a similar interpretation TiO_2 Commission Implementing Regulation (EU) 2024/1923 of 10 July 2024 imposing a provisional anti-dumping duty on imports of titanium dioxide originating in the People's Republic of China (OJ L, 2024/1923, 11.7.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1923/oj).

Company	Definitive injury margin (%)
Meihua Group: — Jilin Meihua Amino Acid Co., Ltd — Xinjiang Meihua Amino Acid Co., Ltd	158,9
Heilongjiang Eppen Biotech Co., Ltd	155,9
Other cooperating companies	157,5
All other imports originating in PRC	158,9

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

(159) Following the above assessment, definitive anti-dumping duties should be set as below in accordance with Article 7(2) of the basic Regulation. The amount of the definitive duty is set out in recital 204 below.

7. **UNION INTEREST**

7.1. **Interest of the Union industry**

(160) CESFAC and Vall Companys claimed that Eurolysine and its predecessors have promised to increase production of lysine on many occasions and have consistently failed to deliver on this promise despite receiving prolonged protection and substantial financial support from the French state.

(161) The Commission reiterated that due to the overwhelming presence of dumped Chinese imports on the Union market at prices below the Union industry's cost of production, the Union industry was eventually forced to adjust the production volumes to very low levels.

(162) The complainant submitted that since the initiation of the investigation, the demand for European produced lysine increased, which in turn increased Eurolysine's production, and alleged that the Union industry has plans to massively scale up production of lysine and increase the Union output of the amino acid (such as lysine, tryptophane, valine, isoleucine, leucine and arginine) through an investment plan of EUR 130 million between now and 2030 with the view to developing Eurolysine's production capacity, improving its energy efficiency and modernising existing facilities. The complainant stressed that a failure to adopt the anti-dumping measures would result in closure of Eurolysine's facilities.

(163) In the absence of other comments on the interests of the Union industry, recitals 331 to 335 of the provisional Regulation were confirmed.

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

7.2.1. *Security of supply*

(164) European Feed Manufacturers' Federation (FEFAC) alleged that the anti-dumping measures may disrupt lysine imports as Union production and other third countries cannot replace imports from China and satisfy the Union demand. The Danish Grain and Feed Association (DAKOFO) submitted that by restricting imports from China, the proposed duties risk creating a monopolised market, limiting supply options for EU feed producers and increasing price volatility.

(165) Barentz further alleged that the combined capacity of the Union industry and third countries (excluding China) is insufficient to meet the Union consumption of lysine, which was during the investigation period approx. 435 000 tonnes. Barentz stressed that the Union industry and other third countries can supply for around 41 % of the total EU demand of lysine, while the EU industry alone could only supply 18 % of the EU demand, resulting in a shortage of 59 % to meet demands of users. Barentz concluded that the EU users and importers of lysine will be forced to continue to procure most of their lysine demand from China and pay the anti-dumping duty, which would result in an increased costs of lysine for animal feed producers and farmers.

(166) The complainant submitted that the position of FEFAC was predicated on a number of incorrect assumptions, namely that the Union industry production of lysine will remain static and will not increase should measures be imposed, that Chinese suppliers will withdraw from the European market should the measures be imposed, that non-Chinese third country suppliers do not satisfy the regulatory requirements to sell lysine to EU feed users. The complainant further noted that there are vast overcapacities in China, which will be targeted to the Union market in view of latest trade measures in Brazil and the US.

(167) With regards to the unused production capacities of lysine in Brazil, Indonesia, the Republic of Korea and the USA, the complainant submitted that these exporting producers have in the past supplied more volume to Union customers before the significant increase of lysine shipments from China, i.e. prior to the period considered. The complainant asserted that the spare capacities in non-Chinese third countries was between 500 000 – 600 000 tonnes in 2023. The complainant concluded that the anti-dumping measures will increase the attractiveness of the Union market for lysine producers in the Union and in third countries through fair competition.

(168) With regard to production and additional spare production capacity in non-Chinese third countries, the Commission noted that there was a huge overproduction of lysine in China in the period considered (approx. 2 500 000 tonnes of production, while only 300 000 tonnes were consumed domestically). Overall, based on the analysis of the data on the production capacity and production in Brazil, Indonesia, South Korea and USA as reported in Feedinfo, the Commission noted that there were additional unused production capacities in the third non-Chinese countries totalling 500 000 tonnes ([19]) in 2023. These additional spare capacities, which are higher than the total size of the EU market, are complementary to the 100 000 tonnes of lysine which were already imported from non-Chinese third countries in the investigation period. On that basis, the Commission expected that, as the imposition of definitive measures would restore a competitive market situation in the Union with higher prices, these measures would be an incentive to third country producers to increase their EU sales. Over the last years, non-Chinese third countries could only export liquid lysine to the Union as that market segment was not targeted by Chinese imports which focussed on the largest product group lysine HCl and lysine sulphate. That situation changed with the measures in place. The analysis above therefore confirmed that the security of supply is not at risk; the EU industry will significantly increase its production and sales volumes, Chinese imports will not be halted and there will be an increased offer of non-Chinese imports on the market which, if needed, could satisfy the entire demand for imported lysine. As explained in recital 162, the Union industry resumed its production of lysine. The complainant submitted production data demonstrating a substantial increase of production since July 2024 with a view of reaching the full production capacity in 2026 ([20]).

(169) The Commission further considered that the definitive anti-dumping duties, which are set at the level of dumping, were not prohibitive. This is for the following reasons: first, the underselling margins were well above the level of the duties (see the Table in recital 204); second, based on the prices observed in the period considered, the price of imports from China (Table 4 in the provisional Regulation) with the definitive anti-dumping duties would be in a similar price range with the prices of imports from the non-Chinese third countries (Table 12); third, the impact of the duty on users is limited, as explained in Section 7.3.2 below. Therefore, Chinese imports to the Union were expected to continue, albeit in lower volumes, as they remain competitive, even with the anti-dumping measures in place. The measures were expected to guarantee a continued and increasing supply from the Union producer and restore a level playing field without blocking Chinese imports. The Commission therefore considered that, when level playing field is restored, the other third country non-Chinese lysine producers would be able to adjust to the market conditions and increase the imported volumes of lysine to the Union, if needed. The argument is rejected.

(170) In the absence of other comments on the interest of importers, the comments made on the interest of importers were rejected. Therefore, recitals 336 to 340 of the provisional Regulation were confirmed.

([19]) Feedinfo – Feedinfo – news, pricing and scientific information for the animal nutrition and food industry.
([20]) t25.004370.

7.3. **Interest of users and consumers**

7.3.1. *Increased costs for feed producers and farmers*

(171) The Danish Grain and Feed Association (DAKOFO) alleged that the proposed anti-dumping duties will result in an additional annual cost of approximately DKK 230 million (EUR 30,8 million) for Danish feed producers and that these costs will ultimately be passed on to livestock farmers, reducing their global competitiveness and increasing food production costs in Denmark and the Union.

(172) DAKOFO urged the Commission to consider alternative measures that address concerns without harming the competitiveness of EU feed and livestock producers, such as to facilitate investment in additional lysine production capacity within Europe, reducing dependency on imports through market-driven rather than protectionist measures, and to streamline approval processes for alternative feed ingredients and ensure that European feed producers have access to raw materials at competitive global prices.

(173) Barentz and CESFAC alleged that the adoption of anti-dumping measures will negatively affect the Union interest as the negative impact on the whole value chain of lysine in the Union would outweigh the interests of the complainant, and the imposition of anti-dumping measures would create a significant increase in the cost of animal feed and weaken competition on the Union market. CESFAC further submitted that downstream user industry generates small profit margins and that animal feed represents approximately 65 % of the costs to produce pork and poultry products.

(174) Barentz submitted that farmers will face higher costs, which they will have to pass on to their customers due to very low profit margins. Barentz feared that with measures in place farmers will become less competitive compared to livestock producers from third countries who are not facing increased lysine costs and may even benefit from a lower lysine price because Chinese exporters might divert their lysine volumes to third countries.

(175) With regard to the comments of DAKOFO and Barentz on the impact of the duty on the financial position of farmers, the Commission noted that these claims were unsubstantiated. In any event, the Commission considered that an additional cost of animal feed production of less than 1 % to the animal feed producers (see recital 179 below) did not necessarily translate into an additional cost to the farmers, depending on what the former can pass on their costs to the latter. The additional cost increase resulted in any event to a much smaller cost increase of pork and poultry meat, as animal feed is an important but not the only element in the breeding costs. That claim was therefore rejected.

(176) The Commission addressed the other comments of DAKOFO, CESFAC and Barentz under Section 7.3.2.

7.3.2. *Impact assessment submitted by FEFAC*

(177) The European Feed Manufacturers' Federation (FEFAC) submitted an impact assessment of the provisional anti-dumping duties for lysine imports from China. The study was based on simulations performed in seven Union regions (covering 25 Member States) and explored different lysine price increase scenarios as a consequence of the introduction of the anti-dumping measures against a baseline corresponding to the average price of lysine sulphate and lysine HCl over the period January 2023 to March 2024. FEFAC concluded that a potential cost increase would occur in the production costs of industrial feed for pig and poultry in the range of 1,11 %-1,51 % at the EU-combined level, translating into increased production costs of industrial feed for pig and poultry of EUR 300 to 400 million depending on the scenarios, and an estimate of extra cost of EUR 100 to 140 million for home mixing. With regard to soybean meal consumption, FEFAC estimated that potential increased demand between 450 000 and 600 000 tonnes.

(178) With regard to FEFAC's impact assessment, the Commission identified several material flaws, notably with regard to the calculation of the CIF-prices which overestimated the impact of the duties as provisionally established. The Commission also noted that FEFAC's scenarios were based on the duty levels in the provisional Regulation, which were significantly higher than those finally established.

(179) In view of the revised duty levels, the Commission assessed their impact based on the verified questionnaire reply of the sole cooperating user Vall Companys, an important animal feed and meat products producer. The Commission applied definitive anti-dumping duties to their lysine purchases in the investigation period and established that the cost share of lysine in their costs of production of animal feed products would increase by less than 1 %. This is under the worst-case scenario assumption that all other circumstances (purchase sources, purchase prices net of duties, feed formulas) remain equal, which is unlikely as economic operators can be expected to adapt to changed circumstances and, as a result, reduce their costs through purchasing from cheaper sources (e.g. other non-Chinese third countries), purchasing from sources without anti-dumping duties, or changing the feed formula for lower lysine content. The Commission considered amongst other that the users may switch to cheaper lysine suppliers (whether or not subject to anti-dumping duties) or adjust their feed formula recipes for lower content of lysine.

(180) On that basis, the Commission maintained that the impact of the measures on animal feed producers is very limited.

(181) Following final disclosure, FEFAC alleged that since the initiation of the investigation, the price quotation of lysine increased by 47 %, which in turn would have further impact on the lysine users (estimated EUR 220-240 million for feed industries and EUR 300 million for home mixing) than calculated in FEFAC's initial impact assessment.

(182) The Commission noted in recital 214 below that, based on the Eurostat import statistics, prices of Chinese imports have increased post investigation period, and they were 9 %-15 % above average prices in the investigation period, not 47 %. The Commission concluded in recital 179 above that the cost share of lysine in their costs of production of animal feed products would increase by less than 1 %. Even with lysine price increase of 9 %-15 %, the cost impact on animal feed remains under 1 %. The claim was rejected.

(183) CESFAC and Vall Companys submitted that a cost increase of animal feed of less than 1 % translated into approximately EUR 220 million for all Union producers of animal feed, and considered the additional cost important in view of the low profits of animal feed producers and meat producers.

(184) The Commission noted the arguments brought forward by CESFAC and maintained that the impact of additional cost, and the possibility of lysine users to absorb or pass on this additional cost, had been carefully analysed by the Commission. The Commission concluded in recital 179 above that a cost increase of animal feed of less than 1 % can be absorbed, or passed on, by the downstream industries.

7.4. **Other factors**

7.4.1. *Environmental concerns*

(185) Barentz and FEFAC alleged that the main option to replace lysine as a feed additive is to use crude protein raw material sources such as soybean and, with the anti-dumping duties in place, the consumption of soybean in animal feed will increase. Soybean is a less cost-efficient solution for animal feed production caries a negative environmental effect, since the production of soy is linked to deforestation in third countries and the usage of soybean in animal feed would contribute to increased emissions of methane, nitrous oxide and carbon dioxide in the Union. FEFAC estimated in its impact assessment an increase of 3 % in usage of soyabean meal, which translates into a figure of 500 000 tonnes of higher demand for soyabean meal that would need to be imported from third countries. DAKOFO reiterated the negative environmental and economic consequences and submitted that, to compensate for the higher lysine prices, Danish feed producers can adjust feed formulations, leading to an increased annual demand for soybean imports by approximately 20 000–40 000 tons per year, translating into a loss to the Danish feed producers by EUR 1-2 million.

(186) On the environmental concerns, the complainant emphasised that the carbon footprint of lysine produced in the Union is five times lower than the carbon footprint of lysine produced in China, and three times lower than the lysine produced in non-Chinese third countries. Therefore, it argued that the continued import of Chinese lysine is contributing to the issue of carbon leakage, and undermining Green Deal and other environmental ambitions of the Union.

(187) The Commission analysed the claims on negative environmental impact and noted that the impact assessment lacked proper correlation between increased price of lysine and the percentage of feed volumes that would switch to soybean as a source of crude lysine. While the impact assessment identified correctly that soybean can be used in the animal feed to substitute lysine, it failed to provide conclusive results on the increased imported volumes based on a number of incorrect assumptions in the impact assessment. Moreover, even if soybean meal imports were to increase in the Union, such imports would be subject to the EU regulation on deforestation-free products ([21]), which would address any concerns of an environmental nature. The claim was therefore rejected.

(188) Following final disclosure, CESFAC and Vall Companys alleged that the Commission did not assess the security of supply of soybean meal with regard to the US tariffs and subsequent countermeasures by third countries. CESFAC and Vall Companys submitted that the US tariffs on Chinese imports and the subsequent retaliatory measures adopted by China had disrupted the global trade flows of soybeans. CESFAC and Vall Companys claimed that imports of Brazilian soybean to China would increase in the future to the detriment of imports of US soybean to China, causing direct competition to imports of Brazilian soybean to the Union. CESFAC and Vall Companys further expected the price of soybean to increase due possible shortages on the Union market, caused by increased imports of soybean to China, and the EU Deforestation Regulation.

(189) The Commission noted that since the beginning of 2025, the US tariffs and subsequent retaliatory measures had been constantly evolving and therefore it was difficult to establish impact on imports of soybean to the Union. With regard to the imports of soybean from Brazil, the Commission noted EU-Mercosur trade agreement would reduce export tariffs that Mercosur had imposed on exports to the EU of soybean products, which are one of the key materials to feed for EU livestock. The Commission also noted that CESFAC and Vall Companys acknowledged that price fluctuation impact soybean imports, too. This assertion did not contradict the 'least-cost formulation principle'. On the contrary, with increase price of soybean, the animal feed producers will likely opt for lysine.

7.4.2. *Interchangeability of different forms of lysine for users*

(190) FEFAC alleged that not all EU compound feed producers are equipped to process liquid lysine and, therefore, imports of lysine HCl and lysine sulphate from China remain necessary. In the same vein, CESFAC claimed that solid forms of lysine in powder and liquid forms of lysine are not interchangeable for users from a practical or technological perspective and that the imposition of anti-dumping measures would disproportionately affect small and medium-sized feed producers, pre-mixers and on-farm feed producers which rely on solid forms of lysine produced by Chinese exporting producers and cannot switch to liquid forms of lysine.

(191) The complainant alleged that the Spanish consumption of liquid lysine was substantially higher in the past years, which indicates that customers are not limited to lysine HCl and lysine sulphate. The complainant claimed that Spanish feed companies are able to consume much higher quantities of liquid lysine without the need to invest in new equipment and that the increase in liquid lysine consumption between 2023 and 2024 confirms that with the positive effect of the anti-dumping investigation, non-Chinese lysine suppliers are already coming back to the EU market since the investigation was initiated and they will continue if measures are definitively imposed.

(192) With regard to the possibility of users to switch, if need be, from dry to liquid or vice versa, the Commission found that data from FeedInfo show that the consumption of liquid lysine was much higher in 2021 than in the following years ([22]). As China does not export liquid lysine to the EU, this evolution can be attributed to the loss of quantities and market share of non-Chinese third countries and the Union industry. Feedinfo also shows an increase in liquid

([21]) Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (OJ L 150, 9.6.2023, p. 206, ELI: http://data.europa.eu/eli/reg/2023/1115/oj) entered into force on 29 June 2023. The rules begin to apply for medium and large operators and traders as of 30 December 2025, and for micro and small enterprises as of 30 June 2026.

([22]) Monthly Spanish consumption of liquid lysine (in tonnes of lysine HCl equivalent) provided by the complainant based on export statistics and Eurolysine sales:
- 2021: 4 500-6 500 tonnes;
- 2022: 4 000-6 000 tonnes;
- 2023: 2 500-4 500 tonnes;
- 2024: 3 500-5 500 tonnes.

lysine consumption between 2023 and 2024, which suggests that a number of users are already able to change between dry and liquid lysine. Furthermore, the complainant submitted data from specialised market intelligence proving that lysine HCl imports from non-Chinese third countries increased significantly in 2024 (from 207 tonnes in Q1 to 3 262 tonnes in Q4), following the initiation of the investigation, while no lysine HCl was exported by the non-Chinese third countries in the period considered ([23]). Therefore, the Commission concluded that the animal feed producers will continue having both options of dry and liquid lysine even with a decrease of imports from China.

(193) Secondly, the Commission noted that the reason that liquid lysine was the most important product type imported in the Union from other non-Chinese countries in the period considered was not related to the inability of third country producers to produce or sell lysine HCl or lysine sulphate, but due to the overwhelming presence on the market of Chinese imports of lysine HCl and lysine sulphate, resulting in price depression. With measures imposed, it will be attractive again for third country producers to sell products other than liquid lysine in the Union. In a standard manufacturing method, the lysine producers obtain liquid lysine first, which is subsequently transformed into lysine HCl or lysine sulphate by a drying equipment. It is therefore a simple process for the lysine producers to transform liquid lysine to powdered form of lysine. The Commission rejected the argument.

(194) In the absence of other comments on the interest of users, recitals 341 to 347 of the provisional Regulation were confirmed.

7.4.3. *Strategic interest of the Union*

(195) CESFAC and Vall Companys questioned whether Eurolysine's sales volumes on the Union market will rise following the implementation of the anti-dumping measures. CESFAC and Vall Companys expressed concerns that Eurolysine, following acquisition by Group Avril, will sell significant volumes of lysine for captive use to support Avril's own animal feed business, Sanders, and will not sell lysine supply to its competitors in the animal feed sector.

(196) The complainant rejected that there is any risk that Eurolysine's takeover by Groupe Avril would leads to any foreclosure of lysine supply on the Union market. It underlined that Eurolysine remains an independent business unit within Groupe Avril, which moreover is not a vertically integrated feed company and that therefore, from Eurolysine's perspective, Sanders is a potential customer such as Vall Companys and any other. It also noted that Sanders is, moreover, not buying significant volumes of lysine. The Commission welcomed complainant's assurance that Union industry's lysine will not be reserved for a captive use and rejected the claim on that basis.

(197) CESAC claimed that the renewal of the duty-free autonomous tariff quotas for imports of lysine HCl and liquid lysine (tariff quota 0925 63) and imports of lysine sulphate (tariff quota 0929 25) by the Council ([24]) demonstrates that Eurolysine continues to produce insufficient quantities of lysine to supply the Union users, that EU users that produce animal feed and pharmaceuticals continue to depend upon lysine imports, and that it continues to be in the Union's interest to ensure an adequate supply of lysine and avoid any market disturbances. CESFAC alleged that the provisional anti-dumping duties are in conflict with the duty-free autonomous tariff quotas, and therefore of Union interest.

(198) The Commission noted that the current quotas are periodically revisited by the Council in order to ensure that their continued existence does not conflict with any other Union policy. As the investigation was ongoing at the time of the approval of the duty-free autonomous tariff quotas and the definitive determinations were not reached yet, the Commission does not consider the provisional anti-dumping duties in conflict with the duty-free autonomous tariff quotas for lysine.

([23]) t25.003212.

([24]) Council Regulation (EU) 2024/3213 of 16 December 2024 amending Regulation (EU) 2021/2283 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products: (OJ L, 2024/3213, 19.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3213/oj).

(199) Furthermore, the Commission noted the Joint statement of Czech Republic, Hungary, Italy, Netherlands, Romania, Slovakia, Spain and France about the European chemicals industry ([25]) calling for an EU Critical Chemicals Act at the Competitiveness Council on 12 March 2025 ([26]), classifying lysine among the critical chemicals. Considering that eight Member States directly mention lysine as a critical chemical for the Union to protect, the Commission weighted their position in the assessment of the Union interest. The Commission also considered that, in view of significant overproduction in China, maintaining Union production of lysine contributes to the economic security of the Union. The argument that anti-dumping duties conflict with the duty-free autonomous tariff quotas was rejected.

7.5. **Conclusion on Union interest.**

(200) In the absence of other comments on Union interest, recital 348 of the provisional Regulation was confirmed.

8. **DEFINITIVE ANTI-DUMPING MEASURES**

8.1. **Definitive measures**

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

(202) Following final disclosure, Eppen alleged that due to the limited source of supply and in particular the insufficient supply from the Union industry, Union users will have to continue importing lysine from China and pay the anti-dumping duty, which will result in increased costs for animal feed producers and farmers. Eppen submitted that a Minimum Import Price, or fixed duties per tonne, would be a more appropriate form of the anti-dumping measures.

(203) The claim was not substantiated and Eppen failed to explain why a fixed duty would be more appropriate. In addition the Commission underlined that fixed duties are unlikely to constitute an effective remedy for goods that are subject to significant price variations over time. Therefore, the claim was rejected.

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

Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
Meihua Group: — Jilin Meihua Amino Acid Co., Ltd — Xinjiang Meihua Amino Acid Co., Ltd	47,7	158,9	47,7
Heilongjiang Eppen Biotech Co., Ltd	58,2	155,9	58,2
Other cooperating companies listed in the Annex	53,1	157,5	53,1
All other imports originating in the People's Republic of China	58,2	158,9	58,2

([25]) Joint statement of Czech Republic, Hungary, Italy, Netherlands, Romania, Slovakia, Spain and France about the European chemicals industry – Presse – Ministère des Finances.

([26]) https://www.consilium.europa.eu/en/meetings/compet/2025/03/12/. And related Briefing note on the alarming situation of the European chemicals industry, a strategic sector that needs a dedicated EU Critical Chemicals Act (https://data.consilium.europa.eu/doc/document/ST-6901-2025-INIT/x/pdf).

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

(206) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ([27]). The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.

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

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

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

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

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

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

8.2. **Definitive collection of the provisional duties**

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

8.3. **Retroactivity**

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

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

(215) Pursuant to Article 10(4)(d) of the basic Regulation, there needs to be, 'in addition to the level of imports which caused injury during the investigation period, a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied'.

(216) For this analysis, the Commission first compared the monthly average import volumes of the product concerned during the investigation period with the monthly average import volumes during the period from the month following the initiation of this investigation until the last full month preceding the imposition of provisional measures. The Commission established an increase of Chinese imports by 32 %. Also when comparing the monthly average import volumes of the product concerned during the investigation period with the monthly average import volumes during the period from the month following the initiation of this investigation up to and including the month in which provisional measures were imposed, the Commission observed an increase of Chinese imports, by 43 %.

(217) However, since the initiation of the current investigation, prices of Chinese imports have increased, and they were 9 %-15 % above average prices in the investigation period. The Commission has no information on the file that in spite of such price increase the Union industry would be additionally injured.

(218) On that basis, and in particular in view of the significant price increase of Chinese imports since the initiation of the investigation, the Commission concluded that the conditions as set out in Article 10(4) of the basic Regulation for the retroactive application of the definitive anti-dumping duty were not met.

9. **FINAL PROVISION**

(219) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ([28]), when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.

(220) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver opinion on the measures provided for in this Regulation,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of lysine and its esters, salts thereof, and feed additives, consisting of dry weight basis of 68 % or more, but not more than 80 % of L-lysine sulphate, and not more than 32 % of other components such as carbohydrates and other amino acids, currently falling under CN codes ex 2309 90 31, ex 2309 90 96, and 2922 41 00 (TARIC codes: 2309 90 31 51, 2309 90 31 59, 2309 90 31 61, 2309 90 31 69, 2309 90 96 51, 2309 90 96 59, 2309 90 96 61, 2309 90 96 69) and originating in the People's Republic of China.

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

Company	Definitive anti-dumping duty (%)	TARIC additional code
Meihua Group: — Jilin Meihua Amino Acid Co., Ltd — Xinjiang Meihua Amino Acid Co., Ltd	47,7	89IE
Heilongjiang Eppen Biotech Co., Ltd	58,2	89IF
Other cooperating companies listed in the Annex	53,1	
All other imports originating in the People's Republic of China	58,2	8999

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

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

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2025/74 shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

Article 3

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

(a) it did not export the goods described in Article 1(1) during the period of investigation (1 January 2023 to 31 December 2023);

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

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

Article 4

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

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

Done at Brussels, 10 July 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Cooperating exporting producers in the People's Republic of China not sampled

Name	TARIC additional code
Anhui BBCA Biochemical Co., Ltd.	89IG
CJ (Liaocheng) Biotech Co., Ltd.	89IH
Dongxiao Biotechnology Co., Ltd.	89IJ
Qiqihar Longjiang Fufeng Biotechnologies Co., Ltd.	89IK