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COMMISSION IMPLEMENTING REGULATION (EU) 2026/2497

of 10 November 2026

imposing a provisional anti-dumping duty on imports of copper tubes originating in the People's Republic of China, Mexico, Vietnam and Uzbekistan

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ([1]) ('the basic Regulation'), and in particular Article 7 thereof,

After consulting the Member States,

Whereas:

1. PROCEDURE

1.1. Initiation

(1) On 12 March 2026, the European Commission ('the Commission') initiated an anti-dumping investigation into imports of copper tubes originating in the People's Republic of China ('China' or 'PRC'), the United Mexican States ('Mexico'), the Socialist Republic of Viet Nam ('Vietnam') and the Republic of Uzbekistan ('Uzbekistan') ('the countries concerned') pursuant to Article 5 of the basic Regulation. This followed a complaint lodged on 26 January 2026 by the EU Copper Tubes Defence Committee ('the complainants' or 'EUCTDC') on behalf of the Union industry in the meaning of Article 5(4) of the basic Regulation.

(2) The initiation was justified by the evidence of both dumping and the resulting material injury provided in the complaint, as detailed in the Notice of Initiation in the *Official Journal of the European Union* ([2]) ('the Notice of Initiation').

1.2. Registration

(3) The Commission made imports of the product concerned subject to registration by Commission Implementing Regulation (EU) 2026/1161 ([3]) ('the registration Regulation').

1.3. Interested parties

(4) In the Notice of Initiation, the Commission invited interested parties to participate in the investigation. In addition, it notified the complainants, known Union producers, exporting producers, the authorities of China, Mexico, Vietnam and Uzbekistan, and other known stakeholders – including importers, users, and trade associations - inviting their participation. All interested parties were given the opportunity to comment on the initiation and to request a hearing with the Commission or the Hearing Officer in trade proceedings.

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

([2]) Notice of initiation of an anti-dumping proceeding concerning imports of copper tubes originating in the People's Republic of China, Mexico, Vietnam and Uzbekistan (OJ C, C/2026/1506, 12.3.2026, ELI: http://data.europa.eu/eli/C/2026/1506/oj).

([3]) Commission Implementing Regulation (EU) 2026/1161 of 22 May 2026 making imports of copper tubes originating in in the People's Republic of China, Mexico, Vietnam and Uzbekistan subject to registration with a view to allowing the levy of anti-dumping duties on the imports subject to registration (OJ L, 2026/1161, 26.5.2026, ELI: http://data.europa.eu/eli/reg_impl/2026/1161/oj).

1.4. **Comments on initiation**

(5) Submissions on initiation were made by the Government of Uzbekistan and three Uzbek exporting producers, namely 'JV Sharq Tubes LLC', 'ICG Infinity Copper Group LLC' and 'Angren Pipe Plant LLC'. In these submissions, the parties claimed that (a) the investigation should be terminated for Uzbekistan on the grounds that its market share was negligible; and (b) the conditions to cumulate Uzbekistan with the other exporting countries for the purpose of the injury analysis are not met. Considering that the submission challenged certain data provided by the complainants without putting into question the initiation of the investigation as such, these claims were addressed as part of the injury analysis in Section 4.

1.5. **Sampling**

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

Sampling of Union producers

(7) In the Notice of Initiation, the Commission informed parties that it had provisionally selected a sample of Union producers. The sample was selected on the basis of production and sales volume and consisted of three Union producers.

(8) The sampled Union producers accounted for more than 40 % of the estimated total volume of production and sales of the like product in the Union. The Commission invited interested parties to comment on the provisional sample. No comments were received on the sample. The definitive sample was found to be representative of the Union industry.

Sampling of unrelated importers

(9) To determine if sampling was necessary, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.

(10) No unrelated importers provided the requested information and agreed to be included in the sample. In view of this, there was no sample of unrelated importers.

Sampling of exporting producers from PRC

(11) The global market for copper tubes is dominated by three large Chinese multinational groups: Golden Dragon Precise Copper Tube Group Inc ('Dragon Copper Tubes Group'), the Jintian Group and the Hailiang Group. Exporting producers of these groups are located in three of the countries concerned, namely the PRC, Mexico and Vietnam, and all the sampled exporting producers in this investigation (apart from the ones in Uzbekistan) belong to one of these groups.

(12) To determine if sampling was necessary, the Commission asked all exporting producers in China to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China to the European Union to identify and/or contact other exporting producers that could be interested in participating in the investigation.

(13) In the response to the Notice of Initiation, four exporting producers from two corporate groups in China submitted the requested information and agreed to be included in the sample.

(14) Based on the information available at this stage, the total volume of exports from these Chinese companies, whether direct or through related and unrelated traders, accounted for [3–5] % of the estimated total export volume of copper tubes to the Union from China during the investigation period ([4]). Given the low level of exports to the Union of the exporting producers that provided sampling replies, the Commission concluded that a representative sample could not be selected in accordance with Article 17(1) of the basic Regulation.

([4]) Imports from PRC to the EU during the IP estimated at 4 000 MT – see para 332 of the complaint.

(15) In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned, and the authorities of the country concerned were consulted on the absence of sampling.

(16) Ningbo Jintian Copper Tube Co. Ltd., China ('Jintian China') submitted comments regarding the absence of sampling. It argued that the HS code used to calculate imports during the investigation period included several products outside the scope of this investigation. Consequently, it claimed that the total export volume used as a baseline was inflated, meaning that the cooperating companies actually represented a higher share than the estimated [3–5] % of the total product concerned exported from China to the EU.

(17) At the time of the sampling decision, the Commission estimated the volume of imports on the basis of the methodology provided in the complaint. Since the product concerned falls under CN code 7411 10 90, which also covers other products, the complaint estimated that approximately 50-60 % of total imports under that CN code consisted of the product concerned. The complainant based its estimation on the data provided by Union producers, communication with complainant's customers and market analysis it performed, which combines information from market reports from external sources, statistical data of imports and exports from each of the countries concerned ([5]). On the basis of that estimation, the Commission established the volume of imports from the People's Republic of China. Jintian China did not contest the methodology used in the complaint and did not provide any alternative methodology. The Commission therefore rejected the claims and confirmed that no representative sample could be selected in accordance with Article 17(1) of the basic Regulation.

(18) On 7 April 2026 the Commission informed the Government of the People's Republic of China ('GOC') of its decision to apply Article 18 of the basic Regulation in conjunction with Article 17(4) of the basic Regulation given the material degree of non-cooperation from exporting producers. Consequently, the Commission based its findings regarding exporting producers in the PRC on Article 18 and applied facts available.

(19) In its comments, the GOC stressed that Chinese companies that have registered to participate in the proceedings, regardless of their export volume, should obtain an individual dumping margin based on their responses instead of facts available. The Commission noted that all cooperating exporting producers were duly informed with the note on the sampling results that if they wish to request an individual margin of dumping, they should complete the questionnaire for exporting producers.

Sampling of exporting producers from Mexico

(20) To determine if sampling was necessary, the Commission asked all exporting producers in Mexico to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the United Mexican States to the European Union to identify and/or contact other exporting producers that could be interested in participating in the investigation.

(21) One exporting producer in Mexico, GD Affiliates de RL de CV ('GDA'), provided the requested information and agreed to be included in the sample. GDA is a subsidiary of Dragon Copper Tubes Group and accounted for 100 % of the total exports from Mexico to the EU during the investigation period.

(22) Therefore, the Commission decided that sampling was not necessary. Consequently, the exporting producer that came forward was invited to submit a questionnaire reply.

Sampling of exporting producers from Uzbekistan

(23) To determine if sampling was necessary, the Commission asked all exporting producers in Uzbekistan to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Republic of Uzbekistan to the European Union to identify and/or contact other exporting producers that could be interested in participating in the investigation.

([5]) Paragraph 287 of the complaint.

(24) Three exporting producers in Uzbekistan provided the requested information and agreed to be included in the sample: 'JV Sharq Tubes' LLC, 'ICG Infinity Copper Group' LLC and Angren Pipe Plant LLC. They accounted for 100 % of the total exports from Uzbekistan to the EU during the investigation period.

(25) The Commission decided to investigate the three exporting producers and therefore sampling was not necessary. Consequently, all three exporting producers were invited to submit a questionnaire reply.

Sampling of exporting producers from Vietnam

(26) To determine if sampling was necessary, the Commission asked all exporting producers in Vietnam to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Socialist Republic of Vietnam to identify and/or contact other exporting producers that could be interested in participating in the investigation.

(27) Four exporting producers in Vietnam provided the requested information and agreed to be included in the sample.

(28) In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of two exporting producers. Hailiang (Vietnam) Copper Manufacturing Co., Ltd ('Hailiang Vietnam'), a subsidiary of the Chinese Hailiang Group, and Jintian Copper Industrial (Vietnam) Company Limited ('Jintian Vietnam'), a subsidiary of the Chinese Jintian Group. This selection was based on the largest representative volume of exports to the Union that could reasonably be investigated within the time available. Based on the information available at this stage, the sample accounted for more than 90 % of the total exports of all cooperating Vietnamese exporting producers.

(29) One of the non-sampled Vietnamese exporting producers, Toan Phat Copper Tube Joint Stock Company, submitted comments on the sample selection, arguing that the inclusion of two Chinese-owned companies whose production in Vietnam was located within export processing zones such as Hailiang Vietnam and Jintian Vietnam, would lead to findings that were unrepresentative of Toan Phat's situation. The company also argued that while the Commission had restricted the number of sampled companies in Vietnam to two due to constraints on what could 'reasonably be investigated within the time available', three companies had been sampled in Uzbekistan, and the low cooperation in China should have freed up resources that allowed for the inclusion of Toan Phat in the sample.

(30) The Commission considered that given that the two Vietnamese companies selected were, by far, the largest exporters of the product concerned to the Union, their ownership and production set-up were representative of the overall market, and noted that the extent to which it was reasonable to extend a sample was not solely dependent on the number of companies sampled in other countries.

1.6. **Individual margin**

(31) One exporting producer in the PRC, Jintian China, requested individual examination under Article 17(3) of the basic Regulation and provided a questionnaire reply. As only one company provided a proper and timely questionnaire response that could be verified in accordance with Article 16(1) of the basic Regulation, the Commission decided to calculate an individual margin for Jintian China.

1.7. **Questionnaire replies and verification visits**

(32) The Commission sent a questionnaire concerning the existence of significant distortions in the PRC within the meaning of Article 2(6a)(b) of the basic Regulation to the GOC.

(33) Furthermore, the complainant provided in the complaint sufficient evidence of raw material distortions under Article 7(2) of the basic Regulation in China and Vietnam regarding the product concerned. Therefore, as announced in the Notice of Initiation, the investigation covered those raw material distortions to determine whether to apply the provisions of Article 7(2) or 7(2a) of the basic Regulation with regard to China and Vietnam. For this reason, the Commission sent additional questionnaires in this regard to the GOC and to the Government of Vietnam.

(34) The Commission sent questionnaires to the sampled Union producers, sampled exporting producers in the countries concerned, the complainants ('macro-questionnaire'), known importers, and users. The same questionnaires were made available online ([6]) on the day of initiation.

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

Union producers and the complainants:

— ELVALHALCOR S.A., Oinofyta, Viotia, Greece,

— FEINROHREN SPA, Passirano, Italy,

— Wieland-Werke AG, Ulm, Germany,

— The EU Copper Tubes Defence Committee ('EUCTDC'), Brussels, Belgium;

Exporting producers in China:

— Ningbo Jintian Copper Tube Co. Ltd., ('Jintian China'), Ningbo, China, and its related company Hongkong Maytime International Industry Limited, Hong-Kong;

Exporting producers in Mexico:

— GD Affiliates de RL de CV ('GDA') and GD Copper S de RL de CV ('GDC'), Toluca, Mexico and its related companies (together ('GD Group'),

— Hong Kong GD Trading Company Limited ('HKGD'), Shanghai, China and GD Copper (U.S.A.), Inc. ('GDUS'), Pine Hill, Alabama, USA;

Exporting producers in Uzbekistan:

— ICG Infinity Copper Group LLC, Tashkent, Uzbekistan and its related producer Metal Processing Technology LLC, Tashkent, Uzbekistan,

— Angren Pipe Plant LLC, Markaziy Kurgon, Uzbekistan,

— JV Sharq Tubes LLC, Chirchik City, Uzbekistan;

Exporting producer in the representative country:

— The Commission carried out a remote crosscheck of Wieland Copper Products, LLC, Pine Hall, USA;

Exporting producers in Vietnam:

— Hailiang Copper Manufacturing Co., Ltd, Tan Phuoc, Vietnam,

— Jintian Copper Industrial Company Limited, Tan Phuoc, Vietnam,

— In addition, the Commission carried out a remote crosscheck of the related companies of the following exporting producers: Hailiang Copper Manufacturing Co., Ltd (Hong Kong Hailiang Metal Trading Limited (Hong-Kong)) and Jintian Copper Industrial Company Limited (Hongkong Maytime International Industry Limited (Hong-Kong) and Jintian International Industry Pte. Ltd (Singapore)).

1.8. **Investigation period and period considered**

(36) The investigation of dumping and injury covered the period from 1 January 2025 to 31 December 2025 ('the investigation period'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2022 to the end of the investigation period ('the period considered').

([6]) https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2847.

2. PRODUCT UNDER INVESTIGATION, PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product under investigation

(37) The product under investigation is pipes and tubes, of refined copper, in level wound coils, whether smooth or with inner grooves, not further processed ('copper tubes').

(38) In order to produce copper tubes, producers can use cathodes from copper ore, scrap or a mixture of them. The manufacturing typically consists of three stages: melting the raw material, casting of the molten copper and finishing, which includes the drawing process to achieve the desired diameter and wall-thickness and the annealing to temper the product to the customer's needs ([7]). The product is then wound into level wound coils.

(39) Copper tubes are used in a wide range of applications, due to the physio-chemical qualities, bacteriostatic and fire- and corrosion-resistance properties of copper. They are used in the heating, ventilation, air-conditioning and refrigeration ('HVACR') sector as well as in sanitary, medical and industrial applications. Copper tubes are also a key component for certain renewable energy networks ([8]).

2.2. Product concerned

(40) The product concerned is the product under investigation originating in China, Mexico, Vietnam and Uzbekistan, currently falling under CN code ex 7411 10 90 (TARIC code 7411 10 90 10) ('the product concerned').

2.3. Like product

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

— the product concerned when exported to the Union,

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

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

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

2.4. Claims regarding product scope

(43) Jintian Vietnam and Jintian China requested the Commission to confirm that straight copper pipes, pancake coils, insulated or coated copper tubes and capillary copper tubes were not within the scope of the investigation. Similarly, Hailiang Vietnam claimed that capillary copper tubes were not covered from the product scope.

(44) The Commission confirmed that straight copper pipes, pancake coils, insulated or coated copper tubes did not meet the description of the product under investigation and were therefore not covered by the investigation.

(45) As regards capillary copper tubes, which are very small-diameter copper tubes produced for precise flow control, Jintian Vietnam and Jintian China explained that its core characteristic is an extremely small outer diameter, typically between 1 and 3,6 millimetres, and they are produced through multiple passes of high-precision drawing of level wound coils, representing a further processing stage for copper tubes, which, according to the product under investigation definition, would place these products out of the scope of the investigation.

([7]) Complaint, paragraphs 20 to 31.
([8]) Complaint, paragraphs 32 to 40.

(46) Hailiang Vietnam claimed that capillary tubes are downstream products, further processed from the level wound coil tubes targeted by the investigation. It also explained that copper tubes and capillary tubes are technically and commercially distinct products, with different functions, production processes, applicable industrial standards, physical appearance, end-use applications, and price levels.

(47) The complainants argued that, in the complaint, capillary tubes were excluded from the scope of the product under investigation because they are typically not supplied in level wound coils but in fine coils or cut lengths for functional use. If, however, small diameter copper tubes are sold in level wound coils, they remain product under investigation regardless of the commercial name given to them by the producer, according to the complainants.

(48) The Commission clarified that capillary copper tubes are within the scope of the investigation as long as they are sold in level wound coils. While the alleged distinctive characteristic of these tubes is the small external diameter, the Commission noted that there is no limitation to the diameter of the tubes in the product description, nor in the product control number ('PCN'). Moreover, the determination of whether a product meets the product description must rely on observable physical and technical characteristics. For example, the addition of coating requires further processing and is clearly observable in the final products, which don't meet the product description anymore and are thus considered to fall out of the scope of the investigation. By contrast, the fact that a producer decides to use level wound coils at an intermediate stage of its production cannot give rise to an exclusion from the scope, if such use and the further processing do not result in observable physical and technical characteristics of the final products which are outside the product scope. Indeed, the only observable difference between the capillary tubes sold in level wound coils and the other tubes sold in level wound coils is the smaller diameter of the tubes, which still meets the product description. For these reasons, the Commission rejected these claims at this stage of the investigation. The Commission also noted that during the investigation period, imports from the countries concerned of copper tubes that could be considered as capillary tubes were non-existent or negligible, and therefore their exclusion from the product scope would not have any material impact on the conclusions of the investigation.

(49) Entalpia Europe Sp. Z o. o., a user of copper tubes that manufactures insulated copper tubes, requested an extension of the product scope of the investigation to cover imports of finished insulated copper tubes. Alternatively, the company requested an exemption from the antidumping duties on copper tubes given that its operations do not compete with the Union industry. The company claimed that the exporting producers in the countries concerned could circumvent the antidumping duties by exporting finished insulated copper tubes instead of the product under investigation, thereby increasing competition with the company's product and undermining its recent investments.

(50) The Commission noted, however, that insulated copper tubes were not covered by the product definition, as set out in recital (37), nor in the complaint of this case, and therefore no evidence of dumping and resulting injury justifying an investigation on insulated copper tubes has been provided by the Union industry. Therefore, the claim was rejected.

(51) The Commission noted that the effects of measures are monitored after their imposition, and the Commission may initiate an anti-circumvention investigation when the conditions are met. Therefore, the claim was rejected.

3. **DUMPING**

3.1. **China**

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

(52) In view of the sufficient evidence available at the initiation of the investigation pointing to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation with regard to the PRC, the Commission considered it appropriate to initiate the investigation with regard to the exporting producers from this country having regard to Article 2(6a) of the basic Regulation.

(53) Consequently, in order to collect the necessary data for the eventual application of Article 2(6a) of the basic Regulation, in the Notice of Initiation the Commission invited all exporting producers in the PRC to provide information regarding the inputs used for producing copper tubes. Four exporting producers from two groups submitted the relevant information.

(54) The Commission sent a questionnaire to the GOC. In addition, in point 5.3.2 of the Notice of Initiation, the Commission invited all interested parties to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation within 37 days of the date of publication of the Notice of Initiation in the *Official Journal of the European Union*. No questionnaire reply was received from the GOC and no submission on the application of Article 2(6a) of the basic Regulation was received within the deadline. Subsequently, the Commission informed the GOC that it would use facts available within the meaning of Article 18 of the basic Regulation for the determination of the existence of the significant distortions in the PRC.

(55) In point 5.3.2. of the Notice of Initiation, the Commission also specified that, according to the information available to the Commission, Thailand.is a possible appropriate representative country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks. The Commission further stated that it would examine other possibly appropriate representative countries in accordance with the criteria set out in 2(6a)(a) first indent of the basic Regulation. In the Notice of Initiation, the Commission also specified that, in view of the evidence available, it may need to select an appropriate representative country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks.

3.1.2. *Normal value*

(56) According to Article 2(1) of the basic Regulation, '*the normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country*'.

(57) However, according to Article 2(6a)(a) of the basic Regulation, '*in case it is determined … that it is not appropriate to use domestic prices and costs in the exporting country due to the existence in that country of significant distortions within the meaning of point (b), the normal value shall be constructed exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks*', and '*shall include an undistorted and reasonable amount of administrative, selling and general costs and for profits*' ('*administrative, selling and general costs*' is referred to hereinafter as 'SG&A costs').

(58) As further explained below, the Commission concluded in the present investigation that, based on the evidence available, and in view of the lack of cooperation of the GOC and the exporting producers, the application of Article 2(6a) of the basic Regulation was appropriate.

3.1.2.1. Existence of significant distortions

(59) Article 2(6a)(b) of the basic Regulation states that '*significant distortions are those distortions which occur when reported prices or costs, including the costs of raw materials and energy, are not the result of free market forces as they are affected by substantial government intervention. In assessing the existence of significant distortions regard shall be had, inter alia, to the potential impact of one or more of the following elements:*

— *the market in question being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the authorities of the exporting country;*

— *state presence in firms allowing the state to interfere with respect to prices or costs;*

— *public policies or measures discriminating in favour of domestic suppliers or otherwise influencing free market forces;*

— *the lack, discriminatory application or inadequate enforcement of bankruptcy, corporate or property laws;*

— *wage costs being distorted;*

— *access to finance granted by institutions which implement public policy objectives or otherwise not acting independently of the state.*'

(60) As the list in Article 2(6a)(b) of the basic Regulation is non-cumulative, not all the elements need to be given for a finding of significant distortions. Moreover, the same factual circumstances may be used to demonstrate the existence of one or more of the elements of the list.

(61) However, any conclusion on significant distortions within the meaning of Article 2(6a)(a) of the basic Regulation must be made on the basis of all the evidence at hand. The overall assessment on the existence of distortions may also take into account the general context and situation in the exporting country, in particular where the fundamental elements of the exporting country's economic and administrative set-up provide the government with substantial powers to intervene in the economy in such a way that prices and costs are not the result of the free development of market forces.

(62) Article 2(6a)(c) of the basic Regulation provides that '[w]*here the Commission has well-founded indications of the possible existence of significant distortions as referred to in point (b) in a certain country or a certain sector in that country, and where appropriate for the effective application of this Regulation, the Commission shall produce, make public and regularly update a report describing the market circumstances referred to in point (b) in that country or sector*'.

(63) Pursuant to this provision, the Commission issued a country report concerning China ('*the Report*') ([9]), which contains evidence of the existence of substantial government intervention at many levels of the economy, including specific distortions in many key factors of production (such as land, energy, capital, raw materials and labour) as well as selected sectors (such as chemical, ….). Interested parties were invited to rebut, comment or supplement the evidence contained in the investigation file at the time of initiation. The Report concerning China was placed in the investigation file at the initiation stage. The complaint also contained some relevant evidence complementing the Report.

(64) The complainant pointed out that the PRC is a socialist market economy developed under the leadership of the Chinese Communist Party ('*CCP*') which allows for substantial government intervention in the economy. The structures of the Chinese State and of the CCP are intertwined at every level (legal, institutional, and personal). The GOC engages in an interventionist economic policy in pursuance of goals which coincide with the political agenda set by the CCP rather than reflecting the prevailing economic conditions in a free market. The interventionist economic tools deployed by the GOC are manifold, including the system of industrial planning, the financial system, as well as various facets of the regulatory environment.

(65) The complaint recalled the following elements resulting in significant distortions.

(66) First, the Chinese copper tubes sector is being served by Government intervention in upstream and downstream markets which results in significant distortions for the costs of raw materials used in the production process. The complainant relied on the Report to indicate that China has the world's largest production of copper, its production represents 38 % of the global production. This dominance stems from its rapid industrialisation and State intervention. The GOC has recently adopted its Copper Plan (2025-2027) which seeks to '*promote the high-quality development of the copper industry [and] better support key industrial chains in the manufacturing sector*' reflecting the fact that for China, '*copper is an important basic raw material and a strategic resource closely related to national economic development*'. Moreover, the 14th Five-Year Plan ('*FYP*') adopted in 2021 provides for certain key sectoral plans which target raw material sectors including non-ferrous metals such as copper. The 14th FYP also provides for several provincial level FYPs with specific planning policy measures on the provincial and sectoral levels. The complainant argues that these policies which seek to increase the supply of copper metal in China will lower the price for copper metal in China and indirectly benefit copper tubes producers by artificially lowering their costs of production. Additionally, the complainant pointed out that the domestic market for copper inputs and downstream finished goods is distorted by export policies such as export duties and export quotas. Moreover, stockpiling activities have a considerable impact on prices and availability for certain commodities including copper. The complainant argued that significant distortions in downstream industries such as the renewable energy and environmental goods sectors are impacting the copper tubes industry.

([9]) Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, 10 April 2024, SWD (2024) 91 final.

(67) Second, the Chinese copper tubes market is being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the authorities of the exporting country. State-owned enterprises ('*SOEs*') represent an essential part of the Chinese economy. The GOC and the CCP maintain structures that ensure their continued influence over SOEs. The Chinese mining sector has traditionally been largely under state control. Despite increased privatization of mining and metal sectors, the GOC's intervention and control in companies operating in these sectors remains prominent.

(68) Third, the state presence in copper tubes companies also allows the authorities to interfere with prices and/or costs. The complainant relied on the Report to recall that the right to appoint and to remove key management personnels in SOEs by the State authorities and the CCP cells in enterprises represent channels through which the State can interfere with business decisions. Additionally, the State's presence and intervention in financial markets as well as in the provision of raw materials and inputs have a further distorting effect on the market.

(69) Fourth, the GOC pursues public policies or measures discriminating in favour of domestic suppliers or otherwise influencing free market forces. The 14th FYP on Economic and Social Development sets development objectives, gives instructions on production targets by industry segments including non-ferrous metal industries, and imposes government control over production capacity, and over corporate decisions.

(70) Fifth, much like in any other sector in the Chinese economy, the copper tubes sector is subject to the distortions resulting from the discriminatory application or inadequate enforcement of Chinese bankruptcy, corporate and property rules. The complainant relied on the Report to argue that the Chinese bankruptcy system appears inadequate to deliver on its own main objectives. For instance, the number of bankruptcies remains notoriously low in relation to the size of the country's economy. In addition, the shortcomings of the system of property rights are particularly obvious in relation to ownership of land and land-use rights in China. All land is owned by the State, and its allocation remains solely dependent on the State. Moreover, authorities often pursue specific political goals including the implementation of the economic plans when allocating lands.

(71) Sixth, wage costs are distorted in the copper tubes sector as well. A system of market-based wages cannot fully develop in China as workers and employers are impeded in their rights to collective organisation. Under national law, only one trade union organisation is active. However, this organisation lacks independence from the State authorities and its engagement in collective bargaining and protection of workers' rights remains rudimentary. Moreover, the mobility of the Chinese workforce is restricted by the household registration system. Those findings lead to the distortion of wage costs in China.

(72) Seventh, copper tubes producers have access to finance granted by institutions which implement public policy objectives or otherwise are not acting independently from the state. The Chinese financial system is characterised by the strong position of State-owned banks, which, when granting access to finance, take into consideration criteria other than economic viability of a project. Non-financial SOEs remain connected to the State, not only through ownership but also via personal relations and implementation of public policies designed by the Government. Additionally, the complainant indicated that bond and credit ratings are often distorted. Borrowing costs have been kept artificially low to stimulate investment growth. Although nominal interest rate liberalization was achieved in October 2015, price signals are still not the result of free market forces but are influenced by Government induced distortions. Finally, credit growth in China indicates a worsening efficiency of capital allocation without any signs of credit tightening that would be expected in an undistorted market environment.

(73) The complainant relied on the Report and submitted that the above-mentioned distortions are systemic. The evidence available shows that the facts and features of the Chinese system as described above apply throughout the country and across the sectors of the economy. Input costs for the production of copper tubes are distorted because their price formation is affected by substantial government intervention. Additionally, Government involvement in the energy sector is particularly relevant since the production of copper tubes is highly energy intensive. Moreover, suppliers of inputs employ labour that is subject to distortions.

(74) In conclusion, the complainant argued that significant distortions pursuant to Article 2(6a) of the basic Regulation are present in the copper tubes sector.

(75) The Commission examined whether it was appropriate or not to use domestic prices and costs in China, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation. The Commission did so on the basis of the evidence available on the file. The evidence on the file included the evidence contained in the Report, which relies on publicly available sources.

(76) That analysis covered the examination of the substantial government interventions in China's economy in general, but also the specific market situation in the relevant sector including the product concerned. The Commission further supplemented these evidentiary elements with its own research on the various criteria relevant to confirm the existence of significant distortions in China.

3.1.2.1.1. *Significant distortions affecting the domestic prices and costs in China*

(77) The Chinese economic system is based on the concept of a 'socialist market economy'. That concept is enshrined in the Chinese Constitution and determines the economic governance of China. The core principle is the '*socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people*' ([10]).

(78) The state-owned economy is the '*leading force in the national economy*' and the state has the mandate to ensure its '*consolidation and growth*' ([11]). Indeed, compared to the 13th FYP, SASAC confirmed that total assets of central enterprises grew by 44,6 % during the 14th FYP, '*effectively driving the integrated development of upstream and downstream enterprises in the industrial chain and providing strong support for the successful achievement of the main goals and tasks of China's economic and social development*' ([12]).

(79) Consequently, the overall setup of the Chinese economy not only allows for substantial government interventions into the economy, but such interventions are expressly mandated. The notion of supremacy of public ownership over the private one permeates the entire legal system and is emphasized as a general principle in all central pieces of legislation.

(80) The Chinese property law is a prime example: it refers to the primary stage of socialism and entrusts the state with upholding the basic economic system under which the public ownership plays a dominant role. Other forms of ownership are tolerated, with the law permitting them to develop side by side with the state ownership ([13]).

(81) In addition, under Chinese law, the socialist market economy is developed under the leadership of the CCP. The structures of the Chinese state and of the CCP are intertwined at every level (legal, institutional, personal), forming a superstructure in which the roles of CCP and the state are indistinguishable.

(82) Following an amendment of the Chinese Constitution in March 2018, the leading role of the CCP was given an even greater prominence by being reaffirmed in the text of Article 1 of the Constitution.

(83) Following the already existing first sentence of the provision: '[t]*he socialist system is the basic system of the People's Republic of China*' a new second sentence was inserted which reads: '[t]*he defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China*' ([14]). This illustrates the unquestioned and ever growing control of the CCP over the economic system of China.

([10]) Report – Chapter 2, p. 7.
([11]) Report – Chapter 2, p. 7-8.
([12]) See at: http://finance.people.com.cn/n1/2026/0128/c1004-40654753.html (accessed on 19 June 2026).
([13]) Report – Chapter 2, p. 10, 18.
([14]) Available at: http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm (accessed on 19 June 2024).

(84) This leadership and control are inherent to the Chinese system and goes well beyond the situation customary in other countries where the governments exercise general macroeconomic control within the boundaries of which free market forces are at play.

(85) The Chinese state engages in an interventionist economic policy in pursuance of goals, which coincide with the political agenda set by the CCP rather than reflecting the prevailing economic conditions in a free market ([15]). The interventionist economic tools deployed by the Chinese authorities are manifold, including the system of industrial planning, the financial system, as well as all the policy goals contained in the different regulations.

(86) First, on the level of overall administrative control, the direction of the Chinese economy is governed by a complex system of industrial planning which affects all economic activities within the country. The totality of these plans covers a comprehensive and complex matrix of sectors and crosscutting policies and is present on all levels of government.

(87) Plans at provincial level are detailed while national plans set broader targets. Plans also specify the means in order to support the relevant industries/sectors as well as the timeframes in which the objectives need to be achieved. Some plans still contain explicit output targets.

(88) Under the plans, individual industrial sectors and/or projects are being singled out as (positive or negative) priorities in line with the government priorities and specific development goals are attributed to them (industrial upgrade, international expansion, etc.).

(89) The economic operators, private and state-owned alike, must effectively adjust their business activities according to the realities imposed by the planning system. This is not only because of the binding nature of the plans, but also because the relevant Chinese authorities at all levels of government adhere to the system of plans and use their vested powers accordingly, thereby inducing the economic operators to comply with the priorities set out in the plans ([16]).

(90) Second, on the level of allocation of financial resources, the financial system of China is dominated by the state-owned commercial and policy banks. Those banks, when setting up and implementing their lending policy need to align themselves with the government's industrial policy objectives rather than primarily assessing the economic merits of a given project ([17]).

(91) The same applies to the other components of the Chinese financial system, such as the stock markets, bond markets, private equity markets, etc. Also, these parts of the financial sector are institutionally and operationally set up in a manner not geared towards maximizing the efficient functioning of the financial markets but towards ensuring control and allowing intervention by the state and the CCP ([18]).

(92) Third, on the level of regulatory environment, the interventions by the state into the economy take a number of forms. For instance, the public procurement rules are regularly used in pursuit of policy goals other than economic efficiency, thereby undermining market-based principles in the area. The applicable legislation specifically provides that public procurement shall be conducted in order to facilitate the achievement of goals designed by state policies. However, the nature of these goals remains undefined, thereby leaving broad margin of appreciation to the decision-making bodies ([19]).

(93) Similarly, in the area of investment, the GOC maintains significant control and influence over destination and magnitude of both state and private investment. Investment screening as well as various incentives, restrictions, and prohibitions related to investment are used by authorities as an important tool for supporting industrial policy goals, such as maintaining state control over key sectors or bolstering domestic industry ([20]).

([15]) Report – Chapter 2, p. 29-30.
([16]) Report – Chapter 4, p. 57, 92.
([17]) Report – Chapter 6, p. 149-150.
([18]) Report – Chapter 6, p. 153 -171.
([19]) Report – Chapter 7, p. 204-205.
([20]) Report – Chapter 8, p. 207-208, 242-243.

(94) In sum, the Chinese economic model is based on certain basic axioms, which provide for and encourage manifold government interventions. Such substantial government interventions are at odds with the free play of market forces, resulting in distorting the effective allocation of resources in line with market principles ([21]).

3.1.2.1.2. *Significant distortions according to Article 2(6a)(b), first indent of the basic Regulation: the market in question being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the authorities of the exporting country*

(95) In China, enterprises operating under the ownership, control and/or policy supervision or guidance by the state represent an essential part of the economy.

(96) The sector of the product concerned is mainly served by private companies, such as Changzhou Enreach Copper Co. ([22]), Zhejiang Hailiang Co. Ltd ([23]) or Ningbo Jintian Copper (Group) Co., Ltd ([24]). Furthermore, copper being a key input to produce copper tubes, the findings concerning state ownership in the copper sector are therefore relevant: several *SOEs* are among the major stakeholders in the copper sector, like for instance China Copper Corporation ([25]), which is controlled by Chinalco ([26]), an SOE under the State Asset Supervision and Administration Commission ('*SASAC*') ([27]), or China Minmetals Corp. ([28]), another SOE under SASAC ([29]).

(97) However, CCP interventions into operational decision making have become the norm not only in SOEs, but also in private companies ([30]), with CCP claiming leadership over virtually every aspect of the country's economy. Indeed, the State's influence by means of CCP structures within companies effectively results in economic operators being under the government's control and policy supervision, given how far the State and Party structures have grown together in China.

(98) Moreover, the sector of the product concerned is subject to several government policies, such as the 14th FYP on the development of the raw materials industry ([31]) mandating to '*prevent blind and disorderly development in copper smelting* ([32])' and to '*focus on industry sub-sectors or key products with a strong industrial base, prominent comparative advantages, and leading technologies,* [to] *leverage the leading role of key enterprises in the industrial chain* […] *and create a number of industrial clusters in* […] *non-ferrous metals*' ([33]).

(99) Similarly, the Work Plan for the steady growth of the non-ferrous metal industry 2025-2026 ([34]) seeks to make sure that '[f]*rom 2025 to 2026, the added value of the non-ferrous metals industry will grow at an average annual rate of about 5 %, maintaining a positive economic trend,* [that t]*he output of ten non-ferrous metals will grow at an average annual rate of about 1,5 %.* [and that p]*ositive progress will be made in the development of domestic resources such as copper.*' ([35])

([21]) Report – Chapter 2, p. 19-24, Chapter 4, p. 69, p. 99-100, Chapter 5, p. 130-131.
([22]) See https://www.enreach.com.cn/about_14/ (accessed on 19 June 2026).
([23]) See Zhejiang Hailiang Co. Ltd.'s annual report 2025, p.107, available at: http://file.finance.sina.com.cn/211.154.219.97:9494/MRGG/CNSESZ_STOCK/2026/2026-4/2026-04-29/12269645.PDF (accessed on 19 June 2026).
([24]) See Ningbo Jintian Copper (Group) Co. Ltd.'s annual report 2025, p.72, available at: http://file.finance.sina.com.cn/211.154.219.97:9494/MRGG/CNSESH_STOCK/2026/2026-4/2026-04-24/12156933.PDF (accessed on 19 June 2026).
([25]) See https://zgty.chinalco.com.cn/ (accessed on 19 June 2026).
([26]) See Chinalco's annual report 2025, p.253, available at: https://www.chalco.com.cn/tzzgx/thygg/202603/P020260330341392300660.pdf (accessed on 19 June 2026).
([27]) See http://wap.sasac.gov.cn/n2588045/n27271785/n27271792/c14159097/content.html (accessed on 19 June 2026).
([28]) See https://www.minmetals.com/ (accessed on 19 June 2026).
([29]) See http://wap.sasac.gov.cn/n2588045/n27271785/n27271792/c14159097/content.html (accessed on 19 June 2026).
([30]) Art. 33 of the CCP Constitution, Article 19 of the Chinese Company Law. See Report – Chapter 3, p. 47-50.
([31]) See https://www.gov.cn/zhengce/zhengceku/2021-12/29/5665166/files/90c1c79a00b44c67b59c29392476c862.pdf (accessed on 22 June 2026).
([32]) Ibid., Section IV.1, p.12.
([33]) Ibid., Section IV.2, p.14.
([34]) See https://www.gov.cn/lianbo/bumen/202509/P020250928687723775593.pdf (accessed on 22 June 2026).
([35]) Ibid., Section II, p. 2.

(100) More specifically, the Implementation Plan for the high quality development of the copper industry (2025-2027) ([36]) stipulates that *'[b]y 2027, the resilience and security of the industrial and supply chains will be significantly improved. Copper raw material security will be continuously strengthened, striving for a 5 %-10 % increase in domestic copper ore resources* [… and that t]*echnological innovation will be continuously enhanced, achieving breakthroughs in key processes* ([37]).' The Implementation Plan also sets the goal that '[a] *number of high-quality copper industry enterprises will be cultivated, and the industrial structure will be further optimized*' ([38]). Ultimately, the GOC seeks to make sure that by 2035 the Chinese copper '*industrial chain will be world-leading […] forming a development pattern characterized by a reasonable industrial structure, high level of technological innovation, good quality and efficiency, and strong global competitiveness*' ([39]).

(101) Also, new technologies for copper smelting are listed among encouraged industries in the Guidance Catalogue for industry structural adjustment (2024 edition) ([40]). The same Catalogue shows the complete Government interference in the copper sector. The '*copper smelting projects with a capacity of less than 100 000 tons/year*' are listed as restricted industries in the very same Catalogue ([41]).

(102) Government control and policy supervision can be also observed at the level of the relevant industry associations ([42]).

(103) For instance, the China Non Ferrous Metals Fabrication Industry Association ('*CNFA*') ([43]) states in Art. 2 of its Articles of Association that the organisation's purpose is to '*uphold the Party's basic line and various policies; to serve the government, the industry, enterprises,* [… and to] *fully play its role as an advisor and assistant to the government*' ([44]).

(104) In addition, Art. 3 states that CNFA '*adheres to the overall leadership of the Communist Party of China*' and '*establishes an organization of the Communist Party of China, carries out Party activities, and provides the necessary conditions for the activities of the Party organization*'. Furthermore, CNFA '*accepts the business guidance and supervision of the Ministry of Civil Affairs and the industry management department*' ([45]).

(105) Zhejiang Hailiang Co. Ltd, Ningbo Jintian Copper (Group) Co., Ltd., and Chinalco are among the members of CNFA ([46]). The first two groups are the only ones who replied to the sampling form.

(106) Consequently, privately owned producers in the sector of the product concerned are prevented from operating under market conditions. Indeed, both public and privately owned enterprises in the sector are subject to policy supervision and guidance.

3.1.2.1.3. *Significant distortions according to Article 2(6a)(b), second indent of the basic Regulation: State presence in firms allowing the state to interfere with respect to prices or costs*

(107) The GOC is in position to interfere with prices and costs through state presence in firms. Indeed, CCP cells in enterprises, state-owned and private alike, represent an important channel through which the state can interfere with business decisions.

(108) According to China's company law, a CCP organisation is to be established in every company (with at least three CCP members as specified in the CCP Constitution ([47])) and the company shall provide the necessary conditions for the activities of the Party organisation.

([36]) See https://www.ncsti.gov.cn/zcfg/zcwj/202502/t20250212_195423.html (accessed on 22 June 2026).
([37]) Ibid., Section I.
([38]) Ibid., Section I.
([39]) Ibid., Section I.
([40]) See https://www.ndrc.gov.cn/xxgk/zcfb/fzggwl/202312/t20231229_1362999.html p. 22, (accessed on 24 June 2026).
([41]) Ibid., p. 91.
([42]) Report – Chapter 2, p. 24-27.
([43]) See https://www.cnfa.net.cn/ (accessed on 22 June 2026).
([44]) See https://www.cnfa.net.cn/about/1546.aspx (accessed on 22 June 2026).
([45]) Ibid. (accessed on 22 June 2026).
([46]) See https://www.cnfa.net.cn/roster.aspx (accessed on 26 June 2026).
([47]) Report – Chapter 3, p. 40.

(109) In the past, this requirement appeared not to have always been followed or strictly enforced. However, since at least 2016 the CCP has been reinforcing its claims to control business decisions in companies as a matter of political principle ([48]), including exercising pressure on private companies to put 'patriotism' first and to follow Party discipline ([49]).

(110) Already in 2017, it was reported that party cells existed in 70 % of some 1,86 million privately owned companies, with growing pressure for the CCP organisations to have a final say over the business decisions within their respective companies ([50]). These rules are of general application throughout the Chinese economy, across all sectors, including to the producers of the product concerned and the suppliers of their inputs.

(111) In addition, on 15 September 2020 a document titled General Office of CCP Central Committee's Guidelines on stepping up the United Front work in the private sector for the new era ('*the Guidelines*') ([51]) was released, which further expanded the role of the Party committees in private enterprises.

(112) Section II.4 of the Guidelines states: '[w]*e must raise the Party's overall capacity to lead private-sector United Front work and effectively step up the work in this area*'; and Section III.6 states: '[w]*e must further step up Party building in private enterprises and enable the Party cells to play their role effectively as a fortress and enable Party members to play their parts as vanguards and pioneers*'. The Guidelines thus emphasise and seek to increase the role of the CCP in companies and other private sector entities ([52]).

(113) The investigation confirmed that overlaps between managerial positions and CCP membership / Party functions exist also in the copper sector. To provide an example, one of the directors of Zhejiang Hailiang Co. Ltd who is also the vice president of Hailiang Group Co., Ltd., the controlling shareholder of the company, is a CCP member ([53]).

(114) Additionally, the Chairman of Dongfang Run'an Group, the holding company of one of the key copper tubes producers Changzhou Enreach Copper Co. ([54]), is a CCP member ([55]) and was awarded the distinction of '*Outstanding Builder of Socialism with Chinese Characteristics Among Non-Public Sector Figures in Jiangsu Province*' ([56]).

(115) Also, the Chairman of China Copper Corporation also serves as the Deputy General Manager and member of the Party Leadership Group of the holding company Chinalco ([57]). Moreover, the General Manager of China Copper Corporation also serves as the Party Secretary ([58]). More specifically, the Party Committee of China Copper Corporation claims to '*have focused on deeply integrating Party building with production and business operations*' in the recent years and to have approved projects after '*multiple levels of the Party organizations have reviewed them*' ([59]).

(116) The state's presence and intervention in the financial markets as well as in the provision of raw materials and inputs further have an additional distorting effect on the market ([60]). Thus, the state presence in firms, in the copper and other sectors (such as the financial and input sectors) allows the GOC to interfere with respect to prices and costs.

([48]) See for example: Blanchette, J. – Xi's Gamble: *The Race to Consolidate Power and Stave off Disaster*; Foreign Affairs, Vol. 100, No 4, July/August 2021, pp. 10-19.
([49]) Report – Chapter 3, p. 41.
([50]) Available at: https://www.reuters.com/article/us-china-congress-companies-idUSKCN1B40JU (accessed on 22 June 2026).
([51]) General Office of CCP Central Committee's Guidelines on stepping up the United Front work in the private sector for the new era: www.gov.cn/zhengce/2020-09/15/content_5543685.htm (accessed on 22 June 2026).
([52]) Financial Times (2020) – Chinese Communist Party asserts greater control over private enterprise: https://www.ft.com/content/582411f6-fc3b-4e4d-9916-c30a29ad010e?syn-25a6b1a6=1 (accessed on 22 June 2026).
([53]) See of Zhejiang Hailiang Co. Ltd's annual report 2025, p.60, available at: http://file.finance.sina.com.cn/211.154.219.97:9494/MRGG/CNSESZ_STOCK/2026/2026-4/2026-04-29/12269645.PDF, (accessed on 22 June 2026).
([54]) See https://www.cnfa.net.cn/institute/show-2672.aspx (accessed on 22 June 2026).
([55]) See https://js.news.cn/20250609/01a98f2d767044798192f9a068694b0d/c.html (accessed on 22 June 2026).
([56]) See https://finance.sina.com.cn/roll/2025-11-10/doc-infwwvuv1539830.shtml (accessed on 22 June 2026).
([57]) See https://zgty.chinalco.com.cn/gywm/gsld/ (accessed on 22 June 2026).
([58]) Ibid.
([59]) See https://zgty.chinalco.com.cn/xwzx/gsyw/202606/t20260612_171520.html (accessed on 22 June 2026).
([60]) Report – Chapter 14, Sections 14.1 to 14.3.

3.1.2.1.4. *Significant distortions according to Article 2(6a)(b), third indent of the basic Regulation: public policies or measures discriminating in favour of domestic suppliers or otherwise influencing free market forces*

(117) The direction of the Chinese economy is to a significant degree determined by an elaborate system of planning which sets out priorities and prescribes the goals the central, provincial and local governments must focus on. Relevant plans exist at all levels of government and cover virtually all economic sectors. The objectives set by the planning instruments are of a binding nature and the authorities at each administrative level monitor the implementation of the plans by the corresponding lower level of government.

(118) Overall, the system of planning in China results in resources being driven to sectors designated as strategic or otherwise politically important by the government, rather than being allocated in line with market forces ([61]).

(119) The Chinese authorities have enacted a number of policies guiding the functioning of the sector of the product concerned.

(120) The 14th FYP on the development of the raw materials industry ([62]) aims to '*strictly control new capacities*' and requires that the '[l]*ocal governments shall incorporat*[e] *the main contents and major projects of the Plan into their local key work arrangements*'. Further, the GOC seeks to strengthen policy coordination and '[f]*ully leverage the guiding role of the plan, and strengthen the coordination and cooperation between fiscal, tax, financial, investment, import and export, energy, ecological environment, natural resources, price policies and industrial policies*' ([63]).

(121) According to the Implementation Plan for the high quality development of the copper industry (2025-2027) ([64]) the GOC intends to '[a]*ccelerate breakthroughs in key technologies* [and g]*uide copper material production enterprises to collaborate with research institutes and downstream application enterprises to conduct research and development and industrial application of high-performance copper alloy material preparation technologies*, [as well as a]*ccelerate the development of key equipment such as a new generation of continuous casting and rolling precision copper tube production lines*' ([65]). To this end, public authorities are expected to '*strengthen the coordination and cooperation between fiscal, taxation, financial, investment, import and export policies and industrial policies to further unleash policy effects*'. Also, '[t] *hey should* (…) *guide financial institutions to provide precise and effective support for the construction and upgrading of major copper industry projects that meet industry standards* (…) and [s]*trengthen the assessment and guidance of relevant state-owned* enterprises' ([66]).

(122) On the province level, similarly, according to the Jiangxi 14th FYP on the high quality development of the non-ferrous metals industry ([67]) the government authorities are set to shape the sector's industrial layout as follows: '*constructing an industrial system characterized by relatively concentrated industries, complete industrial chains, complementary advantages, and coordinated development*' ([68]).

(123) On the municipal level, the Kunming Municipality has signed a strategic cooperation agreement with China Copper Corporation ([69]) so as to ensure '*both parties deeply align with the national and Yunnan provincial strategic plans for high-quality development of the non-ferrous metals industry*' ([70]).

([61]) Report – Chapter 4, p. 56-57, 99-100.
([62]) See https://www.gov.cn/zhengce/zhengceku/2021-12/29/5665166/files/90c1c79a00b44c67b59c29392476c862.pdf (accessed on 22 June 2026).
([63]) Ibid. Sections IV.1m p.12 and VI.2, p. 25.
([64]) See https://www.ncsti.gov.cn/zcfg/zcwj/202502/t20250212_195423.html (accessed on 22 June 2026).
([65]) Ibid. Section VIII.
([66]) Ibid. Section XIII and XIV.
([67]) See Jiangxi 14th FYP on the high quality development of the non-ferrous metals industry.
([68]) Ibid., Section III.1.
([69]) See https://www.sohu.com/a/970930639_121106902 (accessed on 22 June 2026).
([70]) Ibid.

(124) Through these and other means, the GOC therefore directs and controls virtually every aspect in the development and functioning of the sector, as well as the upstream inputs.

(125) In sum, the GOC has measures in place to induce operators to comply with the public policy objectives concerning the sector. Such measures impede market forces from operating freely.

3.1.2.1.5. *Significant distortions according to Article 2(6a)(b), fourth indent of the basic Regulation: the lack, discriminatory application or inadequate enforcement of bankruptcy, corporate or property laws*

(126) According to the information on file, the Chinese bankruptcy system delivers inadequately on its own main objectives such as to fairly settle claims and debts and to safeguard the lawful rights and interests of creditors and debtors. This appears to be rooted in the fact that while the Chinese bankruptcy law formally rests on principles that are similar to those applied in corresponding laws in countries other than China, the Chinese system is characterised by systematic under-enforcement.

(127) The number of bankruptcies remains notoriously low in relation to the size of the country's economy, not least because the insolvency proceedings suffer from a number of shortcomings which effectively function as a disincentive for bankruptcy filings. Moreover, the role of the state in the insolvency proceedings remains strong and active, often having direct influence on the outcome of the proceedings ([71]).

(128) In addition, the shortcomings of the system of property rights are particularly obvious in relation to ownership of land and land-use rights in China ([72]). All land is owned by the state (collectively owned rural land and State-owned urban land) and its allocation remains solely dependent on the state. There are legal provisions that aim at allocating land use rights in a transparent manner and at market prices, for instance by introducing bidding procedures. However, these provisions are regularly not respected, with certain buyers obtaining their land for free or below market rates ([73]). Moreover, authorities often pursue specific political goals including the implementation of the economic plans when allocating land ([74]).

(129) Much like other sectors in the Chinese economy, the producers of the product concerned are subject to the ordinary rules on Chinese bankruptcy, corporate, and property laws. That has the effect that these companies, too, are subject to the top-down distortions arising from the discriminatory application or inadequate enforcement of bankruptcy and property laws. Those considerations, on the basis of the evidence available, appear to be fully applicable also in the copper sector. The present investigation revealed nothing that would call those findings into question.

(130) In light of the above, the Commission concluded that there was discriminatory application or inadequate enforcement of bankruptcy and property laws in the sector of the product concerned.

3.1.2.1.6. *Significant distortions according to Article 2(6a)(b), fifth indent of the basic Regulation: wage costs being distorted*

(131) A system of market-based wages cannot fully develop in China as workers and employers are impeded in their rights to collective organisation. China has not ratified a number of essential conventions of the International Labour Organisation, in particular those on freedom of association and on collective bargaining ([75]).

(132) Under national law, only one trade union organisation is active. However, this organisation lacks independence from the state authorities and its engagement in collective bargaining and protection of workers' rights remains rudimentary ([76]). Moreover, the mobility of the Chinese workforce is restricted by the household registration system, which limits access to the full range of social security and other benefits to local residents of a given administrative area.

([71]) Report – Chapter 6, p. 171-179.
([72]) Report – Chapter 9, p. 260-261.
([73]) Report – Chapter 9, p. 257-260.
([74]) Report – Chapter 9, p. 252-254.
([75]) Report – Chapter 13, p. 360-361, 364-370.
([76]) Report – Chapter 13, p. 366.

(133) This typically results in workers who are not in possession of the local residence registration finding themselves in a vulnerable employment position and receiving lower income than the holders of the residence registration ([77]). Those findings demonstrate the distortion of wage costs in China.

(134) No evidence was submitted to the effect that the copper tubes sector would not be subject to the Chinese labour law system described. The sector is thus affected by the distortions of wage costs both directly (when making the product concerned or the main raw material for its production) as well as indirectly (when having access to inputs from companies subject to the same labour system in China).

3.1.2.1.7. *Significant distortions according to Article 2(6a)(b), sixth indent of the basic Regulation: access to finance granted by institutions which implement public policy objectives or otherwise not acting independently of the state*

(135) Access to capital for corporate actors in China is subject to various distortions.

(136) First, the Chinese financial system is characterised by the strong position of state-owned banks ([78]), which, when granting access to finance, take into consideration criteria other than the economic viability of a project. Similar to non-financial SOEs, the banks remain connected to the state not only through ownership but also via personal relations (the top executives of large state-owned financial institutions are ultimately appointed by the CCP) ([79]) and they regularly implement public policies designed by the GOC.

(137) In doing so, the banks comply with an explicit legal obligation to conduct their business in accordance with the needs of the national economic and social development and under the guidance of the industrial policies of the state ([80]). While it is acknowledged that various legal provisions refer to the need to respect normal banking behaviour and prudential rules such as the need to examine the creditworthiness of the borrower, the overwhelming evidence, including findings made in trade defence investigations, suggests that these provisions play only a secondary role in the application of the various legal instruments.

(138) Recent developments further illustrate the extent of government influence over financial institutions in China. In March 2025, the GOC announced an issuance of RMB 500 billion in treasury bonds to provide substantial financial support to major banks, including the Bank of China, China Construction Bank, Bank of Communications, and Postal Savings Bank of China. This intervention was aimed at stabilising these institutions amidst declining profitability and record low net interest margins, highlighting the proactive measures taken by the state to maintain economic stability ([81]).

(139) Also, the GOC has clarified that even private commercial banking decisions must be overseen by the CCP and remain in line with national policies. One of the state's three overarching goals in relation to banking governance is now to strengthen the Party's leadership in the banking and insurance sector, including in relation to operational and management issues ([82]). Also, the performance evaluation criteria of commercial banks have now to, notably, take into account how entities '*serve the national development objectives and the real economy*', and in particular how they '*serve strategic and emerging industries*' ([83]).

([77]) Report – Chapter 13, p. 370-373.
([78]) Report – Chapter 6, p. 137-140.
([79]) Report – Chapter 6, p. 146-149.
([80]) Report – Chapter 6, p. 149.
([81]) See GOC Ad hoc Support to Banks, Official announcement, Ministry of Finance, available at: https://www.mof.gov.cn/zhengwuxinxi/caizhengxinwen/202503/t20250329_3961036.htm (accessed on 5 June 2026).
([82]) China Banking and Insurance Regulatory Commission (28 August 2020) – *Three-year action plan for improving corporate governance of the banking and insurance sectors (2020-2022)*, available at: http://www.scio.gov.cn/xwfb/gwyxwbgsxwfbh/wqfbh_2284/2021n_2711/2021n07y14r/wjxgzc_3574/202208/t20220808_312682.html (accessed on 4 June 2026). The Plan instructs to '*further implement the spirit embodied in General Secretary Xi Jinping's keynote speech on advancing the reform of corporate governance of the financial sector*'. Moreover, the Plan's Section II aims at promoting the organic integration of the Party's leadership into corporate governance: '*we shall make the integration of the Party's leadership into corporate governance more systematic, standardised and procedure-based* […] *Major operational and management issues must have been discussed by the Party Committee before being decided upon by the Board of Directors or the senior management*'.
([83]) China Banking and Insurance Regulatory Commission (15 December 2020) – *Notice on the Commercial banks performance evaluation method;* available at: https://jrs.mof.gov.cn/zhengcefabu/cwjx/202101/t20210104_3638904.htm (accessed on 4 June 2026).

(140) Furthermore, on the level of allocation of financial resources, with Several Measures to Further Promote the Development of Private Investment ([84]), the GOC seeks to '*increase central budget resources to support qualified private investment projects and to actively play a guiding and leading role*'. The GOC also intends to '*make good use of new policy financial instruments* [and] *support a number of qualified private investment projects in important industries and key areas*' ([85]).

(141) Additionally, bond and credit ratings are often distorted for a variety of reasons including the fact that the risk assessment is influenced by the firm's strategic importance to the GOC and the strength of any implicit guarantee by the government ([86]). This is compounded by additional existing rules, which direct finances into sectors designated by the government as encouraged or otherwise important ([87]). This results in a bias in favour of lending to SOEs, large well-connected private firms and firms in key industrial sectors, which implies that the availability and cost of capital is not equal for all players on the market.

(142) Second, borrowing costs have been kept artificially low to stimulate investment growth. This has led to the excessive use of capital investment with ever lower returns on investment. This is illustrated by the growth in corporate leverage in the state sector despite a sharp fall in profitability, which suggests that the mechanisms at work in the banking system do not follow normal commercial responses.

(143) Thirdly, although in theory nominal interest rate liberalization was achieved in October 2015, price signals are still not the result of free market forces but are influenced by government-induced distortions. The share of lending at or below the benchmark rate still represented at least one-third of all lending as of the end of 2018 ([88]). Official media in China have recently reported that the CCP called for '*guiding the loan market interest rate downwards*' ([89]). Artificially low interest rates result in under-pricing, and consequently, the excessive and not necessarily efficient utilization of capital.

(144) Overall credit growth in China indicates a worsening efficiency of capital allocation without any signs of credit tightening that would be expected in an undistorted market environment. As a result, non-performing loans have increased rapidly, with the GOC a number of times opting to either avoid defaults, thus creating so called 'zombie' companies, or to transfer the ownership of the debt (e.g. via mergers or debt-to-equity swaps), without necessarily removing the overall debt problem or addressing its root causes.

(145) In essence, despite the steps that have been taken to liberalize the market, the corporate credit system in China is affected by significant distortions resulting from the continuing pervasive role of the state in the capital markets. Therefore, the substantial government intervention in the financial system leads to the market conditions being severely affected at all levels.

(146) No evidence was submitted in the present investigation demonstrating that the sector of the product concerned is not affected by the government intervention in the financial system in the sense of Article 2(6a)(b), sixth indent of the basic Regulation. Therefore, the substantial government intervention in the financial system leads to the market conditions being severely affected at all levels.

3.1.2.1.8. *Systemic nature of the distortions described*

(147) The Commission noted that the distortions described in the updated Report are characteristic for the Chinese economy. The evidence available shows that the facts and features of the Chinese system as described above as well as in Part I of the updated Report apply throughout the country and across the sectors of the economy. The same holds true for the factors of production as set out above and in Part II of the updated Report.

([84]) See at: https://www.gov.cn/zhengce/content/202511/content_7047643.htm (accessed on 5 June 2026).
([85]) Ibid, Section 11.
([86]) Report – Chapter 6, p. 157-158.
([87]) Report – Chapter 6, p. 150-152, 156-160, 165-171.
([88]) OECD (2019), OECD Economic Surveys: China 2019, OECD Publishing, Paris. p. 29, available at: https://doi.org/10.1787/eco_surveys-chn-2019-en (accessed on 22 June 2026).
([89]) See: https://www.mof.gov.cn/zhengwuxinxi/caizhengxinwen/202006/t20200618_3534446.htm (accessed on 5 June 2026).

(148) The Commission recalls that in order to produce the product concerned, certain inputs are needed. When the producers of the product concerned purchase these inputs, the prices they pay (and which are recorded as their costs) are clearly exposed to the same systemic distortions mentioned before. For instance, suppliers of inputs employ labour that is subject to the distortions. They may borrow money that is subject to the distortions on the financial sector/capital allocation. In addition, they are subject to the planning system that applies across all levels of government and sectors. These distortions were described in detail above. The Commission pointed out that the regulatory setup underpinning those distortions is generally applicable, the copper tubes producers being subject to those rules as any other economic operator in China. The distortions have therefore a direct bearing on the cost structure of the product concerned.

(149) As a consequence, not only the domestic sales prices of the product concerned are not appropriate for use within the meaning of Article 2(6a)(a) of the basic Regulation, but all the input costs (including raw materials, energy, land, financing, labour, etc.) are also affected because their price formation is affected by substantial government intervention, as described in Parts I and II of the updated Report.

(150) Indeed, the government interventions described in relation to the allocation of capital, land, labour, energy and raw materials are present throughout China. This means, for instance, that an input that in itself was produced in China by combining a range of factors of production is exposed to significant distortions. The same applies for the input to the input and so forth.

(151) No evidence or argument to the contrary has been adduced by the GOC or the exporting producers in the present investigation.

3.1.2.2. Representative country

3.1.2.2.1. *General remarks*

(152) The choice of the representative country was based on the following criteria pursuant to Article 2(6a)(a) of the basic Regulation:

— A level of economic development similar to the PRC. For this purpose, the Commission used countries with a gross national income per capita similar to the PRC on the basis of the database of the World Bank ([90]).

— Production of the product under investigation in that country.

— Existence of relevant readily available data in the representative country.

— Where there is more than one possible representative country, preference was given, where appropriate, to the country with an adequate level of social and environmental protection.

(153) On 7 July 2026, the Commission issued a note to the file on the Sources for the Determination of Normal Value ('the Note'). In that Note, the Commission provided a list of all factors of production such as raw materials, labour and energy used in the production of the product concerned. The Note also described the facts and evidence underlying the relevant criteria, and informed interested parties of the countries that could be considered as an appropriate representative country in the present case if the existence of significant distortions pursuant to Article 2(6a)(a) of the basic Regulation would be confirmed.

A level of economic development similar to the PRC

(154) In the Note, the Commission identified Brazil, Malaysia, Mexico, Serbia, South Africa, Thailand and Türkiye as countries with a similar level of economic development as the PRC according to the World Bank, i.e. they are all classified by the World Bank as 'upper-middle income' countries on a gross national income basis where production of the product under investigation was known to take place.

(155) No comments were received concerning the countries identified in the Note.

([90]) World Bank Open Data – Upper Middle Income, https://data.worldbank.org/income-level/upper-middle-income.

Existence of relevant readily available data in the representative country

(156) The Commission indicated in the Note that for the availability of data needed to be further verified in particular with regard to the readily available financial data from producers of the product under investigation.

(157) The Commission analysed the import statistics for the main input material, i.e. copper cathodes, which represent more than 95 % of cost of production and for copper waste and scrap, for the seven potential representative countries mentioned in recital (154). The statistics showed that in all those seven countries listed above, both copper cathodes and copper scrap are mostly imported from countries other than China, Russia or those countries listed in listed in Annex I to Regulation (EU) 2015/755 of the European Parliament and the Council ([91]).

(158) With regard to Brazil, the Commission identified two producers in Brazil: Termomecanica ([92]) and Paranapanema ([93]). For Termomecanica, the Commission was not able to find available financial data for the IP (the most recent one was from 2023), while for Paranapanema the latest financial data (2024) showed losses. Considering that the Commission could not find evidence of profitable production of the product under investigation in Brazil, the Commission provisionally concluded that Brazil was not suitable to be considered as an appropriate representative country for this investigation.

(159) For Malaysia, the Complainant and the Commission identified two producers: KMCT Corporation and MetTube. The Commission was unable to find available financial data for KMCT. For MetTube, the latest available financial data (2024) showed that the company merely broke even (profit < 1 %). Considering that the Commission could not find evidence of profitable production of the product under investigation in Malaysia, the Commission concluded that Malaysia was not suitable to be considered as an appropriate representative country for this investigation.

(160) With regard to Mexico, the Commission identified three producers of the PUI: GDA, Industrias Unidas, S.A. de C.V. ('IUSU') Elementia Materiales, S.A.P.I. DE C.V. ('Elementia'). However, GDA is related to another exporting producer in the PRC, therefore could not be taken into consideration as this fact may compromise the reliability of its financial data. The Commission could not find any readily financial data available for IUSU. The Commission found readily available data for Elementia but according to the financial statement, the metal division of this company was not profitable. Considering that the Commission could not find evidence of profitable production of the product under investigation in Mexico that is not affected by the distortions found in China, the Commission did not consider Mexico as an appropriate representative country.

(161) Neither of the two producers in South Africa, Maksal Tubes (Pty) Ltd. ([94]) or Copper Tubing Africa (Pty) Ltd. ([95]), had readily available financial data. Considering that the Commission could not find evidence of profitable production of the product under investigation in South Africa, the Commission concluded that South Africa was not suitable to be considered as an appropriate representative country for this investigation.

(162) With regard to Thailand, the Commission identified one producer, Loyal Hailiang Copper (Thailand) Co., Ltd., with readily available data for 2024. However, this data does not cover the investigation period. Additionally, the company is related to Zhejiang Hailiang Co., Ltd., the exporting producer in the PRC under investigation in this proceeding, which may compromise the reliability of its financial data. The Commission also noted that imports of copper cathodes from China represented 25 % of total imports of copper cathodes into Thailand. For these reasons Thailand was not considered as an appropriate representative country.

([91]) 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). Article 2(7) of the basic Regulation considers that domestic prices in those countries cannot be used for the purpose of determining normal value.

([92]) https://www.termomecanica.com.br/EN/termomecanica.

([93]) https://www.paranapanema.com.br/en/our-products/paranapanema/.

([94]) https://www.maksal.com/.

([95]) https://coppertubing.co.za/.

(163) For Türkiye, the Commission identified two producers Sarkuysan ([96]) and Ulusoy Bakır ve Metal Sanayi ve Ticaret A.Ş. (Ulusoy) ([97]). However, the financial data of these producers was not readily available, and as a consequence, they could not be considered suitable for the determination of SG&A costs and profit. Considering that the Commission could not find evidence of profitable production of the product under investigation in Türkiye, the Commission concluded that Türkiye was not suitable to be considered as an appropriate representative country for this investigation.

(164) The Commission identified readily available financial statements only for one producer of the product under investigation which showed a reasonable level of profitability for a period entirely overlapping the investigation period, namely, VALJAONICA BAKRA SEVOJNO AD SEVOJNO in Serbia ([98]).

(165) In light of the above considerations, in the Note, the Commission informed interested parties that it intended to use Serbia as an appropriate representative country and the financial information of the company VALJAONICA BAKRA SEVOJNO AD SEVOJNO in Serbia, in accordance with Article 2(6a)(a), first indent of the basic Regulation, in order to source undistorted prices or benchmarks for the calculation of normal value.

(166) Interested parties were invited to comment on the appropriateness of Serbia as a representative country and of VALJAONICA BAKRA SEVOJNO AD SEVOJNO as producer in the representative country.

(167) Following the Note, the EUCTDC in general supported selection of Serbia as a representative country. However, it argued that the financial data of the selected producer in the representative country did not present reasonable profit during the IP, which, according to the EUCTDC, was 2 %, and requested the Commission to use a historical profit of 7 %, or adjust it to 6 %, or use the financial data of a Serbian distributor of the product under investigation.

(168) The EUCTDC argued that the profit margin of 2 % was not reasonable and therefore does not comply with Article 2(6a)(a) of the basic Regulation. It further claimed that indication of the reasonable profit should be read in conjunction with Article 7(2c) of the basic Regulation, which sets out the minimum target profit in normal conditions of competition.

(169) The Commission recalled that there is neither a minimum nor a maximum threshold for determining a reasonable profit when constructing the normal value. The reasonable profit is established on the basis of the circumstances of the particular case at stake and on the basis of the best available financial data. The profit does not have to be set at the minimum level of 6 % ([99]) which applies to the target profit of the Union industry, not to the profit in the representative country. Therefore, the claim to adjust the profit to a level mirroring the minimum target profit applied to the calculation of the target profit of the Union industry was rejected.

(170) In its comments to the Note, the EUCTDC claimed that the decline in profitability of the Serbian company, from 7 % in 2022 to 2 % in 2025, highlighted the pressure from Asian suppliers of the product under investigation in the region. For this reason, the EUCTDC suggested using the profit from 2022 or an average profit over the last four years. The EUCTDC provided no evidence of the existence of such pressure. Neither did the Commission find such evidence nor observe an increase in imports of the product under investigation from China into Serbia in the period after 2022. Therefore, the claim to use a profit from a year as distant form the IP as 2022, or the average profit for the preceding four-year period, was rejected.

([96]) https://sarkuysan.com/en/product/product-copper-tube-page.
([97]) https://www.uci.com.tr/products.
([98]) https://vbs.co.rs.
([99]) For instance in Commission Implementing Regulation (EU) 2025/4 of 17 December 2024 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of titanium dioxide originating in the People's Republic of China, a profit of 4,24 % had been considered as reasonable (OJ L, 2025/4, 9.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/4/oj), recital (171).

(171) However, having regard to the fact that the profit obtained during the IP was indeed low, and in particular that it was lower than the profit obtained by most of the cooperating exporting producers in countries other than the PRC on sales of the product under investigation on the respective domestic markets to the independent customers, the Commission resorted to the year closest to the IP with a reasonable profit. The Commission considered the financial data for 2024, the year proceeding the IP, when VALJAONICA BAKRA SEVOJNO AD SEVOJNO recorded a profit of 5 % and SG&A costs of 11 %, which were consider reasonable since they were reflecting more accurately the average financial results of the producers in the sector of the product concerned. The total profit and SG&A costs were at a similar level to those obtained during the IP, and the profit itself was considered to be at a reasonable level.

(172) Despite resorting to the year of 2024, VALJAONICA BAKRA SEVOJNO AD SEVOJNO remains the only producer of the product under investigation with readily available financial data that can demonstrate profit and SG&A cost rates that would lead to reasonable amounts. As explained in recital (162), LOYAL HAILIANG COPPER (THAILAND) CO LTD in Thailand also had readily available financial data for 2024, but it could not be used as an appropriate proxy because it is related to another Chinese exporting producer and therefore it was considered not reliable.

(173) In its comments to the Note, Jintian China, based on the statistics provided in the Note, argued that Türkiye is a more suitable representative country than Serbia because the volume of imported copper cathodes is twelve times higher than in Serbia, and, according to Jintian China, the average import price in Türkiye is more *neutral* than that in Serbia as with larger import volume the impact of occasional factors can be mitigated.

(174) In response to Jintian China's comments, the EUCTDC opposed the view that Türkiye should be considered as an appropriate representative country. It argued that, although the volume of imported copper cathodes was higher than in Serbia, the average import price was lower than the average annual London Metal Exchange ('LME') price for copper cathodes and lower than the prices observed in most other potential representative countries (except for Malaysia and Brazil). Because the LME price is quoted on an ex-works basis, the actual import price should be even higher. Consequently, the EUCTDC concluded that the import prices of copper cathodes into Türkiye cannot be considered representative.

(175) The Commission has analysed imports of the main input materials from all seven potential representative countries. As already stated in recitals (159) and (162), it considered that Malaysia and Thailand were not appropriate. The Commission found no reason to regard Serbian imports as non-representative. Jintian China did not provide any evidence or argument that would alter this position. In the absence of readily available financial data, the simple observation that Türkiye, a country significantly larger than Serbia, imports higher volumes is neither a novel discovery nor a relevant criterion for deeming Serbian imports as not representative.

(176) Jintian China also claimed that Türkiye should not be eliminated as a possible representative country on the ground that financial data for the producer of the product under investigation was not readily available. Jintian China supplied the financial statements of Sarkuysan, one of the identified producers of the product under investigation in Türkiye. Thus, in Jintian China's view, Türkiye was a suitable representative country.

(177) The financial statements provided by Jintian China do cover the IP and are readily available. However, it is a consolidated version for the whole corporate group. The Group consists of various subsidiaries that perform different functions and manufacture a broad range of products. Most importantly, the subsidiaries which financial results are incorporated into the consolidated financial statements are located in different countries, such as Bulgaria, Germany and the United States. Consequently, the profit and SG&A costs could not be attributed solely to the exporting producer of the product under investigation in the potential representative country.

(178) Therefore, the Commission found no grounds to consider Türkiye a more suitable representative country than Serbia.

Level of social and environmental protection

(179) Having established that Serbia was the only available appropriate representative country, based on all of the above elements, there was no need to carry out an assessment of the level of social and environmental protection in accordance with the last sentence of Article 2(6a)(a) first indent of the basic Regulation.

3.1.2.2.2. *Conclusion*

(180) In view of the above analysis, Serbia 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.

3.1.2.3. Sources used to establish undistorted costs

(181) In the Note, the Commission listed the factors of production such as materials, energy and labour used in the production of the product under investigation by the exporting producers and invited the interested parties to comment and propose publicly available information on undistorted values for each of the factors of production mentioned in that Note.

(182) The Commission stated that, in order to construct the normal value in accordance with Article 2(6a)(a) of the basic Regulation, it would use GTA to establish the undistorted cost of most of the factors of production, notably the raw materials. In addition, the Commission stated that it would use the Statistical office of the Republic of Serbia ([100]) and ILO ([101]) for establishing undistorted costs of labour and energy (electricity ([102]) and natural gas ([103])).

(183) In the Note, the Commission also informed the interested parties that due to the negligible weight of some of the raw materials in the total cost of production, these negligible items were grouped under 'consumables'. Further, the Commission informed that it would calculate the percentage of the consumables on the total cost of raw materials (amounting to 5 %) and apply this percentage to the recalculated cost of raw materials when using the established undistorted benchmarks in the appropriate representative country.

3.1.2.3.1. *Factors of production*

(184) Considering all the information submitted by the interested parties and collected during the verification visits, the following factors of production and their sources have been identified in order to determine the normal value in accordance with Article 2(6a)(a) of the basic Regulation:

Table 1

Factors of production of product under investigation

Factor of Production	Commodity Code	Source	Undistorted value (CNY)	Unit of measurement
Raw materials				
Copper Cathode	7403 11	GTA	77,19	kg

([100]) https://www.stat.gov.rs/en-US/oblasti/trziste-rada/zarade.
([101]) https://ilostat.ilo.org/data/?cat_mode=subject.
([102]) https://www.eps.rs/cir/snabdevanje/Pages/cene.aspx.
([103]) https://www.srbijagas.com/?page_id=2562.

Factor of Production	Commodity Code	Source	Undistorted value (CNY)	Unit of measurement
Consumables				
Labour				
Labour	n/a	Statistical office of the Republic of Serbia ([1]) and ILO ([2])	74,96	hours
Energy				
Electricity	n/a	Energy Agency of Serbia ([3])	0,90	kWh
Natural gas	n/a	Energy Agency of Serbia ([4])	0,31	kWh

([1]) https://www.stat.gov.rs/en-US/oblasti/trziste-rada/zarade.
([2]) https://ilostat.ilo.org/data/?cat_mode=subject.
([3]) https://www.aers.rs/media/Files/Izvestaji/Godisnji/Izvestaj%20Agencije%202025.pdf.
([4]) https://www.aers.rs/media/Files/Izvestaji/Godisnji/Izvestaj%20Agencije%202025.pdf.

(185) The Commission included a value for manufacturing overhead costs in order to cover costs not included in the factors of production referred to above. To establish this amount, the Commission used the data provided by the complainant on costs of manufacturing that had not been included in the individual FOP above. As regards the cooperating exporting producer, the Commission used data provided by the complainant. The methodology is duly explained in Section 3.1.2.3.6.

3.1.2.3.2. *Raw materials*

(186) In order to establish the undistorted price of raw materials as delivered at the gate of a representative country producer, the Commission used as a basis the weighted average import price to the representative country as reported in the GTA to which import duties and transport costs were added. An import price in the representative country was determined as a weighted average of unit prices of imports from all third countries.

(187) For a number of factors of production, the actual costs incurred by the cooperating exporting producer and as provided in the complaint represented a negligible share of total raw material costs in the investigation period. As the value used for these had no appreciable impact on the dumping margin calculations, regardless of the source used, the Commission decided to include those costs into consumables as explained in the recitals (183).

(188) In order to establish the undistorted price of raw materials, as provided by Article 2(6a)(a), first indent of the basic Regulation, the Commission applied the relevant import duties in the representative country.

(189) As regards Jintian China, the Commission expressed the transport cost incurred by Jintian China for the supply of raw materials as a percentage of the actual cost of such raw materials and then applied the same percentage to the undistorted cost of the same raw materials in order to obtain the undistorted transport cost. The Commission considered that, in the context of this investigation, the ratio between the exporting producer's raw material and the reported transport costs could be reasonably used as an indication to estimate the undistorted transport costs of raw materials when delivered to the company's factory.

(190) Furthermore, the Commission estimated the transport cost incurred by the non-cooperating exporting producer for the supply of raw materials as a percentage of the undistorted cost of the raw materials in order to obtain the undistorted transport cost.

3.1.2.3.3. *Labour*

(191) The Statistical office of the Republic of Serbia publishes detailed information on wages in different economic sectors in Serbia. The Commission used the latest available statistics covering year 2025 for average labour cost in the manufacture of the basic metals sector, which includes costs for labour in the copper tubes sector ([104]). For average working time in the manufacturing sector, the Commission used ILO statistics ([105]).

3.1.2.3.4. *Electricity*

(192) The price of electricity for companies (industrial users) in Serbia is published by the Energy Agency of Serbia ([106]). The Commission used the data on the industrial electricity prices in the corresponding consumption band in 2025 as published by the Agency.

3.1.2.3.5. *Natural gas*

(193) The price of natural gas for industrial users in Serbia is published by the Energy Agency of Serbia ([107]). The Commission used the prices in the corresponding consumption band during the IP.

3.1.2.3.6. *Manufacturing overhead costs, SG&A costs and profits*

(194) According to Article 2(6a)(a) of the basic Regulation, *'the constructed normal value shall include an undistorted and reasonable amount for administrative, selling and general costs and for profits'*. In addition, a value for manufacturing overhead costs needs to be established to cover costs not included in the factors of production referred to above.

(195) In order to establish an undistorted value of the manufacturing overheads and given the absence of cooperation from the Chinese exporting producers, the Commission used facts available in accordance with Article 18 of the basic Regulation. Therefore, based on the data of the complainant, the Commission established the ratio of manufacturing overheads to the total manufacturing and labour costs. This percentage was then applied to the undistorted value of the cost of manufacturing to obtain the undistorted value of manufacturing overheads, depending on the model produced.

(196) For Jintian China the manufacturing overheads incurred by this exporting producer were expressed as a share of the actually incurred costs of manufacturing. This percentage was applied to the undistorted costs of manufacturing.

(197) For establishing an undistorted and reasonable amount for SG&A costs and profit, the Commission relied on the financial data for 2024 for VALJAONICA BAKRA SEVOJNO AD SEVOJNO as extracted from Orbis.

3.1.2.3.7. *Calculation*

(198) On the basis of the above, the Commission constructed the normal value per product type and on ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.

(199) First, the Commission established the undistorted manufacturing costs. In the absence of cooperation by the exporting producers, the Commission relied on the information provided by the complainant in the complaint and input forms provided by two exporting groups on the usage of each factor (materials and labour) for the production of the product under investigation.

(200) For Jintian China the Commission applied the undistorted unit costs to the actual consumption of the individual factors of production of the cooperating exporting producer. These consumption rates were verified during the verification. The Commission multiplied the usage factors by the undistorted costs per unit observed in the representative country, as described in Section 3.1.2.2.

([104]) https://www.stat.gov.rs/en-US/oblasti/trziste-rada/zarade.
([105]) https://ilostat.ilo.org/data/?cat_mode=subject.
([106]) https://www.aers.rs/media/Files/Izvestaji/Godisnji/Izvestaj%20Agencije%202025.pdf.
([107]) https://www.aers.rs/media/Files/Izvestaji/Godisnji/Izvestaj%20Agencije%202025.pdf.

(201) Once the undistorted manufacturing cost was established, the Commission applied the manufacturing overheads, SG&A costs and profit as noted in recitals from (194) to (197).

(202) Then the Commission added the average manufacturing overheads, as explained in recital (195), to the undistorted cost of manufacturing in order to arrive at the undistorted costs of production.

(203) To the costs of production established as described in the previous recital, the Commission applied SG&A costs and profit of VALJAONICA BAKRA SEVOJNO AD SEVOJNO. SG&A costs were expressed as a percentage of the Costs of Goods Sold ('COGS') and applied to the undistorted costs of production, amounted to 11 %. The profit expressed as a percentage of the COGS and applied to the undistorted costs of production, amounted to 5 %.

(204) On that basis, the Commission constructed the normal value per product type on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.

3.1.3. *Export price*

3.1.3.1. Jintian China

(205) The cooperating exporting producer, Jintian China, exported to the Union through its related trader in Hong Kong, therefore the price paid or payable by the first independent customer in the Union was adjusted as explained in Section 3.1.5.1.

3.1.3.2. Other exporting producers

(206) As explained in recitals (11) to (17) the cooperation of exporting producers from China was low and therefore the export price was based on facts available in accordance with Article 18 of the basic Regulation. Therefore, the export price was based on the average import price into the Union of the product concerned from China, as established in Section 4.4 below, adjusted to ex-works level by deducting the sea freight and inland freight as given in the complaint.

3.1.4. *Comparison*

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

3.1.4.1. Adjustments made to the normal value

(208) As explained in recital (198), the normal value was established at the ex-works level of trade by using costs of production together with amounts for SG&A expenses and profit, which were considered to be reasonable for that level of trade. Therefore, no adjustments were necessary to net the normal value back to the ex-works level.

3.1.4.1.1. *Jintian China*

(209) Jintian China imported raw materials and subsequently sold the product under investigation under the inward processing customs regime. Under the current tax methodology of PRC concerning non-refundable VAT on export sales, the non-refundable VAT is determined by deducting the value of tax-exempt imported inputs from the total export value. Consequently, the Commission applied Article 2(10)(k) of the basic Regulation to this added value on the product exported to the Union. Moreover, the Commission found no grounds for any further allowances to the normal value for Jintian China, nor were any such allowances requested by the company.

3.1.4.1.2. *Other exporting producers*

(210) For other exporting producer, the Commission also made an adjustment under Article 2(10)(k) of the basic Regulation for the difference in indirect taxes between export sales from China to the Union and the normal value where indirect taxes such as VAT have been excluded. The companies exporting copper tubes were not entitled to a refund of input VAT on the raw materials purchased for the production of the product under investigation. Consequently, the difference in indirect taxes between the export sales and the normal value accounted for 13 %, and a corresponding adjustment was made.

3.1.5. *Adjustments made to the export price*

3.1.5.1. Jintian China

(211) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of: freight, insurance, handling loading and ancillary expenses.

(212) Allowances were made for the following factors affecting prices and price comparability: credit cost, bank charges.

(213) Jintian China exported to the Union through a related trader in Hong Kong. Therefore, an adjustment was made for commissions under Article 2(10)(i) of the basic Regulation. The trader was responsible for relationship with clients, in particular maintaining and initiating contacts with the customers, managing orders and transactions, organising transportation, freight, insurance for sales. The trader was remunerated for performing these functions by a mark-up. The Commission therefore found that the trader was performing functions similar to those of an agent working on a commission basis. Considering the relation between the trader and the producer, the Commission established the amount for commission based on the actual SG&A costs of the related trader and a notional profit of 10 %.

(214) With regard to this profit, in the current proceeding none of the unrelated importers cooperated. The Commission does not have any data from unrelated traders trading the same or similar product to the product under investigation. Therefore, the Commission resorted to the closest possible product to the product concerned – stainless steel cold-rolled flat products ('SSCR'), which is also characterised by a high share of the respective metal input. Therefore, the Commission relied provisionally on the profit considered reasonable in a recent refund investigation concerning imports of SSCR ([108]). In that investigation, the profit of unrelated importers was between 10 % and 13 %, and the Commission decided to conservatively apply the lower end of that range.

3.1.5.2. Other exporting producers

(215) The export price for other exporting producers has been established at the ex-works level as explained in recital (206).

(216) Based on the information collected during the investigation, the Commission established that all known exporting producers in China operate with a similar model as Jintian China and sell the product concerned via related traders in China or in third countries. Therefore, the Commission decided to apply the same adjustment as for Jintian China explained in recital (213) for all other companies. The Commission established the amount of the SG&A costs based on the average SG&A costs reported by all cooperating related traders of exporting producers in all countries subject to this investigation. As for the notional profit, the Commission applied 10 % as provided in recital (214).

3.1.6. *Dumping margins*

(217) As explained in recital (18), the Commission decided to apply Article 18 for the determination of dumping, except for the exporting producer Jintian China, for which an individual margin was calculated.

([108]) Refund investigation RF86-01: Commission Implementing Decision C(2026) 3105 final of 20.5.2026 https://tron.trade.ec.europa.eu/investigations/case-history?caseId=2484#RF86-01.

3.1.6.1. Jintian China

(218) For Jintian China, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

3.1.6.2. Other exporting producers

(219) The Commission determined the dumping margin for all other companies based on facts available, using the data provided by the complainant and by the cooperating exporting producers for the adjustment as explained in recital (216). The Commission then compared the average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

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

Company	Provisional dumping margin
Ningbo Jintian Copper Tube Co., Ltd	33,5 %
All other imports originating in China	51,5 %

3.2. **Mexico**

3.2.1. *Normal value*

(221) The Commission first examined whether the total volume of domestic sales for the Mexican cooperating producer GDA was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represented at least 5 % of its total export sales volume of the product concerned to the Union during the IP. On this basis, the total sales by the sampled exporting producer of the like product on the domestic market were representative.

(222) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for the cooperating exporting producer.

(223) The Commission then examined whether the domestic sales by the cooperating exporting producer GDA on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. The Commission established that for all the product types, identical or comparable with a product type sold for export to the Union, the total volume of domestic sales to independent customers during the investigation period represented at least 5 % of the total volume of export sales of the identical or comparable product type to the Union, and thus, were representative, in accordance with Article 2(2) of the basic Regulation.

(224) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.

(225) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:

(a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and

(b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.

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

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

(a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type: or

(b) the weighted average price of this product type is below the unit cost of production.

(228) The operational structure of GD Group is as follows: GDA is the producer of the product concerned in Mexico, it processes the raw materials provided, and owned, by HKGD which retain the ownership of the finished product and pays to GDA a processing fee ('maquila') for the manufacturing of copper tubes. HKGD than sells the product concerned to GDC for sales on the domestic market or to GDUS for sales on the domestic market and export sales to the Union.

(229) The Commission investigation found that the information provided by GD Group for the establishment of the costs of production and SG&A costs of the relevant companies was incomplete, inaccurate and non-verifiable, and it was submitted partly in non-compliance with the agreed deadlines. In particular, GD Group supplied incomplete, inaccurate and misleading information, within the meaning of Article 18 of the basic Regulation, concerning the establishment of the total manufacturing costs and the allocation of SG&A costs for HKGD, GDUS and GDA. The Commission's investigation found that the final version provided by the company of cost of production and SG&A costs did not incorporate the findings from the verification visit. This had a material impact on the costs of production and the SG&A costs. The Commission therefore issued an Article 18 letter, on 7 September 2026, on non-cooperation for these points ('the Article 18 letter'). Following, the reply received on 15 September 2026, the Commission proceeded with the establishment of costs incorporating the verification findings and revising the cost of production and the SG&A costs accordingly.

(230) GD Group commented on the Article 18 letter on 15 September 2026, and agreed that not every working file produced during the investigation by GD group was accurate, as there were corrections during verification, disagreements about allocation methodology and cost of production files were submitted after the date requested at the end of the verification in Mexico. However, GD Group disputes that Article 18 is warranted given that it gave the Commission all necessary information, did not supply false information or significantly impeded the investigation. GD Group submitted it cooperated with all verification visits, even if these were '*unusually demanding*' and maintains GD Group fully cooperated. The company argued that differences were due to formulas, classifications, different versions or exchange rate conversions with the only issues remaining outstanding being '*specific questions about accounting classification, allocation methodology, version control and the explanation of particular transactions*'.

(231) Moreover, GD Group commented that the intended application of Article 18 is not warranted given that Article 18(1) permits the use of facts available but is not a rule requiring every working file to be free of error or every allocation choice to coincide with the Commission's preferred methodology.

(232) In addition, under the same letter above, GD Group commented that Article 18(3) mentions that information that is not ideal must nevertheless not be disregarded and that according to Article 18(4) there is an important procedural safeguard being that the party must be informed of the reasons for rejecting information and given an opportunity to provide further explanations within the specified time limit. GD Group also commented that WTO panels and WTO rules point that the facts available are a means of filling genuine information gaps and not a punishment, and it describes cooperation as a '*two-way process*' considering practical difficulties. GD Group maintained that the existence of a correction and methodological disagreements on manufacturing cost information and Table G (questionnaire reply) allocation does not justify rejecting the verified information as a whole. According to GD Group, the Commission instead must identify specific information that is allegedly missing or unusable and ask whether is a reasonably accurate finding that can still be reached from the information supplied.

(233) Finally, GD Group mentioned, that there is no clear lack of cooperation as it answered deficiency letters, questionnaires, organized and participated in three verification visits on three continents, gave the case team access to the accounting systems and documents, revised the working files, made knowledgeable Mexican personnel available remotely throughout the GDUS verification, for which according to GD Group, physical attendance had been requested only shortly before the visit and that the Commission records showed that all GDUS sections were checked and verification was completed in time. Therefore, GD Group requested the Commission to not apply Article 18 to the manufacturing cost or Table G. Instead, GD Group requests any adjustment to be limited to specific items and be made, wherever possible, on the basis of the verified information already available as per Article 18(3).

(234) The Commission noted that the submission by GD Group confirmed inaccuracies, missing information and did not provide new substance, verifiable facts or new arguments. In addition, the Commission noted that the pre-verification letters sent to GD Group, on 8 June 2026, requested key staff members to be available at short notice, and that the Commission was only made aware that staff with knowledge on GDUS responses and information of EU sales would not be present in the premises at the beginning of the verification visit of GDUS. Indeed, GD Group had maintained that their key staff members would travel to GDUS for the verification visits.

(235) In addition, the Commission noted that the questionnaires and deficiency letters responses contained several identified deficiencies which were requested to be corrected or completed before the verification visits, but despite repeated requests by the Commission these were only partially corrected or completed during the verification visits.

(236) The Commission also took note of further information and clarifications provided by GD Group in its letter on 15 September 2026. However, it could not verify such information following the ending of the verification visits of GDA, GDC, GDUS and HKGD. Moreover, the Commission noted that in any case the additional information provided by GD Group and arguments put forward, would not affect the conclusions reached by the Commission in recital (229) of incomplete, inaccurate and misleading information for the establishment of the total manufacturing costs and allocation of SG&A.

(237) As a result, the Commission considers that there are sufficient grounds to apply facts available under Article 18(1), as explained in the Article 18 letter and summarised in recital (229). Therefore, the Commission adjusted and complemented the costs of production and SG&A costs for domestic sales to the first independent customer based on the facts available from the files of GD Group and information collected from the verification visits. No external data was used as facts available. The corrected and complete files were used by the Commission for the profitability test of the domestic sales.

(238) After performing all necessary corrections as explained above, the analysis of domestic sales showed that less than 80 % of all domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the profitable sales only, except for one product type were more than 80 % of all the domestic sales were profitable and the normal value was calculated as a weighted average of the prices of all domestic sales during the IP.

3.2.2. *Export price*

(239) As explained in recital (228) the cooperating producer, GDA, exported to the Union using related companies HKGD and GDUS located outside the Union.

(240) As regards HKGD, an adjustment was made for commission under Article 2(10)(i) of the basic Regulation for the owner and first seller of the product. HKGD was selling the product concerned to GDUS, for export to the Union, with a mark-up. The Commission therefore found that the trader was acting as an agent working on a commission basis. Considering the relation between the trader and the producer, the Commission established the amount for commission based on the actual SG&A costs of the related trader and a notional profit of 10 %.

(241) With regards to this profit, in the current proceeding none of the unrelated importers cooperated. The Commission does not have any data from unrelated traders trading the same or similar product to the product under investigation. Therefore, the Commission resorted to the closest possible product to the product concerned – stainless steel cold-rolled flat products ('SSCR'), which is also characterised by a high share of the respective metal input. Therefore, the Commission relied provisionally on the profit considered reasonable in a recent refund investigation concerning imports of SSCR ([109]). In that investigation, the profit of unrelated importers was between 10 % and 13 %, and the Commission decided to conservatively apply the lower end of that range.

(242) As regards GDUS, since the function of GDUS consisted primarily in issuing invoices and collecting revenue without receiving a commission for the resales, it was considered that it did not carry out functions similar to those of an agent in the sense of Article 2(10)(i).

(243) Therefore, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

3.2.3. *Comparison*

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

3.2.3.1. Adjustments made to the normal value

(245) In order to net the normal value back to the ex-works level of trade, adjustments were made on the account of freight and insurance expenses.

Allowances were made for the following factors affecting prices and price comparability: credit cost and packaging.

3.2.4. *Adjustments made to the export price*

(246) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of: customs duty, other import charges, freight, insurance, handling, loading and ancillary expenses, including packaging and warehouse rents.

(247) Allowances were made for the following factors affecting prices and price comparability: credit cost and packaging.

3.2.5. *Dumping margins*

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

(249) The level of cooperation in this case is high because the exports of the cooperating exporting producer constituted in fact around 100 % of the total imports to the Union during the IP. On this basis, the Commission decided to establish the dumping margin for non-cooperating exporting producers at the level of the dumping margin of the only cooperating company.

([109]) Refund investigation RF86-01: Commission Implementing Decision C(2026) 3105 final of 20.5.2026 https://tron.trade.ec.europa.eu/investigations/case-history?caseId=2484#RF86-01.

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

Company	Provisional dumping margin
GD Affiliates de RL de CV	32,2 %
All other imports originating in Mexico	32,2 %

3.3. **Uzbekistan**

3.3.1. *Procedure for the determination of the normal value under Article 2(7) of the basic Regulation*

(251) In accordance with Article 2(7) of the basic Regulation, since Uzbekistan is not a member of the WTO and is listed in Annex I to Regulation (EU) 2015/755, the normal value must be determined on the basis of the price or constructed value in an appropriate representative country.

(252) In accordance with Article 2(7) of the basic Regulation, the selection of the appropriate representative country shall be based on (a) cooperation by at least one exporter and producer of the product under investigation in that country; (b) where appropriate, an appropriate representative country which is subject to the same investigation shall be used; (c) where there is more than one possible representative country, preference shall be given, where appropriate, to countries with an adequate level of social and environmental protection.

(253) Accordingly, the Commission set out to identify all countries where at least one exporter and producer of the product under investigation was willing to cooperate with the investigation for their posterior assessment.

Choice of a representative country

(254) In the Notice of Initiation, in its point 5.3.3, the Commission invited all interested parties to propose (an) appropriate representative country(ies) for the purpose of application of Article 2(7) of the basic Regulation and provide the identity of producers of the product under investigation in those countries. The Commission also invited all exporting producers subject to the investigation in Vietnam and Mexico to express their willingness to cooperate in the calculation of the normal value for Uzbekistan. Two companies; Jintian in Vietnam and GDA in Mexico, replied positively.

(255) On 27 April 2026, the Commission contacted all other known producers in any potential representative country, with the exception of China ([110]). Given the evidence submitted in the complaint indicating that Chinese producers of copper tubes may be subject to significant distortions within the meaning of Article 2(6a) of the basic Regulation, producers in the PRC were not initially contacted, Consequently, the Commission deferred its assessment pending the outcome of the investigation into the existence of such distortions.

(256) One producer located in Türkiye, Ulusoy Bakır ve Metal A.S, replied positively, joining the two producers in Vietnam and Mexico that had already expressed their willingness to cooperate in the calculation of the normal value in Uzbekistan. Subsequently, a producer located in the United States of America, Wieland Copper Products LLC ('Wieland US') came forward and accepted to cooperate.

(257) Initially, the Commission informed interested parties via a Note to the file on 20 May 2026 that it envisaged to use the producer located in Türkiye as a source of information for the determination of the normal value, and invited parties to comment.

([110]) Communication of 27 April 2026, save number: t26.003023 and Note to the File of 8 May 2026, save number t26.003356.

(258) Moreover, the Commission noted that both Jintian Vietnam and GDA are related to the Chinese exporting producers under this investigation, and that there were certain circumstances related to the corporate structure and sales and procurement flows of Jintian Vietnam and GDA that could affect the normal value of the product under investigation as determined under Article 2(7) of the basic Regulation.

(259) However, while the Turkish producer initially submitted a reply to the anti-dumping questionnaire, the information provided was found to be deficient and did not contain the necessary data to allow for the calculation of a normal value. The Commission subsequently sent a deficiency letter to the Turkish company requesting the missing information. Since the company failed to provide a reply within the specified deadline and stopped cooperating, the Commission had to remove this producer from the list of potential representative producers.

(260) Wieland US, on the other hand, submitted a questionnaire reply with the necessary data to allow for the calculation of a normal value. Wieland US is a producer of copper tubes mainly focused on its domestic market, and its production capacity is in the same range as the Uzbek producers, with a structure and production process similar to the Uzbek producers. As a result, on 8 September 2026 via a note to the file, the Commission informed interested parties that, following the removal of the Turkish company, the producer located in the USA was envisaged as a representative producer, and invited parties to comment ([111]).

(261) During the course of the investigation, the Commission confirmed the existence of export duties on copper materials ranging between 10 % and 22 % in Vietnam. However, given its location in an export processing zone, which is, in effect, a no-duty zone, Jintian Vietnam is not subject to these taxes, and was not disregarded as a representative source of information on that account. Yet, the establishment and operation of the company in this special economic zone for export processing enterprises clearly indicated that the company was mainly export oriented, corresponding with very limited domestic sales. Furthermore, it operated under a complex set of intragroup purchases and resales, which differed significantly from the direct purchasing and selling operations undertaken by the Uzbek producers and Wieland US. Hence, the Commission considered that Jintian Vietnam was not an appropriate source of information for the determination of the normal value.

(262) Finally, in view of the application of facts available for the determination of the normal value of the Mexican exporting producer GDA, as highlighted in recitals (228) to (237) above, GDA could not be used as a reasonable choice to determine the normal value.

(263) The Commission thus confirmed at provisional stage that Wieland US was the most appropriate representative producer.

Comments on the choice of representative producer

(264) Upon initiation, ICG Infinity Copper Group LLC, Angren Pipe Plant LLC, and JV Sharq Tubes LLC ('the Uzbek producers') submitted that, in their view, the Commission should select either India or Vietnam as representative country, given the similarity of their copper tube industries with that of Uzbekistan, and their similar economic development classification ([112]) ([113]). To this end, the Uzbek producers argued that economic comparability should be taken into consideration for the choice of representative country given its effect on the cost and structure of production, and its relevance under Article 2(6a)(a) of the basic Regulation, which serves the same objective as Article 2(7); that is, to calculate normal value based on representative prices from a third country. Moreover, the Uzbek producers made the following observations:

(a) Vietnam should only be considered as a representative country if the Commission did not conclude that there were raw material distortions rendering costs and prices unreliable;

(b) a producer of copper tubes in India was identified that could be willing to cooperate in the investigation;

([111]) Note to the file of 8 September 2026, T26.007340.
([112]) t26.002008.
([113]) World Bank Group, Lower Middle Income, https://data.worldbank.org/country/lower-middle-income.

(c) Mexico should be selected only if the Commission finds that a particular market situation exists in Vietnam and no producer from India is available. In this respect, the Uzbek producers argued that the large production capacity and international structure of GD Mexico, which at this stage was the only producer in Mexico that had been identified, and the higher level of economic development of the country ([114]) made it so that Mexico provided the least apt comparison of all options.

(265) After the preliminary selection of Türkiye as a representative country ([115]), and the announcement by Wieland US that the company was willing to cooperate in the investigation, the complainant submitted comments and argued that the US should be selected as appropriate representative country instead of Türkiye on account of:

(a) Strong internal competition in the domestic copper tubes market in the US, which sets prices according to normal market forces despite the existence of import duties on copper tubes.

(b) Significant state support to the metallurgy industries in Türkiye, aimed at protecting domestic production and exports.

(c) External price pressure exerted on Turkish producers of the product concerned PUI by low-priced imports of copper tubes from China, Vietnam and Uzbekistan, which could affect the cost and profitability structure of the cooperating Turkish producer.

(d) The higher level of economic stability and of environmental and social protection of the US when compared to Türkiye.

(266) The Uzbek producers contested the complainants' arguments ([116]) that the US had a higher level of social and environmental protection based on its participation and ratification of ILO conventions and major environmental agreements and noted that preference should be given to exporting producers in countries subject to the investigation, arguing as well that in recent cases the Commission has rejected objections based on inflation brought against the choice of Türkiye as a representative country. Furthermore, the Uzbek producers argued that in the past ([117]), the EU Courts have held that the institutions must seek a third country in which prices for the like product are formed in circumstances as similar as possible to those in the exporting country and followed by drawing a parallel between the Commission's assessment of GDA's production structure and that of Wieland US. According to the Uzbek producers, Wieland should be disregarded as a representative source of information as its production structure ('multi-site, vertically integrated multinational group' with intra-group purchases) and cost structure (reliant on recycled copper and copper scrap) are materially different from that of the Uzbek producers.

(267) Additionally, the Uzbek producers suggested that Wieland US could be benefitting from substantial public support and listed several operations of the corporate group that had been selected for federal support or incentive packages. Moreover, the Uzbek producers argued that the introduction in August 2025 of a 50 % tariff on imports of semi-finished copper products ([118]) ([119]) may affect both costs and profits, effectively distorting the normal value calculated on the basis of Wieland's data, despite the complainant's claims that US producers operate in a competitive domestic market. Finally, the Uzbek producers submitted comments on the selection of Wieland US as a source of information for the determination of the Normal Value. However, given that these comments were submitted only three weeks before the legal deadline for pre-disclosure, and after the deadline for comments established in the second note on the sources for the normal value in Uzbekistan ([120]), the Commission was unable to address them at this stage of the investigation.

([114]) World Bank Group, Upper Middle Income, https://data.worldbank.org/country/upper-middle-income.
([115]) t26.003907.
([116]) t26.004103.
([117]) Case C-338/10, Grünwald Logistik Service GmbH (GLS) v Hauptzollamt Hamburg-Stadt., ECLI:EU:C:2012:158, paras. 20-22; Case C-687/13, Fliesen-Zentrum Deutschland GmbH v Hauptzollamt Regensburg, ECLI:EU:C:2015:573, para. 49.
([118]) Fact Sheet: President Donald J. Trump Takes Action to Address the Threat to National Security from Imports of Copper – The White House.
([119]) The so-called 'copper 232 tariffs' apply to imports of semi-finished copper products, such as copper pipes, wires, rods, sheets, tubes, pipe fittings, cables, connectors, and electrical components. They do not apply to input materials such as copper ores, concentrates, mattes, cathodes and anodes.
([120]) Note to the file of 8 September 2026 (made available on the case file on 9 September 2026) (t26.007340) inviting parties to submit comments within 10 days of the date when the note is made available in the open case file. The Uzbek producers submitted their reply on 21 September 2026, past the 10-days established.

(268) The Commission dismissed all claims regarding the selection of Türkiye as an appropriate representative country, given that, as explained in recital (261), the only cooperating company in the country, failed to provide the necessary information for the calculation of the normal value.

(269) Regarding the claim that Wieland US benefits from intragroup purchase channels, the Commission explained that only a limited volume of raw materials (below 20 %) were purchased from related suppliers, and virtually no price difference was found between raw materials purchased from unrelated and related suppliers. By comparison, 100 % of raw material purchases by Jintian Vietnam were sourced via related suppliers. It follows that, if the Commission were to take the position that benefiting from intragroup purchase channels is enough to render the selection of a company as a representative producer inappropriate, Jintian Vietnam should be considered as the least representative option.

(270) As the Commission noted in the second note to the file on the choice of the representative country, Wieland's structure and production process were similar to the Uzbek's producers. As regards the production and domestic sales process, Wieland US functions as a standalone company in its domestic market; with the majority of its raw materials being purchased independently and from unrelated suppliers and its domestic sales being carried out exclusively by the company to unrelated customers. To this end, the Commission reiterated its findings on recital (267) that the sales and production structure of the Vietnamese producer, which was situated in an export processing zone and directed since its founding towards the export market, were far less representative of the situation of the domestic sales of the Uzbek producers than that of Wieland US. In fact, less than 3 % of Jintian's sales during the IP were to the domestic market, which suggests that these sales were accessory to the company and affected the representativity assessment in the calculation of the normal value, whereas domestic sales took a significant share of the total sales of the Uzbek producers, surpassing 15 % overall. This difference affected the representativity of the domestic sales used in the determination of the normal value, as Jintian did not have domestic sales of several product types exported by the Uzbek producers and Wieland US did.

(271) The Commission reminded the Uzbek producers that the requirement of a similar level of economic development of the appropriate representative country contemplated under Article 2(6a) of the basic Regulation, is not mirrored by Article 2(7), under which the normal value is determined for imports originating in countries that are not members of the WTO. The provisions for the determination of the normal value stem from the applicable legislation, and not from the inference of its purported objectives, as such, the claim is without merit.

(272) Regarding the policies in place in both the US and Vietnam, the Commission informed the Uzbek producers that it had examined the costs of production and domestic sales pricing of both Jintian Vietnam and Wieland US to discern the potential distortive effects of said policies in each country, and had not found evidence indicating that, in the cases at hand, the costs and prices of either company were not the result of normal market operations.

(273) On the obligation to select an appropriate representative country which is subject to the same investigation under Article 2(7) of the basic Regulation, the Commission notes that this requirement is conditional on the appropriateness of the possible appropriate representative countries. In this case, and as explained in recitals (267) and (276) to (278), contrary to Vietnam, the US was found to be an appropriate representative country .

(274) Consequently, the Commission selected the US as the most appropriate representative country within the meaning of Article 2(7) of the basic Regulation.

3.3.2. *Normal value (representative country)*

(275) The normal value, pursuant to Article 2(7) of the basic Regulation, was established based on the questionnaire reply submitted by Wieland US.

(276) First, the Commission examined whether, in accordance with Article 2(2) of the basic Regulation, the total volume of the domestic sales of the like product to independent customers in the USA was representative. To this end, the total domestic sales volume was compared to the total volume of the product concerned exported by the Uzbek exporting producers to the Union. On that basis, the Commission found that the like product was sold in representative quantities on the US market. Second, the Commission identified the product types sold domestically by the US producer in the representative country that were identical or directly comparable with the types sold for export to the Union by the Uzbek exporting producers. It compared on a product type basis the sales volume in US with the exports by the Uzbek exporting producers to the Union. This comparison showed that all but one product types were sold in representative quantities in the US.

(277) The Commission subsequently examined for the representative country producer whether each type of the like product sold domestically could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing for each product type the proportion of profitable sales to independent customers on the domestic market during the investigation period. The cost of production of each product type produced by the US producer during the investigation period was determined. The sales transactions were considered profitable where the unit price was equal or above the cost of production.

(278) Where the sales volume of a product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of that type, and where the weighted average sales price of that type was equal to or higher than the cost of production, normal value was based on the actual domestic price. This price was calculated as a weighted average of the prices of all domestic sales of that type made during the investigation period. For all product types sold by the representative country producer, the volume of profitable sales of a product type represented 80 % or more of the total sales volume of that type.

(279) For the product type exported from Uzbekistan to the Union that was not sold in the USA, considering that the Commission was unable to find alternative data at a sufficient level of detail for the prices of the product type in question on the US domestic market, the normal value was constructed on the basis of the most similar product type for which there were sales in the USA. For all other product types, the normal value was based on the actual domestic price of the cooperating producer in the USA.

3.3.3. *Export price*

(280) The three cooperating producers exported to the Union directly to independent customers. Therefore, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

3.3.4. *Comparison*

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

3.3.4.1. Adjustments made to the normal value

(282) In order to net the normal value back to the ex-works level of trade, an adjustment was made on the account of packing expenses.

3.3.5. *Adjustments made to the export price*

(283) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of freight and other export expenses, such as insurance, certificates of origin and export declaration fees.

(284) Allowances for factors affecting prices and their comparability were made for credit costs and bank charges.

3.3.6. *Dumping margins*

(285) For the three known cooperating exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation. The level of cooperation in this case is high because all known exporters of the product concerned in Uzbekistan cooperated in the investigation. On this basis, the Commission decided to establish the dumping margin for non-cooperating exporting producers at the level of the cooperating company with the highest dumping margin.

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

Company	Provisional dumping margin
ICG Infinity Copper Group LLC and its related producer Metal Processing Technology LLC	36,8 %
Angren Pipe Plant LLC	31,1 %
JV Sharq Tubes LLC	36,2 %
All other imports originating in Uzbekistan	36,8 %

3.4. **Vietnam**

3.4.1. *Normal value*

(287) The Commission first examined whether the total volume of domestic sales for each sampled cooperating exporting producer was representative, in accordance with Article 2(2) of the basic Regulation. On this basis, the total sales by each sampled exporting producer of the like product on the domestic market were representative.

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

(289) The Commission then examined whether the domestic sales by each cooperating exporting producers on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The Commission established that several product types were not sold in representative quantities.

(290) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.

(291) The analysis of domestic sales showed that for both exporting producers more than 96 % of all domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated for the majority of the transactions as a weighted average of the prices of all domestic sales during the IP and for some part as a weighted average of the profitable sales only.

(292) For the product types where profitable sales could not be established, the Commission constructed the normal value. In some instances where there were no sales of a product type of the like product in the ordinary course of trade the Commission looked for alternative sources for prices in the ordinary course of trade. Since there were no domestic sales of other sampled producers or the domestic sales price of other sampled producers for that product type could not be disclosed in a meaningful manner without breaching the confidentiality of that producer, and no other sources of prices for the particular product types were available, the Commission constructed the normal value for the relevant product types in accordance with Article 2(3) and (6) of the basic Regulation.

(293) The normal value was constructed by adding the following to the average cost of production of the like product of the cooperating sampled exporting producers during the investigation period:

(a) the weighted average selling, general and administrative ('SG&A') expenses incurred by the cooperating sampled exporting producers on domestic sales of the like product, in the ordinary course of trade, during the IP; and

(b) the weighted average profit realised by the cooperating sampled exporting producers on domestic sales of the like product, in the ordinary course of trade, during the IP.

(294) For one product type not sold in representative quantities on the domestic market, the average SG&A expenses and profit of transactions made in the ordinary course of trade on the domestic market for those types were added. For the product types not sold at all on the domestic market, the weighted average SG&A expenses and profit of all transactions made in the ordinary course of trade on the domestic market were added.

3.4.2. *Export price*

(295) The sampled exporting producers exported to the Union either directly to independent customers, through related traders located outside the Union or through related traders in the Union acting as importers.

(296) For the exports of the product concerned sold directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

(297) For the exports of the product concerned to the Union through related companies located in the Union acting as importers, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, in accordance with Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and a reasonable profit margin was added, established on the basis of a recent refund investigation on SSCR (i.e. 10 %).

(298) One related importer in the Union further processed the product under investigation before selling it on the Union market. As the product types being sold by the processing company were not the same as those being imported into the Union, and given the complexity involved in the determination of the export price at ex-works level for the product imported, the Commission considered that additional information was necessary to calculate the dumping margin for these transactions. Accordingly, the Commission contacted the processing company and requested said information. Given the timing of the investigation, the information could not be collected before the determination of the provisional injury margin was required. As such, the Commission decided that these sales would be assessed at a later stage, when all the necessary information was available.

3.4.3. *Comparison*

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

(300) An adjustment was made under Article 2(10)(i) of the basic Regulation for Jintian Vietnam and its related trader in Hong Kong. The trader was responsible for relationship with clients, in particular maintaining and initiating contacts with the customers, managing orders and transactions, organising transportation, freight, and insurance for sales. The trader was remunerated for their involvement by a mark-up. The Commission therefore found that the trader was performing functions similar to those of an agent working on a commission basis.

(301) In the case of Hailiang Vietnam, the findings of the investigation showed that the trader carried out marketing and promotion campaigns and was responsible for setting the price of the sales to unrelated customers and other sales coordination tasks. The trader was remunerated for their involvement by a mark-up. Indeed, customers would place orders with the trader directly, who would then source the product concerned from different companies within the group, obtaining a profit for its services. The Commission therefore found that the trader was performing functions similar to those of an agent.

(302) Export prices were thus adjusted for the exports of the product concerned to the Union through related traders located outside the Union, by deducting an allowance for SG&A expenses of each related trader and a reasonable profit margin, established on the basis of a recent refund investigation on SSCR (i.e. 10 %) ([121]).

3.4.3.1. Adjustments made to the normal value

(303) As explained in recitals (299), for most product types, the normal value was established as a weighted average of the prices of all domestic sales during the IP and for some part as a weighted average of the profitable sales only. Adjustments were made to net the domestic process at the ex-works level of trade on account of domestic transport.

(304) For sales where the Normal Value was established by using costs of production together with amounts for SG&A expenses and for profit, these were considered to be reasonable for that level of trade. Therefore, no additional adjustments were necessary to net the normal value back to the ex-works level.

(305) For sales via a domestic trader, additional adjustments were made to net the normal value back to the ex-works level of trade. Moreover, allowances were made on the account of credit costs, bank charges and discounts. The Commission found no reasons for making any other allowances to the normal value.

3.4.4. *Adjustments made to the export price*

(306) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of freight, insurance, handling, loading, and ancillary expenses and other export charges.

(307) Allowances were made for the following factors affecting prices and price comparability: credit cost, bank charges and commissions.

3.4.5. *Dumping margins*

(308) For the sampled cooperating exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation.

([121]) See also recital 219 above for more details Commission Implementing Decision C(2026) 3105 final of 20.5.2026.

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

Company	Provisional dumping margin
Jintian Copper Industrial Company Limited	13,8 %
Hailiang (Vietnam) Copper Manufacturing Co., Ltd	20,4 %

(310) For the non-sampled cooperating exporting producers, the Commission calculated the weighted average dumping margin, in accordance with Article 9(6) of the basic Regulation. Therefore, that margin was established on the basis of the margins of the sampled exporting producers, disregarding the margins of the exporting producers with zero and *de minimis* dumping margins, as well as margins established in the circumstances referred to in Article 18 of the basic Regulation.

(311) On this basis, the provisional dumping margin of the cooperating exporting producers outside the sample is 17,4 %.

(312) The level of cooperation in this case is high because the exports of the cooperating exporting producers constituted around 90 % of the total imports during the IP. On this basis, the Commission decided to establish the dumping margin for non-cooperating exporting producers at the level of the cooperating sampled individually examined company with the highest dumping margin.

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

Company	Provisional dumping margin
Jintian Copper Industrial Company Limited	13,8 %
Hailiang (Vietnam) Copper Manufacturing Co., Ltd	20,4 %
Other cooperating companies in Vietnam	17,4 %
All other imports originating in Vietnam	20,4 %

4. **INJURY**

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

(314) The like product was manufactured by 11 producers in the Union during the investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

(315) The total Union production during the investigation period was established at around 110 thousand tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, including verified data of sampled Union producers, data provided by non-sampled Union producers, and public information. As indicated in recital (8), the three sampled Union producers represented more than 40 % of the total Union production of the like product.

4.2. **Determination of the relevant Union market**

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

(317) The Commission found that only part (about 15 %) of the sampled Union producers' production was destined for captive use, and specifically for the production of coated or insulated copper tubes. These downstream products were produced either within the company producing the copper tubes, or in another company of the same group, which effectively did not have a free choice of supplier.

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

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

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

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

4.3. **Union consumption**

(322) The Commission established the Union consumption by adding all imports to the sales of the Union industry.

(323) Union consumption developed as follows:

Table 2

Union consumption (tonnes)

	2022	2023	2024	Investigation period
Total Union consumption	[128 000–146 000]	[120 000–136 000]	[118 000–134 000]	[118 000–134 000]
Index	*100*	*93*	*92*	*92*
Free market	[114 000–129 000]	[104 000–118 000]	[102 000–115 000]	[103 000–116 000]
Index	*100*	*92*	*89*	*90*
Captive market	[14 000–18 000]	[15 000–18 000]	[16 000–19 000]	[15 000–18 000]
Index	*100*	*105*	*110*	*105*

Source: See sources on imports and Union sales in the respective tables.

(324) Demand for copper tubes is strongly linked to the HVACR (Heating, Ventilation, Air Conditioning, Refrigeration), and more broadly, the construction sector.

(325) During the period considered, total consumption of copper tubes in the Union dropped by 8 %. It started relatively high in 2022, mainly as a result of the strong recovery effect that followed the COVID-19 downturn and affected positively also the HVACR sector, but dropped by 7 % in 2023, and remained mostly stable at this level in 2024 and 2025 (investigation period). Free market consumption followed a similar trend, dropping overall by 10 % over the period considered.

4.4. **Imports from the countries concerned**

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

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

(327) The margin of dumping established in relation to the imports from each country concerned was above the *de minimis* threshold laid down in Article 9(3) of the basic Regulation. The volume of imports from each of the countries concerned was not negligible.

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

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

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

(330) Taking into account that CN Code 7411 10 90 does not cover only the product under investigation, the Commission established the volume of imports from the countries concerned using the following sources: as regards Mexico, Vietnam and Uzbekistan, for which the sampled exporting producers represented the totality or nearly the totality of exports to the Union, the Commission used Eurostat data in conjunction with the verified data of the sampled exporting producers. For China, for which the level of cooperation was low, imports were calculated using Eurostat data in conjunction with the estimate provided in the complaint that 53 % of imports under CN Code 7411 10 90 concern the product under investigation.

(331) The market share of the imports was established as a percentage of Union consumption in the free market, as set out in Section 4.3.

(332) Imports into the Union from the countries concerned developed as follows:

Table 3

Import quantity (tonnes) and market share

	2022	2023	2024	Investigation period
Quantity of imports from the PRC (tonnes)	4 598	4 501	3 949	4 411
Index	*100*	*98*	*86*	*96*
Market share %	[3,58 %–4,03 %]	[3,83 %–4,29 %]	[3,45 %–3,86 %]	[3,83 %–4,26 %]
Quantity of imports from Mexico (tonnes)	8 840	8 533	7 626	9 445
Index	*100*	*97*	*86*	*107*
Market share %	[6,88 %–7,75 %]	[7,26 %–8,14 %]	[6,66 %–7,45 %]	[8,19 %–9,12 %]
Quantity of imports from Vietnam (tonnes)	8 426	10 773	11 001	13 932
Index	*100*	*128*	*131*	*165*

	2022	2023	2024	Investigation period
Market share %	[6,56 %–7,39 %]	[9,17 %–10,28 %]	[9,6 %–10,75 %]	[12,08 %–13,45 %]
Quantity of imports from Uzbekistan (tonnes)	0	152	1 937	1 152
Index	—	*100*	*1 272*	*756*
Market share %	0,00 %	[0,01 %–0,20 %]	[1,6 %–1,9 %]	[1,0 %–1,11 %]
Quantity of imports from all countries concerned (tonnes)	21 864	23 959	24 514	28 939
Index	*100*	*110*	*112*	*132*
Market share %	[17 %–20 %]	[20 %–23 %]	[21 %–24 %]	[25 %–28 %]

Source: Eurostat and questionaire replies of sampled exporting producers.

(333) Imports from the countries concerned increased by 32 % in absolute volume over the period considered. The increase was led by Vietnam (up by 65 %) and Mexico (up by 7 %), in particular from 2024 to 2025 (investigation period), while imports from China remained stable. Imports from Uzbekistan increased significantly, but in absolute terms remained at low levels and decreased in the investigation period compared to the previous year.

(334) This increase in import volumes translated into an increase of the market share in the free market of the countries concerned by about 8 percentage points over the period considered.

4.5. Prices of the imports from the countries concerned, price undercutting and price suppression

(335) The Commission established the prices of imports using data from Eurostat. The Commission took into account of the estimate provided in the complaint that prices of the products other than the product under investigation are 25 % higher.

(336) Price undercutting of the imports was established on the basis of data from the cooperating Union producers and the cooperating exporting producers.

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

Table 4

Import prices (EUR/tonne) and LME prices

	2022	2023	2024	Investigation period
Average global copper price ([1])	8 385	7 852	8 446	8 820
Index	*100*	*94*	*101*	*105*
Imports from PRC	9 828	9 247	9 500	9 506
Index	*100*	*94*	*97*	*97*

	2022	2023	2024	Investigation period
Imports from Mexico	10 201	9 222	9 362	9 483
Index	*100*	*90*	*92*	*93*
Imports from Vietnam	10 298	9 117	9 522	9 563
Index	*100*	*89*	*92*	*93*
Imports from Uzbekistan	—	8 487	8 978	9 349
Index	—	*100*	*106*	*110*
All countries concerned (average)	10 160	9 175	9 426	9 519
Index	*100*	*90*	*93*	*94*

([1]) Source: https://fred.stlouisfed.org/data/PCOPPUSDA, converted to EUR using the average annual EUR/USD exchange rate.
Source: Eurostat.

(338) The evolution of import prices is to be seen in the context of the evolution of global copper prices, which have seen a small increase (5 %) over the period considered (see first row in table above).

(339) Import prices of copper tubes from China remained stable over the period considered. Import prices from Uzbekistan have increased in line with average global copper prices, while import prices from Vietnam and Mexico have both decreased by 7 %. Therefore, in relative terms (taking into account average global copper prices), the import prices of the PUI from Vietnam and Mexico have effectively decreased by about 12 % over the period considered. Overall, for all countries concerned, import prices have decreased by 6 % over the period considered (and about 11 % in relative terms, i.e. taking into account the evolution of the price of copper).

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

(1) the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and

(2) the corresponding weighted average prices per product type of the imports from the sampled cooperating producers from the countries concerned to the first independent customer on the Union market, established on a Cost, insurance, freight (CIF) basis, with appropriate adjustments for customs duties and post-importation costs.

(341) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary, and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the sampled Union producers' theoretical turnover during the investigation period. It showed a weighted average undercutting margin of 8,51 % by imports from Uzbekistan, 8,22 % by imports from Vietnam, 9,45 % by imports from Mexico and 16,36 % by imports from China on the Union market, and 9,93 % overall by imports from all countries concerned. The near totality of the import volumes was found to be undercutting.

(342) In addition, the import prices from the four countries concerned were below the Union cost of production (see Table 8 below) from 2023 to the end of the IP. The low import prices created a significant price suppression effect in the Union market, which prevented the Union industry from adapting its prices to the changes in the cost of production.

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

4.6.1. *General remarks*

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

(344) As mentioned in recital (7), sampling was used for the determination of possible injury suffered by the Union industry.

(345) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators.

(346) The Commission evaluated the macroeconomic indicators on the basis of data contained in the reply to the Commissions macro questionnaire by the complainants, revised, reconciled and complemented on the basis of the following:

(a) Verified questionnaire replies of sampled Union producers.

(b) Verified questionnaire replies of non-sampled Union producers which are related to cooperating exporting producers, complemented by their replies to deficiency letters.

(c) Publicly available information on Union producers who did not cooperate in the investigation.

(347) The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. The data related to the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.

(348) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.

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

4.6.2. *Macroeconomic indicators*

4.6.2.1. Production, production capacity and capacity utilisation

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

Table 5

Production, production capacity and capacity utilisation

	2022	2023	2024	Investigation period
Production quantity (tonnes)	[118 100–137 900]	[104 600–122 100]	[104 000–121 400]	[98 300–114 800]
Index	*100*	*89*	*88*	*83*
Production capacity (tonnes)	[172 400–201 200]	[172 400–201 200]	[172 700–201 600]	[172 200–201 000]
Index	*100*	*100*	*100*	*100*
Capacity utilisation	68 %	61 %	60 %	57 %

Source: Reply to macro-questionnaire and to questionnaires of sampled Union producers, reply to questionnaire of non-sampled Union producers related to cooperating exporting producers, publicly available information on other Union producers.

(351) Production capacity of Union producers remained largely unchanged over the period considered. The minor changes observed are due to planned or unplanned maintenance breaks, as Union producers did not realise any significant capacity changing investments or divestments.

(352) Production in the Union dropped by 17 % over the period considered, from [118 100–137 900] tonnes in 2022 to [98 300–114 800] tonnes in the investigation period. While, as explained in Section 4.3, there has been a drop in consumption over the period considered, the drop in production is significantly more pronounced. This is because imports from the countries concerned increased significantly, both in relative and in absolute terms, supplanting Union industry production.

(353) As a result of the drop in production, capacity utilisation dropped by 11 percentage points over the period considered, from 68 % to 57 %.

4.6.2.2. Sales quantity and market share

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

Table 6

Sales quantity and market share

	2022	2023	2024	Investigation period
Total sales quantity on the Union market plus captive use (tonnes)	[100 000–117 000]	[91 000–106 000]	[89 000–104 000]	[85 000–99 000]
Index	*100*	*90*	*89*	*85*
Captive market sales and captive use	[14 000–17 000]	[15 000–17 000]	[16 000–18 000]	[15 000–17 000]
Index	*100*	*105*	*110*	*105*
Free market sales	[86 000–100 000]	[75 000–88 000]	[73 000–85 000]	[70 000–81 000]
Index	*100*	*88*	*85*	*81*
Market share of free market sales %	[75 %–84 %]	[72 %–80 %]	[71 %–80 %]	[68 %–75 %]

Source: Reply to macro-questionnaire and to questionnaires of sampled Union producers, reply to questionnaire of non-sampled Union producers related to cooperating exporting producers, publicly available information on other Union producers.

(355) Over the period considered, Union industry sales in the free market dropped by 19 %, from about [86 000–100 000] tonnes in 2022 to about [70 000–81 000] tonnes in the investigation period. The respective market share of the Union industry dropped by 8 percentage points, showing that the imports from the countries concerned, which increased by 8 percentage points over the same period, were a key factor in the drop of sales of the Union industry.

(356) The Union industry compensated for the lost sales in a free market by increasing its captive sales and captive use, but only very partially, by about 1 000 tonnes over the period considered.

4.6.2.3. Growth

(357) In view of the decrease in production volumes, sales volumes, and market share, it is clear that during the period considered, the Union industry experienced negative growth, both in absolute terms and relative to the overall market growth.

4.6.2.4. Employment and productivity

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

Table 7

Employment and productivity

	2022	2023	2024	Investigation period
Number of employees	1 177	1 149	1 084	1 041
Index	*100*	*98*	*92*	*88*
Productivity (tonnes/employee)	[100–120]	[90–110]	[90–120]	[90–120]
Index	*100*	*91*	*96*	*94*

Source: Sampled Union producers questionnaire replies.

(359) Employment has dropped by approximately 140 workers, representing 12 % of the workforce over the period considered. The Union industry has generally been able to avoid significant lay-offs, and reduced its copper tubes workforce by reassigning personnel to other activities and by not replacing personnel leaving the company. The reduction did not fully reflect the drop in production, and as a result, productivity experienced as slight drop of about 6 %.

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

(360) All dumping margins were significantly above the *de minimis* level. The impact of the magnitude of the actual margins of dumping on the Union industry was substantial, given the volume and prices of imports from the countries concerned.

(361) This is the first anti-dumping investigation regarding the product concerned. Therefore, no data were available to assess the effects of possible past dumping.

4.6.3. *Microeconomic indicators*

4.6.3.1. Prices and factors affecting prices

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

Table 8

Sales prices in the Union

	2022	2023	2024	Investigation period
Average unit sales price on the free market (EUR/tonnes)	9 907	9 604	9 632	9 895
Index	*100*	*97*	*97*	*100*

	2022	2023	2024	Investigation period
Unit cost of production (EUR/tonnes)	9 865	9 513	9 784	10 134
Index	*100*	*96*	*99*	*103*
Average global copper price (EUR/tonne) ([122])	8 385	7 852	8 446	8 820
Index	*100*	*94*	*101*	*105*

Source: Sampled Union producers questionnaire replies.

(363) Union industry prices remained stable between the end-points of the period considered, experiencing a small decrease from 2022 to 2023 and a corresponding small increase from 2024 to 2025. This price stability has to be considered against the backdrop of rising production costs.

(364) Production costs increased overall by 3 % over the period considered. The production cost fluctuations during that period reflect mainly the corresponding changes in the global price of copper, which constitutes up to 90 % of the cost of the final product. They also reflect changes in the operating costs of Union producers, including increases in the costs of labour and energy, and decreases due to improvements in efficiency.

(365) Overall, the Union industry was unable to increase its prices in order to match the increases in costs and maintain a positive profit margin. In fact, from 2024 onwards, sales prices dropped below the unit cost of production.

(366) As noted in Section 4.5 above, it was concluded that the sales prices in the Union were affected by significant price suppression, in particular by the rising dumped imports.

(367) No other significant factors affecting prices were identified.

4.6.3.2. Labour costs

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

Table 9

Average labour costs per employee

	2022	2023	2024	Investigation period
Average labour costs per employee (EUR)	56 746	57 575	61 469	66 136
Index	*100*	*101*	*108*	*117*

Source: Sampled Union producers questionnaire replies.

(369) Labour costs in the Union increased significantly during the period considered, from 56 746 EUR/employee in 2022 to 66 136 EUR/employee in the investigation. This 17 % increase can be largely attributed to the overall inflationary pressure experienced in the Union over the same period, linked to the rise in energy prices.

([122]) Source: https://fred.stlouisfed.org/data/PCOPPUSDA, converted to EUR using the average annual EUR/USD exchange rate.

4.6.3.3. Inventories

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

Table 10

Stocks

	2022	2023	2024	Investigation period
Closing stock (tonnes)	3 475	4 460	5 620	4 591
Index	100	128	162	132
Closing stock as a percentage of production	[4 %–7 %]	[7 %–10 %]	[8 %–13 %]	[7 %–10 %]

Source: Sampled Union producers questionnaire replies.

(371) Stock levels increased from 3 475 tonnes at the end of 2022, which represented [4 %–7 %] of production in that year, to 4 591 tonnes at the end of 2025, which represented [7 %–10 %] of production in that year. Considering that the Union industry generally produces to order rather than to stock, the increase can be considered of limited significance.

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

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

Table 11

Profitability, cash flow, investments and return on investments

	2022	2023	2024	Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	1,0 %	0,3 %	- 1,1 %	- 1,5 %
Cash flow (EUR)	22 288 956	14 815 422	5 698 287	139 884
Index	*100*	*66*	*26*	*1*
Investments (EUR)	8 138 925	5 950 296	6 673 246	7 261 946
Index	*100*	*73*	*82*	*89*
Return on investments	18 %	8 %	7 %	- 3 %
Index	*100*	*48*	*37*	*- 17*

Source: Sampled Union producers questionnaire replies.

(373) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.

(374) As explained in recitals (363) to (365), from 2024 onwards the Union sales price dropped below the unit cost of production. This relationship between sales and costs was fully reflected in the profitability of the Union industry, which started positive at 1 % in 2022 and dropped continuously over the period considered, reaching - 1,5 % in the investigation period.

(375) The net cash flow is the ability of companies to self-finance their activities. For the Union industry, the net cash flow was clearly impacted by the declining profitability, starting from a healthy level of about 22 million EUR in 2022 and collapsing to a mere 140 thousand EUR in the investigation period.

(376) Through the period considered, the sampled Union producers managed to maintain a certain level of investments, about 6 to 8 million EUR per year. However, these investments concerned replacement or modernisation of existing equipment, rather than expansion of production capacity or product range. They were therefore the minimum investments required in order for the Union producers to maintain their operations and presence in the market, at least in the short term.

(377) The return on investments is the profit in percentage of the net book value of investments. Following a trend similar to that of profitability, it started from a healthy level of 18 % in 2022 and turned negative in the investigation period, reaching -3 %.

(378) The ability of any company to raise capital depends crucially on the market expectations regarding its financial performance. A negative profitability with draining cash flows and a return that is clearly below the cost of capital, would not allow the company to raise new capital, neither in the form of borrowing nor in the form of equity. It follows that the declining financial performance of the Union industry during the period considered had a strong negative impact on its ability to raise capital.

4.7. **Interested parties' comments**

(379) The three sampled Uzbek exporting producers, namely Infinity Copper Group, Angren Pipes, and Sharq Tubes ('the Uzbek producers'), and the Government of Uzbekistan ('GoU'), claimed that in accordance with Article 9(3) of the basic Regulation, the investigation should be terminated with respect to Uzbekistan, as imports from Uzbekistan likely fall below the 1 % *de minimis* threshold set out in Article 5(7) of the basic Regulation, and therefore, injury should be considered negligible.

(380) To support their claim on Uzbekistan's market share, the Uzbek producers and the GoU claimed that the complaint overestimated Uzbekistan's import volume of the product concerned and most likely underestimated the Union producers' sales. Following the submission of the macro-questionnaire, they continued to claim that the data provided by the complainant were inaccurate, resulting in a significantly underestimated Union consumption. The alleged inaccuracies concerned mainly the production, capacity, and sales figures of the Union producers, including in particular Seravalle, Cuprumfoma, HME Germany, and HME Spain, for which the complainant had used its own estimates, as it did not have access to data provided by the companies themselves.

(381) The Uzbek producers and the GoU also claimed that for three companies which appear to be producers of the product under investigation in the Union, namely Luvata, Barth Metallwerke and Standard Metall, no data had been included in the reply to the macro questionnaire. The parties referred to public information from the companies' webpages which suggest that they are Union producers. For Luvata in particular, they referred to a recent email reply obtained from the company, in which the company had included the phrase '*we do produce copper tubes*'.

(382) As an additional point on the market share, the Uzbek producers and the GoU claimed that captive use and captive sales should be taken into account when establishing total Union consumption as the denominator in the market share calculation. To substantiate their claim, the parties referred among others to the BDO ([123]), and MEG ([124]) investigations where the Commission allegedly did so.

(383) Further to the claim on the termination of the investigation for Uzbekistan under Article 9(3), the Uzbek producers and the GoU also claimed that the Commission should decumulate the imports from Uzbekistan from the imports of the other countries concerned, since the conditions for cumulation under Article 3(4) of the basic Regulation are not met. According to these parties, if the market share is slightly higher than 1 %, the Commission should not automatically cumulate its imports but rather carry out a case specific analysis. Moreover, the conditions of competition between the products imported from Uzbekistan and the products imported from the other countries, as well as the products produced by Union producers are such that make cumulation inappropriate.

(384) To support their claim on the conditions of competition, the Uzbek producers and the GoU argued that, contrary to what the complaint claims, Uzbek producers are not Chinese owned and are not related to the Chinese owners of exporting producers in China, Mexico and Vietnam. Moreover, they argued that exports from Uzbekistan are declining and that in any event, Uzbekistan lacks the ability (due to location and logistics restrictions) and the incentives (due to the termination of relevant state subsidies) to export large volumes to the European Union.

(385) The complainant submitted comments to these submissions, rejecting the claims of the Uzbek producers and the GoU, and maintaining that the data included in its reply to the macro questionnaire provided a reliable basis for the calculation of Union sales, Union consumption, and market shares.

(386) The Commission addressed the claims, starting from the facts and methodology it used for the calculation of Union consumption and market shares.

(387) Union consumption is calculated as the sum of Union sales plus all imports As to imports, the data and methodology used is explained in Sections 4.4.2 (imports from countries concerned) and 5.2.1 (imports from countries other than the countries concerned).

(388) As to Union sales, the Commission clarified that the data provided by the complainant in its reply to the macro questionnaire were revised on the following basis:

(a) For Feinrohren, Wieland Werke AG, and ElvalHalcor (the three sampled Union producers), the Commission used the data provided by these companies in their questionnaire replies, as revised during the respective verification visits.

(b) For Wieland Austria, Silmet, La Farga and Cupori, the Commission used the data submitted by these companies directly to the complainant, as confirmed when verifying the reply to the macro questionnaire.

(c) For HME Germany and HME Spain, the Commission provisionally used the data provided by these companies in the reply to the Commission's deficiency letter to the questionnaire reply of their related exporting producer, Hailiang Vietnam. These data will also be verified on spot during the course of the investigation.

([123]) Commission Implementing Regulation (EU) 2026/270 of 4 February 2026 imposing provisional anti-dumping duties on imports of 1,4-Butanediol originating in the People's Republic of China, the Kingdom of Saudi Arabia and the United States of America (OJ L, 2026/270, 5.2.2026, ELI: http://data.europa.eu/eli/reg_impl/2026/270/oj).

([124]) Commission Implementing Regulation (EU) 2021/939 of 10 June 2021 imposing a provisional anti-dumping duty on imports of mono ethylene glycol originating in the United States of America and the Kingdom of Saudi Arabia (OJ L 205, 11.6.2021, p. 4, ELI: http://data.europa.eu/eli/reg_impl/2021/939/oj).

(d) For the non-sampled Union producers, which did not provide data directly to the complainant, estimates were used, based on publicly available data. In particular:

(i) For Serravalle, the Commission estimated its capacity at 15 000 tonnes/year, based on the company's statement that it has a capacity of 400 km/day ([125]), approximately equivalent to 20 000 tonnes/year, and estimating that only about 75 % of that capacity would be available on average over a full year, considering planned and unplanned breaks. Production was estimated based on the public statement of the company's sustainability report for 2024, which stated that the production in 2024 was 7 144 tonnes, and the production for 2025 was 6 562 tonnes ([126]). Captive use and sales of the company were calculated on the basis of production and using the average ratio of production for captive sales/use of the other companies which had captive use or sales and which had provided their own data. Export sales were calculated on the basis of production and using the average ratio of production for export sales of the other companies which had export sales and which had provided their own data. Union sales were calculated as production minus captive use/sales and minus export sales.

(ii) For Cuprumfoma, the Commission estimated its capacity also at 15 000 tonnes/year, on the basis of a market study which suggested that in terms of production output, the company was in the same category as Serravalle ([127]). Production was calculated based on the capacity utilisation of the other companies that had provided their own data. Captive use/sales, export sales and Union sales were calculated on the same basis as for Serravalle.

(e) For Luvata, Barth Metallwerke and Standard Metall, the Commission noted that while the Uzbek parties provided some indications that these companies might maintain the capacity to produce the product under investigation, they did not provide any conclusive evidence that in fact they did so during the investigation period, and they did not even attempt to provide any quantification of the assumed production and sales. As regards specifically Luvata, the Commission noted that Luvata is in fact a group of companies that produces copper products in 10 manufacturing plants in a number of countries in Europe, Asia, North and South America, the Commission noted that the statement of the company could have referred to the activities of the Luvata group in other countries outside the Union. Even if it had referred to production in the Union, it is not clear from the response whether it referred to level wound coils or to other forms of copper tubes, and whether there was any actual production during the investigation period. Finally, the Commission notes that none of these three companies were found in the list of suppliers provided by Union users which cooperated in the investigation as part of their questionnaire reply. In view of this, the Commission considered that it would not be appropriate to assign any positive quantity for capacity, production or sales to these three companies.

(389) In view of the above, the Commission considered that, even if there were certain inaccuracies in the complaint or in the reply to the macro questionnaire, its calculations of Union consumption, and therefore also of market shares, used the best available information and were reliable.

(390) As regards the claim that for the market share calculation the total Union consumption including captive should be used, the Commission noted that this is a case specific assessment. In this case, as explained in recital (318), products destined for captive use are not exposed to direct competition from imports. By contrast, production destined for free market sale is in direct competition with imports of the product concerned. Therefore, the Union consumption in the free market is the relevant metric for the calculation of market shares.

([125]) https://www.sctubes.com/en/about-us.

([126]) See https://www.kme.com/fileadmin/DOWNLOADCENTER/ABOUT%20US/4%20Commitments/Sustainability_Report_2025/KME_2026_SCT_-_TMX_ENG.pdf, p. 22.

([127]) https://www.coppercouncil.org/wp-content/uploads/2022/02/TS22-Di-Cosimo.pdf.

(391) As regards the conditions for cumulation under Article 3(4) of the basic Regulation, the Commission noted that, as confirmed by the Union courts ([128]), it has a degree of discretion on the assessment of negligibility of imports. In this particular case, further to the market share of Uzbekistan which was above 1 %, the Commission noted also that over the period considered, imports from Uzbekistan showed an overall rapid growth, and this growth was realised in an overall contracting Union market. Moreover, these volumes entered the Union market at very low prices, in fact even lower than the other countries concerned, in particular in 2023 and 2024, and therefore exerted significant pressure on the prices of the Union industry. In view of this, at this stage, the Commission considered that the market share of Uzbekistan is not negligible.

(392) As regards the conditions of competition, the Commission noted that irrespective of ownership, or any factors which allegedly affect the ability and the incentives of Uzbek producers to export to the Union, the investigation has shown that the products imported from Uzbekistan during the investigation period are very similar to the products imported from the other countries concerned and the products produced by the Union industry. This is evident by the fact that all product control numbers ('PCN') of products imported from Uzbekistan during the investigation period were matched also by the products imported from the other countries concerned, and by the products produced by the Union industry. Moreover, the products imported from Uzbekistan entered the Union at prices which were generally comparable to those of the products imported by the other countries concerned and undercut the prices of the Union industry by 4,16 %. Finally, as noted in recital (328) above, the products were sold to a large extent through the same sales channels and to similar categories of customers.

(393) In view of the above, the Commission maintained its position that the conditions for a cumulative assessment of injury including the imports from Uzbekistan under Article 3(4) of the basic Regulation are met. Therefore, it rejected the claims of the Uzbek producers and the GoU.

(394) As regards the claim on the termination of the investigation for Uzbekistan under Article 9(3), the Commission noted that in view of the fact that imports for the four countries concerned have been cumulated, the reference of Article 9(3) of the basic Regulation to import volumes for the assessment of injury in this case does not concern the import volumes of the individual countries. It concerns the total import volumes from the countries concerned, and these are well above the volumes set out in Article 5(7) of the basic Regulation. Therefore, also this claim was rejected.

4.8. **Conclusion on injury**

(395) During the period considered, almost all macro and micro indicators showed a considerable deterioration in the economic situation of the Union industry, which as of at least 2023 can be considered injurious.

(396) The Union industry progressively lost production volumes, sales volumes and market share. Moreover, even if it managed to control and reduce its operational costs, it was unable to maintain its prices above the unit cost of production, which were affected by the changes in the global price of copper.

(397) The injury became even more evident in the financial performance of the Union industry from 2023 onwards, when it started being loss-making and saw its cash flows collapsing to almost zero.

(398) The Union industry managed to maintain a level of investment, which was necessary in order to replace old equipment and continue its operations. However, due to the losses it started realising as of 2023, the return on the investments turned negative.

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

([128]) Judgment of the General Court of 12 March 2020, *Eurofer, European Steel Association, AISBL* v *European Commission*, Case T-835/17, para. 82.

5. CAUSATION

(400) In accordance with Article 3(6) of the basic Regulation, the Commission examined whether the dumped imports from the countries concerned caused material injury to the Union industry. In accordance with Article 3(7) of the basic Regulation, the Commission also examined whether other known factors could at the same time have injured the Union industry. The Commission ensured that any possible injury caused by factors other than the dumped imports from the countries concerned was not attributed to the dumped imports. These factors are: the imports from countries other than the countries concerned, captive use, the export performance of the Union industry, and the developments in consumption.

5.1. Effects of the dumped imports

(401) As shown in Section 4.6, over the period considered, the Union industry lost production volumes, sales volumes and market share, while it lost the ability to keep its prices above its production costs.

(402) This deterioration coincided with the increasing presence and competition from dumped imports from the countries concerned. Over the period of investigation, import volumes from these countries increased steadily and substantially, by 32 % in absolute volumes, and by almost 8 percentage points in terms of market share.

(403) At the same time, in comparison to the prices of the Union industry, the prices of these dumped imports showed significantly less sensitivity to the rising costs of copper. In fact, while global copper prices increased by 5 % over the period considered, the prices of the imports from the countries concerned decreased by 6 %. As a result, not only did they undercut the prices of the Union industry, but as of 2023, they dropped below the level of the Union industry's costs, causing a severe suppression of its prices.

(404) It follows that the deterioration of the Union industry over the period considered is the result of both volume and price effects linked to the increasing presence of the dumped imports from the countries concerned.

(405) Based on the above, the Commission concluded that the dumped imports from the countries concerned caused material injury to the Union industry.

5.2. Effects of other factors

5.2.1. *Imports from third countries*

(406) Taking into account that CN Code 7411 10 90 does not cover only the product under investigation, the Commission established the volume of imports from third countries using Eurostat data. In particular, for Türkiye and (jointly) for all other third countries except Thailand, the Commission calculated the imports during the period considered using the ratio of quantities reported after the initiation of the investigation under TARIC Code 7411 10 90 10 (product under investigation) over the total quantities under CN Code 7411 10 90. These ratios were 47 % for Türkiye and 71 % for all other third countries. For Thailand for which there were no quantities reported under TARIC Code 7411 10 90 10, the Commission considered that the entire quantity reported under CN Code 7411 10 90 was product under investigation.

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

Table 12

Imports from third countries

Country		2022	2023	2024	Investigation period
Türkiye	Quantity (tonnes)	1 935	1 951	2 244	2 537
	Index	*100*	*101*	*116*	*131*
	Market share	[1,51 %–1,7 %]	[1,66 %–1,86 %]	[1,96 %–2,19 %]	[2,2 %–2,45 %]
	Average price	10 122	9 552	9 989	10 593
	Index	*100*	*94*	*99*	*105*
Thailand	Quantity (tonnes)	1 589	1 490	859	638
	Index	*100*	*94*	*54*	*40*
	Market share	[1,24 %–1,39 %]	[1,27 %–1,42 %]	[0,75 %–0,84 %]	[0,55 %–0,62 %]
	Average price	12 595	10 816	10 997	10 916
	Index	*100*	*86*	*87*	*87*
Other third countries	Quantity (tonnes)	2 390	1 781	1 429	1 303
	Index	*100*	*75*	*60*	*54*
	Market share	[1,86 %–2,1 %]	[1,52 %–1,7 %]	[1,25 %–1,4 %]	[1,13 %–1,26 %]
	Average price	10 701	9 943	10 422	11 247
	Index	*100*	*93*	*97*	*105*
Total of all third countries except the countries concerned	Quantity (tonnes)	5 914	5 222	4 533	4 477
	Index	*100*	*88*	*77*	*76*
	Market share	[4,6 %–5,18 %]	[4,45 %–4,98 %]	[3,96 %–4,43 %]	[3,88 %–4,32 %]
	Average price	11 020	10 046	10 317	10 829
	Index	*100*	*91*	*95*	*100*

Source: Eurostat.

(408) Other than the countries concerned, the countries with the highest import volumes during the period considered were Türkiye and Thailand.

(409) As can be seen from Table 12 — **Imports from third countries** above, imports from Türkiye showed an increase of 31 % over the period considered, however in absolute terms they remained at moderate levels, at 2 537 tonnes in the investigation period. By contrast, in the same period imports from Thailand dropped by 60 %, reaching only 638 tonnes in the investigation period. Imports from other third countries dropped by 46 %, reaching jointly about 1 300 tonnes in the investigation period.

(410) Crucially, throughout the period considered, the prices of imports from Türkiye, Thailand, and jointly all other third countries remained above the prices of imports from the countries concerned and especially compared to the prices and costs of the Union industry.

(411) It follows that the imports from those countries, could not have contributed, neither individually nor jointly, to the injury suffered by the Union industry.

5.2.2. *Consumption*

(412) As shown in Table 2 **— Union consumption (tonnes)**, total Union consumption declined by 8 % over the period considered, while consumption in the free market declined by 10 % in the investigation period.

(413) While this drop in consumption could have had a small effect in the loss of sales volumes of the Union industry, the biggest part of this loss was caused by the dumped imports, which gained significant market share at the expense of the Union industry.

(414) Moreover, the investigation showed that for the Union industry, the production costs are overwhelmingly variable, that is, linked directly to the volume of production. These include the cost of copper (which, as explained above, constitutes up to 90 % of the overall production cost), but also other variable operating costs such as energy and direct labour. By contrast, fixed costs represent only a very small portion of the overall production costs.

(415) In view of this, the drop in consumption could not have had a significant contribution to the declining profitability of the Union industry, which is determined mainly by the relationship between the variable costs and the margin that the Union industry is able to charge on top of these costs.

(416) In this case, the profitability of the Union industry turned negative as a result of the price suppression caused by the low-priced imports from the countries concerned, which did not allow the Union industry to maintain a positive margin.

(417) It follows that the drop in Union consumption had a limited contribution to the injury suffered by the Union industry, or no contribution at all. Such a limited contribution cannot attenuate the causal link between the dumped imports from the countries concerned and the injury suffered by the Union industry.

5.2.3. *Captive use*

(418) As mentioned in recital (323), the Commission found that part of the sampled Union producers' production was destined for captive use, and specifically for the production of coated or insulated copper tubes. The Commission examined whether the trends in the use of the PUI in the captive market could have contributed to the injury suffered by the Union industry.

(419) As shown in Table 6, the captive use of the Union industry remained a small portion of its overall copper tube production and showed a small growth by 5 % during the period considered.

(420) The products produced captively are higher value products, which face less competition from imports and typically have a positive contribution to Union producers' revenue and profitability.

(421) Therefore, there is no indication that the evolution of captive use was in any way contributing to the injury suffered by the Union industry.

5.2.4. *Export performance of the Union industry*

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

Table 13

Export performance of the sampled Union producers

	2022	2023	2024	Investigation period
Export volume (tonnes)	17 580	12 971	14 233	13 486
Index	*100*	*74*	*81*	*77*
Average price (tonnes)	10 166	9 782	10 064	10 251
Index	*100*	*96*	*99*	*101*

Source: Reply to macro questionnaire.

(423) Export volumes of the Union industry dropped from about 17 500 tonnes in 2022 to about 13 500 tonnes in 2025 (IP), that is by 23 %, as competition also in international markets intensified over the period considered.

(424) While this drop of 4 000 tonnes cannot be considered as negligible, it is however significantly lower in absolute terms than the drop in sales volumes in the Union market, which was caused by the dumped imports.

(425) Moreover, as mentioned above, the fixed production costs and therefore, the economies of scale in the production of copper tubes are very limited. Therefore, the decline in export volumes could not have had a significant contribution to the declining profitability of the Union industry in the Union.

(426) It can be therefore concluded that, the export performance of the Union industry could have had only a limited, if any, contribution to the injury suffered by the Union industry. Such a limited contribution cannot attenuate the causal link between the dumped imports from the countries concerned and the injury suffered by the Union industry.

5.2.5. *Cumulative assessment of the effects of other factors*

(427) It follows from the above that the only factors which might have had a contributing effect to the injury suffered by the Union industry, were the small drop in Union consumption and the decline in exports. However, for both factors it was considered that such contribution would be limited at best, and therefore unable to attenuate the causal link between the injury suffered by the Union industry and the dumped imports from the countries concerned.

5.2.6. *Comments from interested parties*

(428) Comments on causality were received by Emmedi.

(429) Emmedi claimed that there are other factors which are likely to have caused injury. In particular, Emmedi referred to the structural transformation of the Italian copper market which has significantly contracted over the last decades, as well as to the overall slowdown in construction demand. It also referred to imports from third countries, the volatility of LME copper prices, the increase in EU energy costs, and the commercial strategies of EU producers. Emmedi requested that the share of injury attributable to dumped imports be analytically distinguished from these factors, pursuant to Article 3(7) of the basic Regulation, including for purposes of the possible application of the lesser duty rule.

(430) The Commission assessed the decrease in consumption as a possible cause of injury in Section 5.2.2. It also assessed the effects of imports from third countries in Section 5.2.1. It concluded that these factors had no, or very limited contribution to the injury suffered by the Union industry.

(431) As regards the LME copper price volatility, the Commission noted that it is an inherent characteristic of the copper tubes business. In this regard, Emmedi has not explained how this volatility could have contributed to injury, or even how this volatility has changed during the period considered.

(432) As regards the increase in EU energy costs, the Commission noted that this is not a distinct factor which is unrelated to imports from the countries concerned. This is because the Union industry would have been able to pass these increases to its customers by increasing its prices, and failed to do so precisely because of the pressure exerted on prices by the dumped imports.

(433) As regards the commercial strategies of Union producers, Emmedi did not explain what these strategies amounted to, and how they could have caused injury to the companies adopting them.

(434) In view of the above, the Commission rejected Emmedi's claims, noting also that pursuant to Article 7(2) of the basic Regulation, the aim of the lesser duty rule is not to adjust the duty according to different factors contributing to injury, but to set the duty at the level which would be adequate to remove injury.

5.3. **Conclusion on causation**

(435) The deterioration of the Union industry's situation over the period considered coincided with a significant increase in the volume of dumped imports from the countries concerned. The imports entered not only in increasing volumes, but also at prices which undercut and supressed the prices of the Union industry. Therefore, there is a clear causal link between the injury suffered by the Union industry and the dumped imports.

(436) The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports. The effects of the small contraction of the Union consumption and the decline in the export volumes on the Union industry's situation were limited in comparison to the effects of the dumped imports. Moreover, it is clear that the captive use and the imports from third countries did not have any negative effect on the Union industry.

(437) On the basis of the above, the Commission concluded at this stage that the dumped imports from the countries concerned caused material injury to the Union industry and that the other factors, considered individually or collectively, did not attenuate the causal link between the dumped imports and the material injury. The injury consists mainly of loss of production volumes, sales volumes and market share, negative profitability and diminishing cash flows.

6. **LEVEL OF MEASURES**

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

(439) In the present case, the complainants claimed the existence of raw material distortions within the meaning of Article 7(2a) of the basic Regulation with regard to two of the countries under investigation, namely China and Vietnam. The assessment concerning these countries is included in Section 6.2 below.

6.1. **Examination of the margin adequate to remove the injury to the Union industry for Mexico and Uzbekistan**

(440) The Commission first established the amount of duty necessary to eliminate the injury suffered by the Union industry in the absence of distortions in the sense of Article 7(2a) of the basic Regulation. In this case, the injury would be removed if the Union Industry were able to obtain a target profit by selling at a target price in the sense of Articles 7(2c) and 7(2d) of the basic Regulation.

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

(442) Information relating to the establishment of the normal profit was included in the questionnaires sent to the sampled Union producers. This included the profitability of the like product for the 10 years preceding the investigation period. However, the Union producers were unable to supply complete data and the data provided could not be verified. In addition, the Union industry was barely profitable or loss-making throughout the period considered as shown in Table 11.

(443) Certain sampled Union producers claimed that their level of investments, R&D and innovation during the period considered would have been higher under normal conditions of competition. However, the producers were not able to quantify these claims. Therefore, it was concluded that the target profit should be set at 6 % in accordance with Article 7(2c) of the basic Regulation.

(444) In accordance with article 7(2d) of the basic Regulation, as a final step, the Commission assessed the future costs resulting from Multilateral Environmental Agreements, and protocols thereunder, to which the Union is a party, and of ILO Conventions listed in Annex Ia that the Union industry will incur during the period of the application of the measure pursuant to Article 11(2) of the basic Regulation. As the Union producers were unable to supply complete data, no further costs were added to the non-injurious prices.

(445) On this basis, the Commission calculated a non-injurious price of around 10 200–12 300 EUR per tonne for the like product of the Union industry by applying the above-mentioned target profit margin (see recital (443)) to the cost of production of the sampled Union producers during the investigation period.

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

(447) The injury elimination level for 'other cooperating companies' and for 'all other imports originating in Mexico and Uzbekistan' is defined in the same manner as the dumping margin for these companies and imports (see recitals (254) to (256) for Mexico and (291) to (292) for Uzbekistan).

(448) The result of these calculations is shown in the table below.

Country	Company	Dumping margin (%)	Injury margin (%)
Mexico	GD Affiliates de RL de CV	32,2	18,2
	All other imports originating in Mexico	32,2	18,2
Uzbekistan	ICG Infinity Copper Group LLC Metal Processing Technology LLC	36,7	11
	Angren Pipe Plant LLC	31,1	5,6
	JV Sharq Tubes LLC	37,6	6,8
	All other imports originating in Uzbekistan	37,6	11

6.2. **Examination of the margin adequate to remove the injury to the Union industry for China and Vietnam**

6.2.1. *Comparison between dumping margin and injury margin*

(449) In accordance with Article 7(2) of the basic Regulation, the Commission first examined, in relation to China and Vietnam, whether the margin of dumping provisionally established would be higher than the margin adequate to remove the injury to the Union industry. To this effect, a comparison between the weighted average import price of the cooperating exporting producers in Vietnam with the target price of the Union industry as explained in Section 6.1 above, was made.

(450) The injury elimination level for 'other cooperating companies' and for 'all other imports originating in Vietnam is defined in the same manner as the dumping margin for these companies and imports (see recitals (308) and (313)). For imports originating in China, the Commission determined the injury margin level on the basis of the highest margin established for each product type exported by the cooperating Chinese exporting producer.

(451) The result of these calculations is shown in the table below.

Country	Company	Dumping margin (%)	Injury margin (%)
China	Ningbo Jintian Copper Tube Co. Ltd.,	33,5	13,8
	All other imports originating in China	51,5	17,3
Vietnam	Hailiang (Vietnam) Copper Manufacturing Co., Ltd	20,4	12,3
	Jintian Copper Industrial Company Limited	13,8	14,4
	Other cooperating companies in Vietnam	17,4	13,3
	All other imports originating in Vietnam	20,6	14,4

(452) Since the injury margin calculated for the Chinese and certain Vietnamese exporting producers was lower than the dumping margin, the Commission assessed whether there are distortions on raw materials with regard to the product under investigation, pursuant to Article 7(2a) of the basic Regulation.

6.2.2. *Raw material distortions*

6.2.2.1. Raw material distortions in China

(453) According to the evidence in the complaint, copper cathodes, copper scrap or billets (or a combination of copper cathodes and scrap), accounting for between 75 % and 90 % of the cost of production of the product concerned, is subject to export tariffs in China.

(454) The Commission first identified the main raw materials used in the production of the product concerned by the cooperating exporting producer. As main raw materials were considered those raw materials which are likely to represent at least 17 % of the cost of production of the product concerned. The Commission established that more than 90 % of the cost of production constitute the cost of the main raw material, namely copper cathodes.

(455) The Commission then examined whether any of the main raw materials used in the production of the product concerned was distorted by one of the measures listed in Article 7(2a) of the basic Regulation: dual pricing schemes, export taxes, export surtax, export quota, export prohibition, fiscal tax on exports, licensing requirements, minimum export price, value added tax (VAT) refund reduction or withdrawal, restriction on customs clearance point for exporters, qualified exporters list, domestic market obligation, captive mining. For this purpose, the Commission used publicly available Chinese customs tariff and taxes database ([129]).

(456) The Commission established that copper cathodes are subject to export tax and additionally VAT refund withdrawal.

(457) Next, the Commission compared the price of copper cathodes to prices in the representative international market – Serbia. The prices paid for the domestically purchased copper cathodes by the cooperating exporting producers were compared with the copper cathodes prices as established in *Table 1*. That comparison showed that the prices applied on the international market were [6–8] % higher than in China. Given that copper cathodes account for more than 90 % of the total costs, a [6–8] % increase in raw material prices would result in an overall product cost increase of more than 5 %. Considering that the profit margin of the producer of the like product in the representative country is only 5 %, such a cost movement would have a material adverse effect on profitability, and thus the price difference is considered significant.

(458) In the absence of cooperation from the other exporting producers in China, the domestic price levels for the Chinese market were established on the basis of the purchase transactions of copper cathodes reported by the sole cooperating exporter, Jintian China. Findings in the recital above were extended to all exporting producers in China.

(459) Therefore, the Commission concluded that copper cathodes are subject to a distortion within the meaning of Article 7(2a) of the basic Regulation.

6.2.2.2. Raw material distortions in Vietnam

(460) According to the evidence in the complaint, in Vietnam, copper cathodes, accounting for over 75 % of the cost of production of the product concerned, are subject to export duties ranging between 10–22 %.

(461) As indicated in recital (460) above, the Commission established that the copper cathodes were the main raw material in terms of contribution to the cost of production.

(462) The Commission then examined whether any of the main raw materials used in the production of the product concerned was distorted by one of the measures listed in Article 7(2a) of the basic Regulation: dual pricing schemes, export taxes, export surtax, export quota, export prohibition, fiscal tax on exports, licensing requirements, minimum export price, value added tax (VAT) refund reduction or withdrawal, restriction on customs clearance point for exporters, qualified exporters list, domestic market obligation, captive mining. For this purpose, the Commission examined the information submitted by the Government of Vietnam on its questionnaire reply, and other available sources, such as the tariff schedule of the country, and the applicable legislation ([130]) for companies based in Export Processing Zones.

(463) The Government of Vietnam submitted written and oral comments ([131]), indicating that the inadequate supply of copper ore and copper cathodes in the Vietnamese domestic market drove producers of the product concerned to procure from international markets, arguing that:

(464) Vietnam was not a supplier of copper cathodes, as it lacked enough specialized refineries and high-quality copper ore for companies to procure copper cathodes from the domestic market.

([129]) https://www.transcustoms.cn/

([130]) Law on Export and Import Duties No. 107/2016/QH13; Law on Customs No 54/2014/QH13; Decree No 35/2022/ND-CP; Decree No. 08/2015/ND-CP; Circular No 38/2015/TT-BTC.

([131]) See TRON save number t26.007930.

(465) Since Vietnamese producers relied mainly on imported copper, export duties did not affect production costs or created an unfair advantage for copper tube exporters in Vietnam.

(466) The Commission established that export tariffs were in place for copper cathodes, scrap copper and copper ore, at the levels of 1–20 %, 22 % and 40 % respectively.

(467) Next, the Commission compared the price of copper cathodes purchased by the sampled companies to prices in the representative international market (i.e. London Metal Exchange prices).

(468) Given that the two sampled exporting producers did not source copper cathodes from Vietnam, and that there were no duties in place on imports of copper cathodes into the country during the IP, the Commission concluded that the export tariffs in place had no effect on the prices of raw materials paid by either company.

(469) As regards other producers in Vietnam, the Commission noted that the information on file suggests that these producers could hardly procure copper cathodes from Vietnam. In addition, there is no evidence on file that suggests a significant price difference between the domestic prices and the prices on the international market. On these grounds, the Commission considered that the remaining exporting producers could be assumed to not be affected by the export duties.

(470) The Commission concluded that copper cathodes (refined and from scrap) were in principle subject to a distortion within the meaning of Article 7(2a) of the basic Regulation. However, this distortion was found to not affect the sampled exporting producers.

6.2.3. *Union interest under Article 7(2b) of the basic Regulation*

(471) In accordance with Article 7(2b) of the basic Regulation, the Commission examined whether it could clearly conclude that it was in the Union interest to determine the amount of provisional duties in accordance with Article 7(2a) of the basic Regulation in the case of China. The determination of the Union interest was based on an appreciation of all pertinent information to this investigation, including the spare capacities in the exporting country, competition for raw materials and the effect on supply chains for Union companies.

6.2.3.1. Spare capacities in the exporting country

(472) According to the information provided in the complaint, global overcapacity for the product under investigation was estimated at [1 000 000–1 500 000] tonnes, of which [500 000–900 000] tonnes are in China ([132]). These quantities represent between 4,5 and 8 times the amount of copper tubes consumed in the Union.

(473) There is also a general consensus that China's construction sector is in serious decline, which will increase Chinese copper tubes producers' incentive to seek export market opportunities ([133]).

(474) Several countries have imposed trade defence measures on copper tubes originating in China. Canada has had anti-dumping measures in place since 2013. Anti-dumping measures are also in place in the US, and 50 % tariffs on all imports into the US of semi-finished copper products and intensive copper derivative products are effective since August 2025 under a Section 232 investigation. In 2023, South Korea also imposed anti-dumping measures on seamless copper pipes from China ([134]).

(475) It is therefore clear that producers in China have significant spare capacity and export potential. The EU's large market size makes it an attractive destination for low-priced imports of copper tubes.

([132]) Complaint, paragraph 302.
([133]) Complaint, paragraph 307.
([134]) Complaint, paragraph 348.

6.2.3.2. Competition for raw materials

(476) As mentioned in recital (456), the Commission established that copper cathodes were subject to an export tax and additionally VAT refund withdrawal and that copper cathode prices on international markets were higher than those in China. Therefore, Chinese copper tube producers benefit from access to copper cathodes at prices below international market levels, giving them a substantial cost advantage.

(477) In contrast, Union producers purchase copper cathodes on the open market, where prices are subject to global supply and demand dynamics, energy costs, and geopolitical factors. The Union industry was therefore at a disadvantageous position vis-à-vis Chinese exporting producers.

6.2.3.3. Effect on supply chains for Union companies

(478) The imposition of anti-dumping duties on Chinese copper tubes into the Union is expected to have a limited impact on the supply chain. As shown in Table 5 — **Production, production capacity and capacity utilisation** above, the Union industry had a spare capacity of more than 80 000 tonnes during the investigation period. This spare capacity was substantially higher than the volume of imports from China during the same period. It follows that the Union industry is able to replace imports from China with its own production, and even to cover the entire Union demand of the product under investigation. Furthermore, China and all the other countries concerned can still export to the Union at fair, undistorted prices.

(479) Moreover, Union users could still source the product under investigation from other third countries, such as Japan, Thailand, the US, Türkiye or India ([135]).

(480) Therefore, users would have sufficient access to the product under investigation even in case the imports from China decrease. Consequently, disruptions of the value chains of Union users are not expected.

6.2.3.4. Conclusion on Union interest under Article 7(2b) of the basic Regulation

(481) Having assessed all pertinent information to this investigation, the Commission concluded that it is in the Union interest to determine the amount of provisional duties in accordance with Article 7(2a) of the basic Regulation.

(482) In view of the analysis set out above, the Commission concluded that, in accordance with Article 7(2a) of the basic Regulation, it is in the interest of the Union to set the level of the provisional duties in the case of China on the basis of the level of dumping, subject to the further considerations in the context of Article 21 set out in Section 7 below.

7. **UNION INTEREST**

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

7.1. **Interest of the Union industry**

(484) There are 11 companies producing copper tubes in the Union, employing 1 049 staff (FTE). The producers are located in Austria, Finland, Germany, Greece, Italy and Spain. Over 63 % of the total Union production expressly supported the initiation of the investigation and no Union producer expressed opposition.

([135]) Complaint, paragraph 501.

(485) The investigation has shown that the Union industry is suffering material injury due to the dumped imports from the countries concerned. As concluded in Section 4.8 above, the situation of the whole Union industry deteriorated as a result of the increasing quantities of dumped imports from the countries concerned at low prices. Low priced, dumped imports have constantly gained market share in the Union at the expense of the Union industry and prevented the Union industry from raising its prices to reasonably profitable levels that would allow it to reach the target profit.

(486) The imposition of measures will result in higher import prices and restore the level playing field on the Union market. This is expected to enable the Union industry to recover from the injurious situation, regaining at least some of the market share lost to dumped imports. Sales will be able to occur at fair prices, improving their profitability towards a sustainable level and to recover.

(487) The non-imposition of measures would worsen the already materially injured situation of the Union industry, which is not strong enough to further withstand an increase of dumped imports at prices even below the Union industry's costs of production. Should measures not be imposed, it can be expected that the increase of imports of dumped, low-priced copper tubes from the countries concerned would continue. In that situation, the Union industry would be unable to raise its prices to profitable levels and would continue to lose sales to dumped imports, resulting in further production plant closures ([136]).

(488) The Commission therefore concluded, at this stage, that the imposition of provisional measures would be in the interest of the Union industry.

7.2. **Interest of upstream suppliers**

(489) Beyond the effects of the measures on the Union industry, the complainant indicated that unfair competition from imports is resulting in the potential closure of copper foundries in the Union, which are vital for European copper supply ([137]).

(490) In the absence of additional information available to the Commission, based on the above, the Commission concluded at this stage that the imposition of provisional anti-dumping duties would also be in the interest of copper tubes suppliers in the Union.

7.3. **Interest of unrelated importers**

(491) Upon initiation of the investigation, several unrelated importers were contacted and invited to cooperate. No unrelated importers provided the Commission with the information requested in the Annex to the Notice of Initiation within the deadline, and the Commission decided that sampling was not necessary.

(492) Emmedi Metalli Srl, an importer and a user of copper tubes, provided a reply to the questionnaire for unrelated importers on 14 August 2026. Given that the questionnaire reply was received almost five months after the statutory deadline set out in the Notice of Initiation, the Commission disregarded it.

(493) In the absence of cooperation from unrelated importers, the Commission was not able to determine the precise impact of antidumping duties on their business.

(494) In any event, importers in the Union will remain able to import copper tubes from the countries concerned, since the purpose of the investigation is not to stop imports but to restore fair competition by addressing dumped imports. In addition, importers could still source the product under investigation from other third countries, such as Japan, Thailand, the US, Türkiye or India. While the antidumping measures are likely to have a certain negative impact on importers, the Commission also considered that they will be able to absorb or pass on some of the cost increase caused by the duty to their customers.

([136]) Complaint, paragraph 413.
([137]) Complaint, paragraph 497.

(495) Therefore, the Commission concluded at this stage that unrelated importers would not be disproportionally affected by the imposition of the measures.

7.4. Interest of users

(496) 19 users of copper tubes made themselves known. Five users submitted questionnaire replies and several more submitted comments.

(497) Based on unverified information provided in the users' questionnaires, the product under investigation made up between 3,2 % and 18,5 % of the total cost of manufacturing for the products in which it is used. While all user respondents reported profits, the different levels of profitability will be examined further during the investigation.

(498) Most of the companies that submitted comments strongly supported the investigation and the imposition of antidumping duties, emphasising the importance of reliable, local suppliers, and the risks of dependence on volatile international supply chains. Two companies recommended that any measures should be carefully balanced and reviewed, so as not to negatively affect the competitiveness and viability of downstream industries or to conflict with broader EU policy objectives, including sustainability, industrial competitiveness, and supply chain resilience.

(499) In addition, as explained in recital (479), there is no risk of shortage of supply of copper tubes in the Union.

(500) Therefore, on the basis of the information available at this stage, the Commission concluded that users would not be disproportionately affected by the imposition of the measures.

7.5. Conclusion on Union interest

(501) On the basis of the above, the Commission concluded that there were no compelling reasons that it was not in the Union interest to impose measures on imports of copper tubes originating in China, Mexico, Vietnam and Uzbekistan at this stage of the investigation.

8. PROVISIONAL ANTI-DUMPING MEASURES

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

(503) Provisional anti-dumping measures should be imposed on imports of copper tubes originating in Mexico, Vietnam and Uzbekistan, in accordance with the lesser duty rule in Article 7(2) of the basic Regulation. The Commission compared the injury margins and the dumping margins in recitals (448) and (451) above. The amount of the duties was set at the level of the lower of the dumping and the injury margins.

(504) Provisional anti-dumping measures should be imposed on imports of copper tubes originating in China, in accordance Article 7(2a) of the basic Regulation. The Commission concluded in recital (482) that the appropriate level to remove injury should be the dumping margin.

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

Country	Company	Provisional anti-dumping duty
People's Republic of China	Ningbo Jintian Copper Tube Co. Ltd.	33,5 %
	All other imports originating in the People's Republic of China	51,5 %
Mexico	GD Affiliates de RL de CV	18,2 %
	All other imports originating in Mexico	18,2 %

Country	Company	Provisional anti-dumping duty
Vietnam	Jintian Copper Industrial Company Limited	13,8 %
	Hailiang (Vietnam) Copper Manufacturing Co., Ltd	12,3 %
	Other cooperating companies in Vietnam	13,3 %
	All other imports originating in Vietnam	14,4 %
Uzbekistan	ICG Infinity Copper Group LLC Metal Processing Technology LLC	11 %
	Angren Pipe Plant LLC	5,6 %
	JV Sharq Tubes LLC	6,8 %
	All other imports originating in Uzbekistan	11 %

(506) 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 with respect to these companies. These duty rates are exclusively applicable to imports of the product concerned originating in the countries concerned and produced by the named legal entities. Imports of the product concerned produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other imports originating in the country concerned'. They should not be subject to any of the individual anti-dumping duty rates.

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

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

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

9. **REGISTRATION**

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

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

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

10. **INFORMATION AT PROVISIONAL STAGE**

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

(514) Jintian China, EUTCDC and GDA provided comments on the pre-disclosure that referred to the methodology used to calculate the dumping margin. Since these comments did not directly concern the accuracy of the calculation, they will be addressed, where appropriate, at the definitive stage of the investigation.

(515) Sharq Tubes informed the Commission of a clerical error it had made in its questionnaire reply which affected freight costs. The Commission examined the claim and made the corresponding adjustments to the export prices.

(516) Jintian Vietnam submitted comments noting that the SG&A expenses of its related trader had been calculated based on information from another related company. The company also requested the revision of the level of profit applied to its related trader and the OCOT test be conducted on the basis of monthly data.

(517) The Commission revised the SG&A figures and adjusted the calculation accordingly. Regarding all other claims, the Commission noted that as indicated in the cover letter sent to all sampled companies on 14 October 2026; at pre-disclosure, comments should be limited to the accuracy of calculations, and any other comments will only be considered after the disclosure of provisional measures. As such, comments on the source of the profit margin for its related trader, and the use of monthly data were disregarded.

(518) Hailiang Vietnam noted a difference in the total quantities based on which injury and dumping margins had been calculated. The Commission explained that the difference in volume corresponded to sales from stocks and adjusted its dumping calculation to exclude them from the assessment.

11. **FINAL PROVISIONS**

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is imposed on imports of pipes and tubes, of refined copper, in level wound coils, whether smooth or with inner grooves, not further processed, currently falling under CN codes ex 7411 10 90 (TARIC code 7411 10 90 10) and originating in the People's Republic of China, Mexico, Vietnam and Uzbekistan.

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

Country of origin	Company	Provisional anti-dumping duty	TARIC additional code
People's Republic of China	Ningbo Jintian Copper Tube Co., Ltd	33,5 %	88GX
	All other imports originating in the People's Republic of China	51,5 %	8999
Mexico	GD Affiliates de RL de CV	18,2 %	88GY
	All other imports originating in Mexico	18,2 %	8999
Uzbekistan	ICG Infinity Copper Group LLC Metal Processing Technology LLC	11 %	88GZ
	Angren Pipe Plant LLC	5,6 %	88HA
	JV Sharq Tubes LLC	6,8 %	88HB
	All other imports originating in Uzbekistan	11 %	8999
Vietnam	Jintian Copper Industrial Company Limited	13,8 %	88HC
	Hailiang (Vietnam) Copper Manufacturing Co., Ltd	12,3 %	88HD
	Other cooperating companies in Vietnam	13,3 %	See Annex
	All other imports originating in Vietnam	14,4 %	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 his/her name and function, drafted as follows: '*I, the undersigned, certify that the (volume in tonnes) of copper tubes sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.*' Until such invoice is presented, the duty applicable to all other imports originating in country concerned shall apply.

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

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

Article 2

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

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

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

Article 3

1. Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 1 of Implementing Regulation (EU) 2026/1161.

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

Article 4

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

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

Done at Brussels, 10 November 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Other cooperating exporting producers not sampled

Country	Name	TARIC additional code
Vietnam	LS Metal Vilna LLC	88HE
	TOAN PHAT COPPER TUBE Joint Stock Company	88HF