

## 【欧州】 【自動車】

# Road/Railway - New legal instruments on environment for vehicles: Possible implications of the EU' s introduction of provisional countervailing duties on EVs imported from China

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### 【概要 : Summary】

Agaist the backdrop of the EU' s ambitious green transition target that all newly registered passenger cars should be zero-emission vehicles by 2035, the EU is an interesting market for the global EVs producers. In addition, the EU market is relatively open and the import duty and other entry barriers are lower in comparison to other markets. However, since Europe is increasingly becoming a target of massive Chinese EV exports, which are suspected to be partially financed by subsidies from the Chinese government, the European EV producers could be harmed.

According to the European Commission, the EU' s green transition cannot be based on unfair imports at the expense of the EU' s automobile industry. Therefore, it decided to initiate an anti-subsidy proceeding against the imports of new BEVs originating in China on 4 October 2023. On 12 June 2024, the Commission informed all interested parties including the Chinese government and companies about its plans to impose a duty on BEVs imported from China. On 4 July 2024, the Commission announced the new, temporary countervailing duties on Chinese EVs exported to the European market. Definitive measures are expected to be decided on by the EU Member States by November 2024.

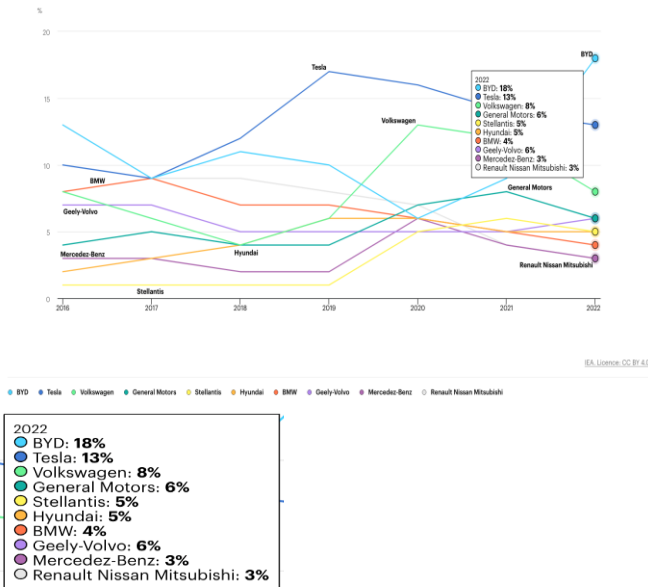
### 【記事 : Article】

## 1. Background of the development of Chinese EV manufacturers and Chinese EV producers in the global EV market

Based on the EU' s green transition target to only allow the registration of zero-emission passenger vehicles by 2035, the EU is an interesting market for the global EVs producers (Liboreiro 2024, European Commission 2023).

In the past, China did not have an automobile industry on its own that had the technology to produce vehicles with ICEs and for decades the country relied on imports by other automobile manufacturers (SWD(2024) 91 final). However, around the year 2000, the start of a new market with new energy vehicles (NEV) like BEVs and PHEVs changed this situation since the Chinese BEV manufacturers established their own EV production (SWD(2024) 91 final). At least since 2015, China has become the largest producer of NEVs in the world and Chinese carmakers accounted for a total of 35% of global EV sales. In 2022, BYD Auto Co., Ltd. reached the highest share of EVs in the global EV market (18%), followed by the US producer Tesla, which has also production sites in China, with a 13% market share (SWD(2024) 91 final, IEA 2023).

Fig. 1: Share of global EV markets by selected carmakers, 2016-2022



IEA (2023): Global EV Outlook 2023. In: <https://www.iea.org/reports/global-ev-outlook-2023/corporate-strategy>, (License: CC BY 4.0)

They were followed by Volkswagen (8%), General Motors (6%), Geely-Volvo (6%), Stellantis (5%), Hyundai (5%), BMW (4%), Mercedes-Benz (3%) and Renault Nissan Mitsubishi (3%) (IEA 2023, SWD(2024) 91 final). Between 2022 and 2023 China became, for the first time, an exporter rather than an importer of automobiles, and it finally overcame its disadvantage in the lack of technology to produce ICEs vehicles (SWD(2024)91, Pontes 2023b). The Chinese EV manufacturers could soon become a real game changer also in the European EV automobile market, as it seems imminent that Chinese EV manufacturers will enter the European market with a great variety of EV models.

## 2. Top selling EVs makers in Europe and Chinese EV export ambitions

In 2022, the EU's total numbers for BEVs and PHEVs rose above 2.6 million (23%) and BEVs alone reached a share of 13.45% of newly registered vehicles (Antolini 2023, Pontes 2023a). In December 2022, the European BEV market hit a record with 275,277 new registrations,

representing a YoY increase of +51%, while PHEVs saw a +40% YoY rise (European Alternative Fuels Observatory 2023, Pontes 2023a). In 2022, Tesla led EV brands with a 9% share, with the Model Y and Model 3 in first and second place in Europe, followed by BMW (8.6%), Volkswagen (8.4%), Mercedes-Benz (8.2%), and Audi (5.6%) (European Alternative Fuels Observatory 2023, Pontes 2023a). In 2023, Tesla remained the top EV brand, with a 12.1% share, followed by BMW (8.8%), VW (8.2%), Mercedes-Benz (7.8%), and Audi (5.8%), with Volvo close behind (5.6%) (Autovista24 2024c, Pontes 2024a). However, the European BEV and PHEVs market saw a drop of 29% in December 2023 in a YoY comparison, representing the worst decline in 10 years, mainly caused by a massive drop of sales in Germany's market because of the chaotic ending of subsidies for the purchase of BEVs in December 2023 (Autovista24 2024c). Even in May 2024, the impact was still visible with a total of 226,000 plug-in vehicles being registered across Europe, marking a 10% decline on a (YoY) basis (Pontes 2024b). In Germany, in the first 6 months of 2024, the decrease in newly registered BEVs continued, with -16.4% compared to the first half of 2023, while newly registered petrol passenger cars increased by 7.4% and Diesel passenger cars by 8.9% in the first half of 2024 (KBA 2024b). It underlines the impact of a discontinuation of government incentives on the uptake of EVs, resulting in a steep decline in BEVs sales, due to the chaotic ending of subsidies in December 2023 and an increase of sales of internal-combustion engine vehicles (Antolini 2024, Autovista24 2024a, 2024b, KBA 2024a).

In Europe, Tesla's Model Y continued to be the best-selling EV, but Volvo EX30, a newcomer from China, already secured the second rank in May 2024, with 8,262 registrations (European Alternative Fuels Observatory 2024b, Pontes 2024b). In 2023, 19.5% of all EVs sold across the EU were built in China, and in France and

Spain nearly every third BEV being sold in 2023 was made in China (T&E 2024). While more than half of Chinese EV imports come from Western carmakers like Tesla, also the Chinese brands like BYD and MG are quickly catching up from 0.4% of the EV market share in 2019 to 7.9% in 2023 (T&E 2024). In the EU's biggest passenger car market Germany, BYD reached a market share of 0.6% with a total of 777 units, MG ROEWE reached 4.5%, NIO 0.1%, and Polestar 0.9% of newly registered passenger cars in the first five months in 2024 (KBA 2024c). In comparison, Tesla reached 11.9% (KBA 2024c).

In the mid-term, BYD plans to achieve around 5% to 10% of the electric segment in the German automobile market and plans to build a production plant in Hungary to produce EVs for the European market there, while other Chinese EV manufacturers are increasing their exports to Europe (Ecomento 2023, Lesjak 2024).

### 3. Possible impacts of the EU's decision to impose provisional countervailing duty on EV imports from China

The EU's target of reaching 100% zero emission newly registered vehicles by 2035 and the comparatively low entrance barriers and import duties of 10% on cars imported from China makes the EU's automobile market interesting for Chinese EV manufacturers (Liboreiro 2024, European Commission 2023). It is estimated that, by 2025, the market share of Chinese EV imports could rise even more because of increased overcapacity in China (European Commission 2023). The planned introduction of a countervailing duty on Chinese EV imports could change the market dynamics in the EU.

Based on World Trade Organization rules, the EU's trade defence instruments, such as anti-dumping or anti-subsidy duties, the EU can protect European production against international trade distortions (European Commission n.d.). Accordingly, on 4 October

2023, the Commission formally initiated an anti-subsidy investigation on these imports of BEVs originating in China (European Commission 2024a). After an in-depth analysis of recent market developments, the European Commission confirmed it had sufficient evidence to show that BEVs imports from China are benefiting from countervailable subsidies provided by the Government of the People's Republic of China (European Commission 2023). In particular, various grants, provision of loans, export credits and credit lines provided by State-owned banks or bonds underwritten by State-owned banks and other financial institutions at preferential terms, provision of preferential export insurance; income tax reductions and exemptions, dividend tax exemption, import and export tax rebates; VAT exemptions and rebates; and government provision of goods (such as raw and input materials as well as components) and services for less than adequate remuneration (European Commission 2023). Those subsidies have allowed the Chinese manufacturers to rapidly increase their market share in the EU to the detriment of the EU's industry (Commission Implementing Regulation (EU) 2024/785, European Commission 2024a, 2023). The EU anti-subsidy investigation revealed that the entire BEV value chain is heavily subsidised in China, and that imports of Chinese BEVs presented a threat of clearly foreseeable and imminent injury to EU industry (European Commission 2024b). Chinese producers also benefit from low labour and energy costs, easy access to raw materials and a robust ecosystem to churn out batteries. Additionally, the Chinese economy is going through a slowdown fuelled by sluggish domestic demand, which makes companies even more reliant on exports abroad (Liboreiro 2024). The Commission's evidence also shows that Chinese capacity will still increase significantly in the coming years, suggesting that the overcapacity continues (European Commission 2023,

2024a). There is also a clear risk that an increasing number of EU producers will suffer from diminishing sales and reduced production levels if imports continue at the current pace (Commission Implementing Regulation (EU) 2024/785).

The investigation's provisional findings were published on 12 June 2024, and the Commission informed all interested parties as to whether it plans to impose provisional tariffs (European Commission 2024a, 2024b). The proposed duties would be added on top of the ordinary import duty of 10% levied on imports of BEVs (European Commission 2024b). On 4 July 2024, the Commission published the provisional countervailing duties in detail to remove the substantial unfair competitive advantage of Chinese BEVs' producers due to the existence of unfair subsidy schemes in China (Commission Implementing Regulation (EU) 2024/1866). The provisional countervailing duty on imports of new BEVs originating in the People's Republic of China applies as of 5 July 2024, for a maximum duration of four months (European Commission 2024c, Commission Implementing Regulation (EU) 2024/1866).

The individual duties applying to the three sampled Chinese producers are BYD 17.4%; Geely 19.9%; and SAIC 37.6% (Commission Implementing Regulation (EU) 2024/1866)). Other BEV producers in China, which cooperated in the investigation but were not sampled, are subject to the 20.8% weighted average duty. The duty for other non-cooperating companies is 37.6% (European Commission 2024b, 2024c). Following a substantiated request, one BEV producer in China - Tesla - may receive an individually calculated duty rate at the definitive stage (European Commission 2024c). In November 2024, the provisional measures will be put to a vote among EU Member States to make the countervailing duties permanent. Germany might reject the levies due to the German automobile industry's pressure and fears for retaliation measures

against German automobile industry's activities in China (Liboreiro 2024). In fact, the German Association of the Automotive Industry (VDA), including BMW, Mercedes-Benz and Volkswagen and others, warned that the countervailing duty would not be "suitable for strengthening the competitiveness of the European automotive industry" and that the German automotive industry would end up being hit hardest in its most important Chinese market (Oliver 2024, Martin 2024).

Hungary has attracted investments from BYD and is therefore considered being in opposition to making the duty permanent, while Sweden and Ireland have also expressed their reservations against the duty (Liboreiro 2024).

On the other hand, France, whose automobile manufacturers are less exposed to the Chinese market, is expected to vote in favour of the permanent duties and also Italy and Spain seem to support the initiative (Liboreiro 2024, Martin 2024, Oliver 2023). It is still unclear if the majority of EU Member States will support the permanent introduction of countervailing duties, on imports of EVs from China. Any potential final measures will be in force for 5 years, extendable upon substantiated request and subsequent review (European Commission 2024c).

#### 4. Conclusion and considerations

While the BEVs will be crucial to achieving the EU's green transition, the EU is an interesting market for the global EVs producers because of the speed of uptake of BEVs. However, strategic dependencies on unfair imports at the expense of the EU's automobile industry needs to be prevented. The provisional countervailing duties are the result of an EU anti-subsidy investigation, which revealed that the Chinese entire BEV value chain is heavily subsidized and that imports of Chinese BEVs represent a threat of clearly foreseeable and imminent injury to EU industry. European automobile manufacturers

could be unable to compete with Chinese producers and could eventually be ousted from the increasingly lucrative market, as it has already happened in the past in case of solar panels. Since the European automobile industry is a systemic factor in the EU's economy, the European Commission must take measures to leveling the playing field for its domestic automobile manufacturers against state-subsidized Chinese EV manufacturers, which are pushing into the European market.

However, the countervailing duties will not stop Chinese companies from building factories in Europe as BYD's example in Hungary shows. BYD can also ship EVs from its plant in Turkey to the European market as cars exported from Turkey to the EU are exempt from tariffs thanks to the EU's customs union with Turkey.

Another solution could be to make joint ventures like Stellantis agreed on with the Chinese automobile manufacturer Leapmotor to sell its electric vehicles in Europe.

Furthermore, the higher pricing of BEVs in the EU, described as the "EU premium", allows Chinese EV producers to sell their BEVs in Europe at higher prices than in China, leaving them wider profit margins. Even if the countervailing duties were introduced permanently, they could partially be absorbed by the ample profit margins (Liboreiro 2024, European Commission 2023). Consequently, Chinese BEVs manufacturers will find ways to work around the countervailing duties and therefore, it remains uncertain whether the introduction of these countervailing duties will actually have the desired effect.

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