

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/651****of 20 April 2022**

**initiating a review of Implementing Regulation (EU) 2017/1993 imposing a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not, for the purposes of determining the possibility of granting an exemption from those measures to one Indian exporting producer, repealing the anti-dumping duty with regard to imports from that exporting producer and making imports from that exporting producer subject to registration**

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 <sup>(1)</sup> ('the basic anti-dumping Regulation') and in particular Articles 13(4) and 14(5) thereof,

Having regard to Commission Implementing Regulation (EU) 2017/1993 of 6 November 2017 imposing a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council <sup>(2)</sup>,

After informing the Member States,

Whereas:

**1. REQUEST**

- (1) The European Commission ('the Commission') received a request for an exemption from the anti-dumping measures applicable to imports of certain open mesh fabrics of glass fibres consigned from India, whether declared as originating in India or not, as far as Urja Products Private Limited ('the applicant') is concerned, pursuant to Article 13(4) of the basic anti-dumping Regulation.
- (2) The request was lodged on 23 August 2021 by the applicant, who is an exporting producer of open mesh fabrics of glass fibres in India ('the country concerned').

**2. PRODUCT UNDER REVIEW**

- (3) The product under review is open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m<sup>2</sup>, excluding fibreglass discs, consigned from India, whether declared as originating in India or not, currently falling under CN codes ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00 and ex 7019 69 90 (TARIC codes 7019 63 00 14, 7019 64 00 14, 7019 65 00 14, 7019 66 00 14 and 7019 69 90 14). The CN and TARIC codes are given for information only.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> OJ L 288, 7.11.2017, p. 4.

### 3. EXISTING MEASURES

- (4) By Regulation (EU) No 791/2011 <sup>(3)</sup>, the Council imposed definitive anti-dumping duties on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China.
- (5) These measures were extended by Council Implementing Regulations (EU) No 672/2012 <sup>(4)</sup>, (EU) No 21/2013 <sup>(5)</sup> and (EU) No 1371/2013 <sup>(6)</sup>, as last amended by Commission Implementing Regulation (EU) 2018/1711 <sup>(7)</sup>, to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not, with the exception of those produced by Montex Glass Fibre Industries Pvt. Ltd and Pyrotek India Pvt. Ltd.
- (6) These measures were extended by Commission Implementing Regulation (EU) No 976/2014 <sup>(8)</sup>, to imports of slightly modified open mesh fabrics of glass fibres.
- (7) The measures currently in force are imposed by Implementing Regulation (EU) 2017/1993 following an expiry review pursuant to Article 11(2) of the basic anti-dumping Regulation, as amended by Commission Implementing Regulation (EU) 2018/788 <sup>(9)</sup>, which granted an exemption to SPG Glass Fibre PVT. Ltd.

### 4. GROUNDS FOR THE REVIEW

- (8) The applicant alleged that it did not export the product under review to the Union during the reporting period used in the investigation that led to the extended measures as adopted by Council Implementing Regulation (EU) No 1371/2013, namely the period from 1 April 2012 to 31 March 2013 ('the original investigation period'). Actually, the applicant had already come forward during the investigation that led to the extension of the measures, which had concluded that '*Urja Products does not produce the product under investigation*' <sup>(10)</sup>.
- (9) In addition, the applicant provided evidence that it is a genuine producer and alleged that it has not circumvented the existing measures.
- (10) The applicant further claimed that after the original investigation period, in 2020 and 2021, it exported the product under review to the Union.

<sup>(3)</sup> Council Implementing Regulation (EU) No 791/2011 of 3 August 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China (OJ L 204, 9.8.2011, p. 1).

<sup>(4)</sup> Council Implementing Regulation (EU) No 672/2012 of 16 July 2012 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Malaysia, whether declared as originating in Malaysia or not (OJ L 196, 24.7.2012, p. 1).

<sup>(5)</sup> Council Implementing Regulation (EU) No 21/2013 of 10 January 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not (OJ L 11, 16.1.2013, p. 1).

<sup>(6)</sup> Council Implementing Regulation (EU) No 1371/2013 of 16 December 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not (OJ L 346, 20.12.2013, p. 20).

<sup>(7)</sup> Commission Implementing Regulation (EU) 2018/1711 of 13 November 2018 amending Council Implementing Regulation (EU) No 1371/2013 as regards the date of application of the exemptions granted to Indian exporting producers (OJ L 286, 14.11.2018, p. 12).

<sup>(8)</sup> Commission Implementing Regulation (EU) No 976/2014 of 15 September 2014 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres, originating in the People's Republic of China, to imports of certain slightly modified open mesh fabrics of glass fibres, also originating in the People's Republic of China (OJ L 274, 16.9.2014, p. 13).

<sup>(9)</sup> Commission Implementing Regulation (EU) 2018/788 of 30 May 2018 amending Implementing Regulation (EU) 2017/1993 imposing a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 134, 31.5.2018, p. 5).

<sup>(10)</sup> See recitals 11 and 50 of Regulation (EU) No 1371/2013.

## 5. PROCEDURE

### 5.1. Initiation

- (11) The Commission examined the evidence available and concluded that there was sufficient evidence to justify the initiation of an investigation pursuant to Article 13(4) of the basic anti-dumping Regulation for the purpose of determining the possibility of granting the applicant an exemption from the extended measures.
- (12) The Union industry known to be concerned was informed of the request for a review and was given an opportunity to comment.
- (13) In its investigation, the Commission will pay particular attention to the applicant's relationship with the companies subject to the existing measures in order to ensure that it was not established in order to be used to circumvent the measures. The Commission will also consider whether particular monitoring conditions should be imposed in case the investigation will conclude that granting the exemption is warranted.

### 5.2. Repeal of the existing anti-dumping measures and registration of imports

- (14) In line with Article 11(4) of the basic anti-dumping Regulation, in cases of new exporters in the exporting country in question which have not exported the product during the period of investigation on which the measures were based, the anti-dumping duty in force should be repealed with regard to imports of the product under review which are produced and sold for export to the Union by the applicant.
- (15) At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic anti-dumping Regulation in order to ensure that, should the review result in a finding of circumvention in respect of the applicant, anti-dumping duties can be levied from the date of the registration of these imports. The amount of the applicant's possible future liabilities would be equal to the duty applicable to 'all other companies' in Article 1(2) of Implementing Regulation (EU) 2017/1993 (62,9 %).

### 5.3. Review investigation period

- (16) The investigation will cover the period from 1 April 2012 to 31 December 2021 ('review investigation period').

### 5.4. Investigating the applicant

- (17) In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant. The applicant must submit the completed questionnaire within 37 days of the date of entry into force of this Regulation, unless otherwise specified, pursuant to Article 6(2) of the basic anti-dumping Regulation.

### 5.5. Other written submissions

- (18) Subject to the provisions of this Regulation, all interested parties are invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of entry into force of this Regulation.

### 5.6. Possibility to be heard by the Commission investigation services

- (19) All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initiation of the investigation, the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

### 5.7. Instructions for making written submissions and sending completed questionnaires and correspondence

- (20) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data that is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.
- (21) All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive'. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.
- (22) Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic anti-dumping Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.
- (23) If a party providing 'Sensitive' information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.
- (24) Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: [http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148003.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf)
- (25) The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email, which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate G  
Office: CHAR 04/039  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Email: TRADE-R766-DUMPING@ec.europa.eu

### 6. POSSIBILITY TO COMMENT ON OTHER PARTIES' SUBMISSIONS

- (26) In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues. Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure,

comments filed by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified. The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

#### 7. EXTENSION TO TIME LIMITS SPECIFIED IN THIS REGULATION

- (27) Any extension to the time limits provided for in this Regulation should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being shown.
- (28) In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.
- (29) Regarding time limits for the submission of other information specified in the Regulation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

#### 8. NON-COOPERATION

- (30) In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic anti-dumping Regulation.
- (31) Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.
- (32) If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic anti-dumping Regulation, the result may be less favourable to that party than if it had cooperated.
- (33) Failure to give a computerised response will not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

#### 9. HEARING OFFICER

- (34) Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.
- (35) The Hearing Officer may organise hearings and mediate between the interested party/ies and the Commission services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.
- (36) Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. The Hearing Officer will examine the reasons for requests for interventions, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.
- (37) For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>

**10. SCHEDULE OF THE INVESTIGATION**

- (38) The investigation will be concluded, pursuant to Article 11(5) of the basic anti-dumping Regulation, within nine months of the date of the entry into force of this Regulation.

**11. PROCESSING OF PERSONAL DATA**

- (39) Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(1)</sup>.
- (40) A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: <http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>

HAS ADOPTED THIS REGULATION:

*Article 1*

A review of Implementing Regulation (EU) 2017/1993 is hereby initiated pursuant to Article 13(4) of Regulation (EU) 2016/1036 in order to establish whether the imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m<sup>2</sup>, excluding fibreglass discs, consigned from India, whether declared as originating in India or not, currently falling under CN codes ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00 and ex 7019 69 90 (TARIC codes 7019 63 00 14, 7019 64 00 14, 7019 65 00 14, 7019 66 00 14 and 7019 69 90 14), produced by Urja Products Private Limited (TARIC additional code C861), should be subject to the anti-dumping imposed by Implementing Regulation (EU) 2017/1993.

*Article 2*

The anti-dumping duty imposed by Implementing Regulation (EU) 2017/1993 is hereby repealed with regard to the imports identified in Article 1 of this Regulation.

*Article 3*

The Customs authorities shall take the appropriate steps to register the imports identified in Article 1 of this Regulation, pursuant to Article 14(5) of Regulation (EU) 2016/1036.

Registration shall expire nine months following the date of entry into force of this Regulation.

*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, 20 April 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(1)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).