

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/2457****of 14 December 2022****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**

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 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>,

Whereas,

**1. MEASURES IN FORCE**

- (1) 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 from the People's Republic of China.
- (2) Following anti-circumvention investigations, 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.

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

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

<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).

- (3) These measures were further extended by Commission Implementing Regulation (EU) No 976/2014 <sup>(8)</sup>, to imports of slightly modified open mesh fabrics of glass fibres.
- (4) The measures currently in force are imposed by Implementing Regulation (EU) 2017/1993, following an expiry review, as amended by Commission Implementing Regulation (EU) 2018/788 <sup>(9)</sup>, which granted an exemption to SPG Glass Fibre PVT. Ltd.

## 2. PROCEDURE

### 2.1. Request for an exemption

- (5) On 23 August 2021, 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. The request was made by the company Urja Products Private Limited ('the applicant').
- (6) The request contained evidence that the applicant was a new exporting producer and fulfilled the criteria for an exemption pursuant to Article 13(4) the basic anti-dumping Regulation, namely: (1) it did not export the product under review to the Union during the period of investigation on which the measures are based, that is from 1 April 2012 to 31 March 2013 ('the original investigation period'); (2) it is not related to any of the exporters or producers which are subject to the anti-dumping measures imposed by the original Regulation; (3) it has actually exported to the Union the product under review after the end of the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, and (4) it has not been engaging in circumvention practises.
- (7) The Commission found that the request provided 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.

### 2.2. Initiation

- (8) On 20 April 2022, by Implementing Regulation (EU) 2022/651 <sup>(10)</sup>, the Commission initiated the review of Implementing Regulation (EU) 2017/1993 for the purpose of determining the possibility of granting an exemption to the applicant. In the same Regulation the Commission repealed the anti-dumping duties imposed by Implementing Regulation (EU) 2017/1993 with regard to the imports of the product under review by the applicant and directed the customs authorities to take appropriate steps to register such imports ('the initiation Regulation').

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<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> 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 (OJ L 119, 21.4.2022, p. 68).

- (9) The Commission invited interested parties to contact it in order to participate in the review investigation. All interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission or the Hearing Officer in trade proceedings or both within the time limits set in Implementing Regulation (EU) 2022/651. No comments or requests for a hearing were received.

### 2.3. Product under review

- (10) 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.
- (11) Open mesh fabrics of glass fibres can be found in different cell sizes and weight per square metre and are mostly used as reinforcement material in the construction sector (external thermal insulation, floor reinforcement, and wall repair).

### 2.4. Review investigation period

- (12) The review investigation period covered the period from 1 April 2012 until 31 December 2021 ('review investigation period').

### 2.5. Investigation

- (13) The Commission requested the applicant to complete a questionnaire in order to obtain information it deemed necessary for its investigation. The applicant submitted the questionnaire reply on 2 June 2022.
- (14) The Commission then carried out a verification visit at the premises of the applicant in September 2022. The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the necessary conditions.

## 3. FINDINGS

- (15) With regard to condition (1), the Commission referred to the previous findings<sup>(1)</sup> that the applicant did not produce or export to the Union the product under investigation during the original investigation period. Consequently, it was concluded that condition (1) was met.
- (16) With regard to condition (2), the investigation identified several related companies, namely Jayatma Industries Ltd dealing with textile and clothing, Mihikita Enterprises Ltd dealing with building and construction and Denis Chem Lab Ltd dealing with medical devices. None of these companies were involved in the production, processing, sale or purchase of the product under investigation. Therefore, it was concluded that condition (2) was met.
- (17) With regard to condition (3), the applicant exported the product under investigation to two companies in the EU in 2021. Therefore, it was concluded that the applicant met condition (3).
- (18) Last, during the investigation, it was found that the applicant produced the entire quantity that it has exported to the Union. It was also found that the applicant did not import any raw materials from China for the production of the product under review. Therefore, the investigation confirmed that the applicant was not engaged in circumvention practices as defined in Article 13 of the basic Regulation. Therefore, the Commission concluded that criterion (4) was also met.

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<sup>(1)</sup> In accordance with recital (50) of Regulation (EU) No 1371/2013, the Commission found that 'Urja Products does not produce the product under investigation'.

- (19) Accordingly, the Commission concluded that the applicant met the criteria pursuant to Article 13(4) of the basic anti-dumping Regulation. Therefore, the applicant should be exempted from the anti-dumping measures in force in accordance with Implementing Regulation (EU) 2017/1993.
- (20) Therefore, Implementing Regulation (EU) 2017/1993 should be amended.

#### 4. MODIFICATION TO THE LIST OF COMPANIES BENEFITTING FROM AN EXEMPTION TO THE EXTENDED MEASURES

- (21) Given the findings referred to above, and pursuant to Articles 13(4) and 11(4) of the basic Regulation, the Commission concluded that the applicant should be added to the list of companies that are exempted from the anti-dumping measures imposed by Implementing Regulation (EU) 2017/1993.
- (22) The applicant and the Union industry were informed of the Commission's intention to exempt Urja Products Private Limited from the anti-dumping measures in force.
- (23) The parties were granted the possibility to submit comments. No comments were received.
- (24) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

#### Article 1

Paragraphs (1) and (3) of Article 1 of Implementing Regulation (EU) 2017/1993, as amended by Implementing Regulation (EU) 2018/788, are replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on 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, 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 19, 7019 64 00 19, 7019 65 00 18, 7019 66 00 18, and 7019 69 90 19) and originating in the People's Republic of China.'

'3. The definitive anti-dumping duty applicable to imports originating in the People's Republic of China, as set out in paragraph 2, is hereby extended to imports of the same open mesh fabrics (currently classified under CN codes ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00 and ex 7019 69 90) consigned from India and Indonesia, whether declared as originating in India and Indonesia or not (TARIC codes 7019 63 00 14, 7019 63 00 15, 7019 64 00 14, 7019 64 00 15, 7019 65 00 14, 7019 65 00 15, 7019 66 00 14, 7019 66 00 15, 7019 69 90 14, and 7019 69 90 15) with the exception of those produced by Montex Glass Fibre Industries Pvt. Ltd (TARIC additional code B942), Pyrotek India Pvt. Ltd (TARIC additional code C051), SPG Glass Fibre Pvt. Ltd (TARIC additional code C205) and Urja Products Private Limited (TARIC additional code C861), to imports of the same open mesh fabrics consigned from Malaysia, whether declared as originating in Malaysia or not (TARIC codes 7019 63 00 11, 7019 64 00 11, 7019 65 00 11, 7019 66 00 11 and 7019 69 90 11) and to imports of the same open mesh fabrics consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not (TARIC codes 7019 63 00 12, 7019 63 00 13, 7019 64 00 12, 7019 64 00 13, 7019 65 00 12, 7019 65 00 13, 7019 66 00 12, 7019 66 00 13, 7019 69 90 12 and 7019 69 90 13).

The application of the exemption granted to Montex Glass Fibre Industries Pvt. Ltd, Pyrotek India Pvt. Ltd, SPG Glass Fibre PVT. Ltd and Urja Products Private Limited shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II to this Regulation. If no such invoice is presented, the anti-dumping duty as imposed by paragraph 1 shall apply.'

*Article 2*

- (1) Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 3 of Implementing Regulation (EU) 2022/651.
- (2) No definitive duty will be levied retroactively for the registered imports.

*Article 3*

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, 14 December 2022.

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

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