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COMMISSION IMPLEMENTING REGULATION (EU) 2022/72

of 18 January 2022

imposing definitive countervailing duties on imports of optical fibre cables originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2011 imposing a definitive anti-dumping duty on imports of optical fibre cables originating in the People's Republic of China

(OJ L 12, 19.1.2022, p. 34)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Implementing Regulation (EU) 2022/469 of 23 March 2022	L 96	36	24.3.2022

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Article 1

1. A definitive countervailing duty is imposed on imports of single mode optical fibre cables, made up of one or more individually sheathed fibres, with protective casing, whether or not containing electric conductors currently falling under CN code ex 8544 70 00 (TARIC code 8544 70 00 10) and originating in the People's Republic of China.

The following products are excluded:

(i) cables in which all the optical fibres are individually fitted with operational connectors at one or both extremities; and

(ii) cables for submarine use. Cables for submarine use are plastic insulated optical fibre cables, containing a copper or aluminium conductor, in which fibres are contained in metal module(s).

2. The definitive countervailing 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:

Company	Definitive countervailing duty	TARIC additional code
FTT Group: 1. FiberHome Telecommunication Technologies Co., Ltd 2. Nanjing Wasin Fujikura Optical Communication Ltd 3. Hubei Fiberhome Boxin Electronic Co., Ltd	10,3 %	C696
ZTT Group: — Jiangsu Zhongtian Technology Co., Ltd — Zhongtian Power Optical Cable Co., Ltd	5,1 %	C697
Other companies cooperating in both anti-subsidy and anti-dumping investigation listed in Annex I	7,8 %	
Other companies cooperating in the anti-dumping investigation but not in the anti-subsidy investigation listed in Annex II	10,3 %	
All other companies	10,3 %	C999

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3. The application of the individual countervailing 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) of (product concerned) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty applicable to all other companies shall apply.

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

5. The customs declaration shall indicate the length in kilometres of the product described in Article 1(1), provided this indication is compatible with Annex I to Council Regulation (EEC) No 2658/87 ([1]).

6. In cases where the countervailing duty has been subtracted from the anti-dumping duty for certain exporting producers, refund requests under Article 21 of Regulation (EU) 2016/1037 shall also trigger the assessment of the dumping margin for that exporting producer prevailing during the refund investigation period.

Article 2

Commission Implementing Regulation (EU) 2021/2011 ([2]) is amended as follows:

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(1) Article 1(2) is replaced by the following:

'2. The rates of the definitive 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:

Company	Definitive anti-dumping duty	TARIC additional code
FTT Group: — FiberHome Telecommunication Technologies Co., Ltd. — Nanjing Wasin Fujikura Optical Communication Ltd. — Hubei Fiberhome Boxin Electronic Co., Ltd.	33,7 %	C696

([1]) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1), Annex I 'Combined Nomenclature'.

([2]) Commission Implementing Regulation (EU) 2021/2011 of 17 November 2021 imposing a definitive anti-dumping duty on imports of optical fibre cables originating in the People's Republic of China (OJ L 410, 18.11.2021, p. 51).

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Company	Definitive anti-dumping duty	TARIC additional code
ZTT Group: — Jiangsu Zhongtian Technology Co., Ltd. — Zhongtian Power Optical Cable Co., Ltd.	14,6 %	C697
Other companies cooperating in both anti-subsidy and anti-dumping investigation listed in Annex I	23,4 %	
Other companies cooperating in the anti-dumping investigation but not in the anti-subsidy investigation listed in Annex II	20,9 %	
All other companies	33,7 %	C999’

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(2) a new Article 1(7) is inserted:

‘7. Should the definitive countervailing duties imposed by Article 1 of Commission Implementing Regulation (EU) 2022/72 (*) be modified or removed, the duties specified in paragraph 2 or in Annexes I or II shall be increased by the same proportion limited to the actual dumping margin found or the injury margin found as appropriate per company and from the entry into force of this Regulation.

(*) Commission Implementing Regulation (EU) 2022/72 of 18 January 2022 imposing definitive countervailing duties on imports of optical fibre cables originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2011 imposing a definitive anti-dumping duty on imports of optical fibre cables originating in the People’s Republic of China (OJ L 12, 19.1.2022, p. 34)’;

(3) a new Article 1(8) is inserted:

‘8. In cases where the countervailing duty has been subtracted from the anti-dumping duty for certain exporting producers, refund requests under Article 21 of Regulation (EU) 2016/1037 shall also trigger the assessment of the dumping margin for that exporting producer prevailing during the refund investigation period.’;

(4) Annex I is replaced by Annexes I and II to this Regulation.

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.

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ANNEX I

Other companies cooperating in both anti-subsidy and anti-dumping investigation

Name of the company	TARIC additional code
Dongjie Optical Technology (Suzhou) Co., Ltd	C700
Fasten Group: Jiangsu Fasten Optical Communication Technology Co., Ltd Jiangsu Fasten Optical Cable Co., Ltd	C701
Hangzhou Futong Communication Technology Co., Ltd	C702
Hangzhou Tuolima Network Technologies Co., Ltd	C703
Jiangsu Etern Co., Ltd	C704
Jiangsu Hengtong Group: Hengtong Optic-Electric Co., Ltd Guangdong Hengtong Optic-electronical Technology Co., Ltd Jiangsu Hengtong Smart Grids Co., Ltd Zhejiang Dongtong Optical Network and IOT Technology Co., Ltd	C705
Jiangsu Tongguang Optical Fiber Cable Co., Ltd	C706
LEONI Cable (China) Co., Ltd	C707
Nanjing Huamai Technology Co., Ltd	C708
Ningbo Geyida Cable Technology Co., Ltd	C709
SDG group: — Shenzhen SDG Information Co., Ltd — Shenzhen SDGI Optical Network Technologies co., Ltd	C725
Shanghai Qishen International Trade Co., Ltd	C712
Shenzhen Wanbao Optical Fiber Communication Co., Ltd	C713
Sichuan Huiyuan Optical Communications Co., Ltd	C714
Suzhou Furukawa Power Optic Cable Co., Ltd	C715
Suzhou Torres Optic-electric Technology Co., Ltd	C716
Twentsche (Nanjing) Fibre Optics Ltd	C717
XDK Communication Equipment (Huizhou) Ltd	C718
Yangtze Optical Fibre and Cable group: — Yangtze Optical Fibre and Cable Joint Stock Limited Company — Yangtze Optical Fibre and Cable (Shanghai) Company Ltd — Yangtze Zhongli Optical Fibre and Cable (Jiangsu) Co., Ltd — Sichuan Lefei Optoelectronic Technology Company Limited — Everpro Technology Company Limited	C719

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ANNEX II

Other companies cooperating in anti-dumping investigation but not in anti-subsidy investigation

Name of the company	TARIC additional code
Anhui Tianji Information Technology Co., Ltd	C698
Prysmian Wuxi Cable Co., Ltd	C710