



2024/3014

16.12.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/3014
of 13 December 2024**

**imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on
imports of optical fibre cables originating in India**

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 9(4) thereof,

Whereas:

1. PROCEDURE

1.1. Initiation

- (1) On 16 November 2023, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports of optical fibre cables ('OFC') originating in India ('the country concerned') on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 3 October 2023 by Europacable ('the complainant'). The complaint was made on behalf of the Union industry of optical fibre cables in the sense of Article 5(4) of the basic Regulation. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.

1.2. Registration

- (3) As set out in recitals (3) and (4) of the Commission Implementing Regulation imposing a provisional anti-dumping duty on imports of optical fibre cables originating in India ⁽³⁾ ('the provisional Regulation'), imports of the product concerned were not made subject to registration. No party made any comments on this point.

1.3. Provisional measures

- (4) In accordance with Article 19a of the basic Regulation, on 14 June 2024, the Commission provided parties with a summary of the proposed duties and details about the calculation of the dumping margins and the margins adequate to remove the injury to the Union industry. Interested parties were invited to comment on the accuracy of the calculations within three working days. Comments were received from MP Birla Group ('Birla Group') ⁽⁴⁾.
- (5) Following the disclosure of the summary of the proposed duties mentioned in recital (4), the STL Group claimed that the pre-disclosure document was incomplete as the Commission did not provide detailed explanations concerning the rejection of the intra-group profit elimination. At that stage of the proceeding, the Commission only took into account comments concerning clerical errors in the dumping calculation. The claim made by the STL Group did not concern such clerical errors. Moreover, the Commission provided detailed explanations on the rejection of claim concerning the intra-group profit elimination in recital (74) of the provisional Regulation. Therefore, the Commission considered that the pre-disclosure document and the provisional disclosure provided a complete set of information as per the prescription in Article 19a of the basic Regulation, allowing the company to comment on the provisional disclosure.

⁽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 optical fibre cables originating in India (OJ C, C/2023/891, 16.11.2023, ELI: <http://data.europa.eu/eli/C/2023/891/oj>).

⁽³⁾ Commission Implementing Regulation (EU) 2024/1943 of 11 July 2024 imposing a provisional anti-dumping duty on imports of optical fibre cables originating in India (OJ L, 2024/1943, 12.7.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1943/oj).

⁽⁴⁾ MP Birla group includes Birla Cable Ltd, Universal Cables Ltd ('UCL') and Vindhya Telelinks Ltd ('VTL').

- (6) On 12 July 2024, by the provisional Regulation, the Commission imposed provisional anti-dumping duties on imports of optical fibre cables originating in India.

1.4. Subsequent procedure

- (7) Following the disclosure of the essential facts and considerations on the basis of which provisional anti-dumping measures were imposed ('provisional disclosure'), the complainant, as well as the exporting producers Birla Group, STL Group ⁽⁵⁾, APAR, Aberdare Technologies Private Limited ('Aberdare') and Finolex Cables Limited ('Finolex') and the Government of India ('GOI') filed written submissions making their views known within the deadline provided by Article 2(1) of the provisional Regulation.
- (8) The parties who so requested were granted an opportunity to be heard. Hearings took place with STL and Birla groups.
- (9) Following the provisional disclosure the Commission continued to seek and verify all the information it deemed necessary for its final findings. When reaching its definitive findings, the Commission considered the comments submitted by interested parties and revised its provisional conclusions where appropriate.
- (10) As set out in the recital (81) of the provisional Regulation, the Commission further investigated STL Group's export sales via its second related company in order to determine the constructed export price in accordance with Article 2(9) of the basic Regulation.
- (11) To this end, pursuant to Article 16 of the basic Regulation, the Commission carried out an on-spot verification visit at the premises of Metallurgica Bresciana (Dello, Italy) to verify the data submitted.
- (12) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports of OFC originating in India ('final disclosure'). All parties were granted a period within which they could make comments on the final disclosure.
- (13) Comments following the final disclosure were received from two groups of exporting producers, namely Birla Group and STL Group.
- (14) Parties who requested so were granted an opportunity to be heard. Hearings took place with Birla Group and STL Group.
- (15) The Commission provided an additional disclosure on 30 October 2024 for comments received from the GOI following provisional disclosure and that had not been addressed in the final disclosure. No further comments on the additional disclosure were submitted.

1.5. Claims on initiation

- (16) In the absence of comments on the initiation of the investigation after the imposition of provisional measures, the Commission confirmed its conclusions set out in recitals (7) to (39) of the provisional Regulation.

1.6. Sampling

- (17) In the absence of comments concerning sampling of Union producers, importers and exporting producers in India, the Commission confirmed its findings and conclusions set out in recitals (40) to (46) of the provisional Regulation.

1.7. Investigation period and period considered

- (18) In the absence of comments concerning the investigation period ('IP') and the period considered, the Commission confirmed its conclusions set out in recital (50) of the provisional Regulation.

⁽⁵⁾ STL Group includes Sterlite Technologies Limited ('STL') and Sterlite Tech Cables Solutions Limited ('STCS').

2. PRODUCT CONCERNED AND LIKE PRODUCT

- (19) Following provisional disclosure, Europacable reiterated its disagreement with the Indian exporting producers' claim that 'not individually sheathed' optical fibres should be excluded from the product scope. They drew the Commission's attention to the risk of misdeclaration of imports under the wrong CN code and requested that the Commission informs the EU customs authorities of such potential risk. The Commission took note of this comment.
- (20) In the absence of any other comments concerning the product under investigation, the product concerned, the like product and the product scope, the Commission confirmed its conclusions set out in recitals (51) to (61) of the provisional Regulation.

3. DUMPING

- (21) Following provisional disclosure, the Commission received written comments from the Indian authorities, two sampled exporting group of producers (the Birla and the STL groups), from three non-sampled cooperating exporting producers and from the complainant.

3.1. Normal value

- (22) Following provisional disclosure, the Birla Group submitted four comments regarding the calculation of normal value, in particular concerning certain elements relevant for establishing the selling, general and administrative ('SG&A') costs pertaining to the like product during the investigation period. The Commission accepted one comment as it was found to be justified and rejected the other three claims. Regarding the comments that were rejected, the Commission noted that the comments themselves, as well as the respective analysis and reasoning are of confidential nature. Detailed explanations were provided to the Birla Group in the specific disclosure only.
- (23) Following provisional disclosure, the STL Group and the GOI reiterated the claim described in recital (74) of the provisional Regulation that the cost of production for OFC should not include the profit transferred between related parties or between business divisions that manufacture the semi-finished products (such as preformed glass and/or optical fibres) used in the production of OFC. However, neither STL Group nor the GOI did bring any new elements compared with the verification visit. Therefore, the Commission maintained its provisional conclusions and rejected this claim.
- (24) Following final disclosure, the Birla Group made two comments concerning the calculation of the normal value, more specifically the treatment of certain financial expenses and the source of SG&A costs and profit when constructing the normal value. The Commission rejected both claims. The Commission further noted that the comments themselves, as well as the respective analysis and reasoning are of confidential nature. Detailed explanations were provided to the Birla Group.
- (25) Following final disclosure, the STL Group reiterated its claim that the Commission should take into consideration the inter-business divisions profit elimination as per companies' accounting records, i.e. Indian GAAP and IFRS. Furthermore, the STL Group claimed that the profits that are eliminated intra-company were not costs associated with the production and sales of the product concerned within the meaning of Article 2.2.1.1 of the Anti-Dumping Agreement (ADA) and Article 2(5) of the basic Regulation. The STL Group further claimed that the Commission did not explain why it used the data set of the business divisions rather than the consolidated financial statements of the two companies part of STL Group. Finally, the STL Group claimed that the Commission did not consider all available evidence on the proper allocation of costs in accordance with the Article 2.2.1.1 of the ADA and the Article 2(5) of the basic Regulation by dismissing the consolidated statements.
- (26) For the calculation of the dumping margin the costs of production are established per product types, i.e. PCNs, as are dumping amounts which are then used to calculate the dumping margins. In the internal accounting records of the companies (STL and STCS) are recorded at the level of the 'material number' which can be linked to the PCN established in this investigation. The consolidated statements of the companies did not allow to establish the cost of production per PCN and could therefore not be used.

- (27) Furthermore, as stated in recital (74) of the provisional Regulation, the Commission used the costs of production as booked and reported by the companies in their accounting system and verified by the Commission. Those booked costs of the business divisions reflected correctly the costs in relation to the semi-finished products used in the production of OFC. During the verification visit, the Commission requested the companies to provide detailed explanations regarding the profit transferred between business divisions. The Commission noted that STL Group provided varying estimates of the notional profits of the business divisions, without providing any underlying evidence, failing to establish a link between the consolidated profit (calculated based on inter-business divisions profit elimination) and the cost of production of OFC at the level of the material number.
- (28) Moreover, with regard to the claim that the Commission did not consider all available evidence on the proper allocation of costs, the Commission noted that Article 2.2.1.1 of the ADA and the Article 2(5) of the basic Regulation do not deal with the treatment of intra-company profits. These articles set out that costs must normally be calculated on the basis of records kept by the party under investigation. This issue is not at stake in the current investigation as the Commission determined the cost of OFC of the companies based on their records. Furthermore, these articles provide for the methodology to be used when the company's records do not reasonably reflect the costs associated with the product and sales of the product under investigation, and in specific that, should no appropriate method be available, preference must be given to the allocation of costs on the basis of turnover. Again, this issue is not at stake in the current investigation because the costs related to the product concerned were booked by the company as per business division and no allocation of costs was therefore necessary. Finally, these articles provide for the treatment of cost during a start-up phase, which is not at issue in the current case.
- (29) The Commission considered that all evidence available has been properly assessed and used for the determination of the normal value. The evidence was found reliable and appropriate. Therefore, these claims were rejected.
- (30) Within the STL Group, one related company (STL) received royalties and headquarters fees from another related company within the same group (STCS). At provisional stage the Commission did not allocate in the calculation of the SG&A costs of STL OFC sales the revenues obtained from the royalties and the headquarters fees paid by STCS. The STL Group and the GOI claimed that on this basis, the Commission should also disregard in the calculation of the SG&A costs of STCS the expenses incurred by STCS related to the payment of these royalties and headquarters fees in order to be coherent.
- (31) The Commission disagreed with this claim. The royalties and the headquarters fees paid clearly concerned the production or sale of OFC and, thus these expenses have to be included in the total amount of SG&A costs related to the sales of OFC. For STL, the royalties and headquarters fees paid by STCS are considered as a revenue. In particular, the revenue obtained from the sale of royalties is not genuinely related *'to production and sales, [...], of the like product by the exporter or producer under investigation'* within the meaning of Article 2(6) of the basic Regulation. In other words, the revenues from intellectual property rights are not *'genuinely related to the production and sale of the specific product under consideration'* within the meaning of the General Court in its judgement in *Sveza*⁽⁶⁾. These revenues are related to what essentially are an ancillary activities from the point of view of the present proceeding. Therefore, the Commission rejected this claim.
- (32) Following final disclosure, the STL Group alleged that the Commission applied double standards by treating the royalties and headquarters fees paid by STCS as an expense and therefore included these expenses in the calculation of the SG&A costs for STCS, while it excluded the corresponding income for STL in the calculation of the SG&A costs for STL. The STL Group reiterated that for both companies, the expenses and the revenues from royalties and headquarters fees should be either excluded or included in the calculation of the SG&A costs of these companies.

⁽⁶⁾ Judgment of 11 September 2024, Case T-2/22, *Sveza Verkhnyaya Sinyachikha NAO v European Commission*, ECLI:EU:T:2024:615, paras. 124-144.

- (33) The Commission clarifies that the expenses related to the sales of the products manufactured by a company and the administrative expenses are included in the calculation of the SG&A costs of a company. However, the revenues obtained from the sale of products or services are revenues and per definition not SG&A costs. Therefore, for the calculation of the SG&A costs for STCS, the Commission had to include the expenses paid related to royalties and headquarters fees for OFC as they were linked to the sale of OFC. Likewise, for the calculation of the SG&A costs for STL, expenses related to the sales of OFC were considered and there was no factual basis to deduct revenues from the sale of royalties and headquarters fees from the SG&A costs of OFC since they were not linked to the sales of OFC. Moreover, the STL Group did not link these revenues to the SG&A costs of STL used in the calculation for that company, which they could offset. Therefore, the claim was rejected.
- (34) In the absence of other comments on the determination of the normal value, recitals (62) to (75) of the provisional Regulation are herewith confirmed.

3.2. Export price

- (35) Following provisional disclosure, the Commission investigated the STL Group related company Metallurgica Bresciana, which imported OFC from India. The STL Group claimed that these imports were used by Metallurgica Bresciana to manufacture other products. However, the on-spot verification revealed that the added value brought by the subsidiary was minimal and therefore these sales were re-sales of OFC imported from India. The STL Group further explained that these purchases were made to complement the sales offer of Metallurgica Bresciana. On this basis, the Commission concluded that while Metallurgica Bresciana was a manufacturer of OFC, it acted as a related importer/trader for these transactions. As a consequence, as described in recital (80) of the provisional Regulation in relation to other related importers/traders, the Commission applied Article 2(9) of the basic Regulation to these transactions.
- (36) The STL Group and the GOI reiterated the claim stated in recital (78) of the provisional Regulation that the Commission should treat the related company STL France as a branch managing a warehouse and not as a related importer. No additional evidence was provided in this regard.
- (37) Therefore, the Commission maintained its view that STL France acted as a related importer and therefore the export price had to be constructed pursuant to Article 2(9) of the basic Regulation.
- (38) Following final disclosure, STL Group claimed that the Commission should have conducted a physical onsite inspection of STL France and that the Commission missed the 'vital visual elements' of this entity that would have allowed the Commission to note that STL France 'resembled a trader' rather than an importer. The STL Group claimed that, should the company be considered a trader, a profit of 10 % based on the profit of 'traders in China or Hong Kong' used under Article 2(10)(i) of the basic Regulation in the OFC investigation against China should be used. In addition, STL Group claimed that since the Commission 'inspected' Metallurgica Bresciana at its premises in Italy, STL France was treated in a discriminatory manner. In its confidential comments to the final disclosure, STL Group referred to an exhibit collected during the on-spot verification visit of STL.
- (39) First, the Commission noted that the STL Group provided contradicting information regarding the role of STL France. While STL Group initially claimed that STL France was a warehouse, following the final disclosure without any further explanations it started arguing that STL France would be a trader and not an importer.
- (40) The Commission clarified that in the context of a trade defence investigation it does not conduct physical inspections of companies' premises but, as noted in Article 16 of the basic Regulation, carries out '*visits to examine the records of importers, exporters, traders, agents, producers, trade associations and organisations and to verify information provided on dumping and injury*'. In other words, it carries out on-spot verification visits to ascertain that the information provided in the questionnaire reply is reliable, i.e. the objective on an on-spot verification is to reconcile the questionnaire reply provided with the company's accounting records and the detailed accounting documents available at the companies' premises.

- (41) The Commission conducted an on-spot verification visit at the premises of Metallurgica Bresciana in Italy as the information could not be verified during the verification visit carried out at STL Group premises in India. On the other hand, the Commission was able to verify the information provided by STL France during the on-spot verification at the premises of STL as there was access to the accounting records of STL France. Moreover, in the reply to the deficiency letter the STL group stated that the accounting system of STL France was accessible in India but that the books of accounts for Metallurgica Bresciana were only accessible in the plant in Italy, as all its accounting documents were kept in Italy. The two companies were not in the same situation, justifying the different approaches of the investigating team. Moreover, it was recalled that there is no legal obligation that an on-spot verification takes place. Furthermore, the company failed to explain what would be the visual elements that differentiate a trader from an importer. Therefore, the claim that the Commission should have conducted an on-spot verification visit at the premises of STL France and that it had treated this company in a discriminatory manner was rejected.
- (42) Regarding the claim that STL France should be regarded as a trader, the Commission clarified that the 20 % profit used in STL France's adjustment is based on the profit achieved on the trading activities (resales) of importers of OFC found in the previous investigation concerning China, that is, companies doing the same kind of activities as STL France. Therefore, contrary to the company's claim, this is the best proxy available for STL France. The Commission also notes that the on-spot verification exhibit to which STL Group referred to in the confidential version of its submission does not show that the company is not the importer for the relevant transactions and therefore it does not support the claim made by STL Group in this regard. Therefore, this claim was rejected.
- (43) Furthermore, following provisional disclosure, the STL Group and the GOI claimed that the profit margin used for the construction of the export price under Article 2(9) of the basic Regulation (i.e. 20 %) cannot be considered as reasonable. It was stated that the source of 20 % profit margin was the previous OFC investigation against China ⁽⁷⁾ and thus this profit margin could not be considered as representative of an importer of OFC from India.
- (44) The 20 % profit margin was based on the verified financial statements reported by an unrelated importer during the previous investigation concerning China. In the absence of cooperation from unrelated importers, the Commission considered this to be an appropriate and reasonable proxy for OFC sales in the EU market also in this case as the profit was based on actual transactions in the European market.
- (45) Moreover, the STL Group and the GOI argued that the dumping margin found for imports from China was much higher than the dumping margin determined for the STL Group in the current investigation, which possibly explained the high profit incurred by the importers in the China case.
- (46) In this regard, it should be noted that dumping margin is calculated taking into account the differences between the normal value and the export price, while the profit margin is established by comparing the total revenue of OFC with the total costs (purchase prices plus SG&A costs). Therefore, the analysis of the dumping margins and/or purchase prices cannot bring any meaningful conclusions regarding the level of the profit margin of an unrelated importer.
- (47) The STL Group proposed several alternatives for a reasonable profit margin of an unrelated importer: (i) the actual accruing profit of STL France; (ii) the profit of its related entity in Italy Metallurgica Bresciana; or (iii) 5 % based on the Commission's practice when no other information is available. Finally, the STL Group claimed the Commission could use the profit margins reported by companies involved in the same domain of activity as STL France. For that STL Group provided a report listing 14 companies, all unrelated to STL Group. This report was initially drafted for the French tax authorities.

⁽⁷⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2021/2011/oj), recital 367: 'the weighted average of the profits of cooperating importers was used as a reasonable profit margin. This profit margin ranges between 15 % and 25 %'.

- (48) The Commission considered that it was not possible to use the profit margins of related parties, which would run contrary to the provisions of Article 2(9) of the basic Regulation, as it is considered to be affected by the association. The Commission also notes that a profit margin of 5 % is only applied in exceptional circumstances (i.e. there is no other information available). This is not the case here, where the information available to the Commission clearly shows that a 5 % profit margin in this case is not appropriate. Finally, the Commission examined the report submitted by the STL Group and found that only four of the listed companies had fibre optics in their catalogue of products. In addition, these companies were not specialised in the fibre optic business but rather were wholesalers of various copper power cables, electrical materials and other industrial tools. Moreover, publicly available financial statements of these companies did not provide either the profitability of each segment or the weight of each segment in the total turnover. Finally, there is no indication of whether these companies actually produced or merely imported OFC for resale in the EU market. Therefore, the unrelated importer profit margin established in the Chinese investigation remained the most suitable alternative as the profit related to an unrelated importer, concerned the OFC business and was verified. Finally, and most notably, no evidence suggesting that a profit margin, which was considered to be 'reasonable' for imports from China, would be unreasonable for imports from India were presented by any interested party. Therefore, the options proposed by the STL Group were rejected.
- (49) Following final disclosure, the STL Group reiterated that adjustments can only be made for profits that were 'accrued' and 'reasonable'. STL Group further stated that it followed Ernst & Young's advice on transfer pricing rules, which indicated that typical net margins for Limited Risk Distributors (LRDs) in Europe range from 2,7 % to 9,1 %, with a median of 5,1 % of sales which was in line with STL France's profit margin. Furthermore, STL Group stated that the Commission used an unreasonable profit margin which exceeded what was 'appropriate' in this context. STL Group stated that the Commission should use the actual profit margin of STL France, or alternatively, the actual profit margin of Metallurgica Bresciana.
- (50) The Commission noted that the fact that the profit margin of STL France is in the same range as the median of a several companies, did not prove that the profit margin of STL France was not affected by the association between the exporter and the importer. The profit margin of Metallurgica Bresciana is also affected by the association with the exporter and therefore, likewise its profit margin cannot be used in this regard. Therefore, the claim was rejected.
- (51) Moreover, the STL Group reiterated its claim stated in recital (43). It further claimed that the investigation period of the previous OFC investigation against China (1 July 2019 to 30 June 2020) was the period during the COVID-19 pandemic where the OFC industry recorded extraordinarily high profit margins as during the lockdowns, OFC production slowed down whilst demand increased due to, inter alia, the need for better internet connection in people's homes to enable remote working and remote learning. Therefore, the STL Group claimed that the profit margin used by the Commission in that investigation did not reflect a margin that importers normally realise without the specific circumstances during the COVID-19 pandemic. The STL Group also provided several examples of previous investigations where the Commission found certain data not to be representative or otherwise reliable when it was affected by the extraordinary circumstances caused by the COVID-19 pandemic.
- (52) The Commission noted that the investigation period of the previous OFC investigation against China (1 July 2019 to 30 June 2020) was only partially affected by the COVID-19 pandemic. Furthermore, in the previous OFC investigation against China, the interest of the unrelated importers was assessed by the Commission. In that investigation the Commission found that *'None of the importers claimed that the COVID-19 pandemic would have had a major impact on their business activity. One importer stated that there was a certain slowdown in March 2020 due to the lockdown but stressed that the importance of fiber to the home ("FTTH") projects was amplified by this crisis' (8)* that *'Importers have also claimed that they have long term supply contracts with their customers in which fixed prices are agreed for the total term of 2-4 years and there is no price adjustment clause for unforeseen increases in their purchase prices. Therefore, it would not be possible to pass on the increased costs to their customers. Moreover, importers have argued that they are not able to bid in tenders which are announced during the present investigation as they do not know what price they will pay for OFC in case measures are imposed' (9)*. Thus, the Commission found no evidence that the OFC industry recorded extraordinarily high profits due to the COVID-19 pandemic. The STL Group did not submit any concrete evidence in this regard contradicting the Commission's conclusions. Therefore, the claim was rejected.

(8) *Ibid.*, recital (579).

(9) *Ibid.*, recital (583).

- (53) In the absence of any other comments with respect to the determination of the export price, the Commission hereby confirmed its provisional conclusions set out in recitals (76) to (81) of the provisional Regulation.

3.3. Comparison

- (54) In the absence of any comments concerning the comparison of the normal value and the export price, the findings set out in recitals (82) and (88) of the provisional Regulation are hereby confirmed.

3.4. Dumping margins

- (55) The definitive dumping margins expressed as a percentage of the cost, insurance and freight (CIF) Union frontier price, duty unpaid, are as follows:

Group	Dumping margin
MP Birla Group	6,9 %
STL Group	11,4 %
HFCL Group	0 %
Non-sampled cooperating companies	9,0 %
Residual margin	11,4 %

- (56) The HFCL Group was found not to be dumping and therefore its exports are excluded from the measures.
- (57) Following provisional disclosure, Aberdare and APAR also claimed that the Commission should be more transparent as regard the calculation of the anti-dumping margin for the cooperating non-sampled companies.
- (58) The Commission clarified that the anti-dumping margin for the other cooperating companies was established based on the dumping amounts and CIF values found for Birla Group and STL Group, as prescribed by Article 9(6) of the basic Regulation.

4. INJURY

4.1. Unit of measurement

- (59) In the absence of any comments with respect to the determination of the unit of measurements, the Commission confirmed its conclusion set out in recital (96) of the provisional Regulation.

4.2. Definition of the Union industry and Union production

- (60) In the absence of any comments with respect to the definition of the Union industry and Union production, the Commission confirmed its conclusion set out in recitals (97) and (98) of the provisional Regulation.

4.3. Captive use

- (61) In the absence of any comments with respect to the captive use, the Commission confirmed its findings set out in recitals (99) to (104) of the provisional Regulation.

4.4. Union consumption

- (62) In the absence of any comments with respect to the Union consumption, the Commission confirmed its findings set out in recitals (105) to (110) of the provisional Regulation.

4.5. Imports from the country concerned

4.5.1. Volume and market share of the imports from the country concerned

- (63) As mentioned in recital (19), the complainant reiterated its comment concerning the misdeclaration of import volumes by Indian exporting producers based on the judgement of the Indian Appellate Tribunal as also described in recital (112) of the provisional Regulation and pointed out that while this judgement has no bearing on the interpretation and application of EU customs law, it urged the Commission to instruct national customs authorities of the risk of circumvention of the anti-dumping measures in this case.
- (64) The Commission took note of this comment and will act to ensure measures are correctly enforced, as appropriate.
- (65) In the absence of any additional comments with respect to imports from the country concerned, the Commission confirmed its findings set out in recitals (111) to (118) of the provisional Regulation.

4.5.2. Prices of the dumped imports from the country concerned, price undercutting and price suppression

- (66) In the absence of any comments with respect to prices of dumped imports from the country concerned, price undercutting and price suppression, the Commission confirmed its conclusions set out in recital (119) to (125) of the provisional Regulation.

4.6. Economic situation of the Union industry

4.6.1. General remarks

- (67) In the absence of comments with respect to the general remarks, the Commission confirmed its conclusions set out in recitals (126) to (129) of the provisional Regulation.

4.6.2. Macroeconomic indicators

- (68) Following the provisional disclosure, the GOI noted that sales volume, production volume and production capacity of the Union industry increased in the IP despite a decline in the free-market demand and that return on investment also showed a positive trend since 2022.
- (69) Following the final disclosure, Birla Group reiterated the claims made by the GOI and argued that all macroeconomic indicators showed a positive development which would show that the Union industry did not suffer any material injury. This exporter also noted that the development of the capacity utilisation described in recital (133) of the provisional Regulation is due to the decision of the Union industry to increase capacity and to decrease the production at the same time.
- (70) Birla Group further noted that the sales volume of the Union industry increased between 2022 and the IP, despite the slight decrease in the Union consumption. The exporter pointed out that during the same period, imports from India remained stable while the market share of Union producers increased.
- (71) The Commission did not dispute that certain injury indicators showed a positive trend during the period considered, fact which is also set out in recital (169) of the provisional Regulation. However, the Commission found that the Union industry's sales prices showed a decreasing trend and that there was a strong increase of the market share of the Indian imports, which significantly undercut the Union industry sales prices, and caused price suppression throughout the period considered. This price pressure caused a significant drop in the profitability and cash flow of the Union industry and resulted in very low levels of investments. In their comments, the GOI and Birla Group ignored those facts and the Commission's findings. Therefore, the claim that there was no material injury, based only on the development of macroeconomic indicators, was rejected, as it does not take into consideration the development of the remaining injury indicators and ignores the overall conclusion of the Commission.

- (72) In the absence of any other comments with respect to the macroeconomic indicators, the Commission confirmed its conclusions set out in recitals (130) to (144) of the provisional Regulation.

4.6.3. *Microeconomic indicators*

- (73) In the absence of any comments with respect to the microeconomic indicators, the Commission confirmed its conclusions set out in recitals (145) to (168) of the provisional Regulation.

4.6.4. *Conclusion on injury*

- (74) The complainant agreed to the findings regarding the increase of dumped imports as described in recital (117) of the provisional Regulation and their impact on the injury indicators such as of cash flow, return of investment, and profitability.
- (75) In the absence of any further comments with respect to the conclusion on injury, the Commission confirmed its conclusion set out in recitals (169) to (170) of the provisional Regulation.

5. CAUSATION

5.1. **Effects of the dumped imports**

- (76) Two of the non-sampled exporting producers, i.e. Aberdare Technologies Private Limited and APAR Industries Limited, claimed that given their low import volumes both in absolute and relative terms, and considering their export price levels, could not have caused any injury to the Union industry. On this basis they requested that no duties should be imposed on them.
- (77) As explained in recital (14), the sample of exporting producers was considered representative. The causation analysis was based on the entirety of the dumped imports of the product concerned from India and not limited to single exporting producers as required by Article 3 of the basic Regulation. These claims were therefore rejected.
- (78) In the absence of any comments with respect to the effects of dumped imports, the Commission confirmed its conclusions set out in recitals (172) to (181) of the provisional Regulation.

5.2. **Effects of other factors**

- (79) Following the provisional disclosure, the GOI claimed that the Union industry's situation in the IP was affected by imports from China, considering that anti-absorption duties on imports from China were imposed just before the end of the IP. The GOI argued that despite the measures in force against imports from China they increased and imports from India remained in the same range since 2022; and the import prices from China were below the import prices from India.
- (80) The Commission referred in this context to the conclusion in recital (187) of the provisional Regulation, according to which Chinese imports may have negatively affected the Union industry's situation, however they did not attenuate the causal link between dumped Indian imports and the injury suffered by the Union industry. This was evidenced by the fact that following the conclusion of the anti-absorption investigation, which effectively doubled the anti-dumping duties previously calculated⁽¹⁰⁾, the Chinese imports showed a decreasing trend in volume and increasing price trend with average prices above the average prices of the dumped imports from India⁽¹¹⁾. Considering that no additional evidence was provided, the claim was therefore rejected.

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2023/1617 of 8 August 2023 amending Commission 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 199, 9.8.2023, p. 34. ELI: http://data.europa.eu/eli/reg_impl/2023/1617/oj).

⁽¹¹⁾ Recital (187) of Implementing Regulation (EU) 2024/1943.

- (81) Following the provisional disclosure, the GOI also claimed that the injury of the Union industry was caused by an increase of its investments despite the declining market and the rising energy costs due to the Ukraine-Russia war during the same period.
- (82) With regards to the level of investments, the Commission confirmed its conclusions set out on recitals (156) and (201) of the provisional Regulation, according to which the investments remained at a low level over the period considered despite the increase in the IP, which cannot be considered a cause of the material injury suffered by the Union industry. As regards the rise in the energy costs which was attributed to Russia's war of aggression against Ukraine, the Commission confirmed its conclusion set out in recital (147) of the provisional Regulation, that the increase in cost of production was mainly due to increases in raw material cost in line with inflationary developments and that it was the price pressure caused by dumped Indian imports that did not allow Union producers to recover from any cost increases. The Commission also concluded in recital (199) of the provisional Regulation that the increase in raw material and energy costs cannot be considered as a cause of the injury if those cost increases cannot be passed on to customers due to price pressure from dumped imports. Taking into account that no additional evidence was provided, these comments were rejected.
- (83) Following the final disclosure, Birla Group reiterated the claims of the GOI regarding the effects of the Chinese imports on the Union industry's situation. They argued that the Commission's injury assessment was based on the inability of Union producers to raise their prices, while it was the decreasing prices of the Chinese imports that prevented the Union industry from increasing their profits. Birla Group also pointed out that the volume of imports from China was three to four times higher than the volume of imports from India and claimed that thus Chinese imports have been capable of exercising a much higher pressure on prices than Indian imports. Birla Group concluded that given that the market share of the Indian imports was below the market share of the Union producers they could not have been responsible for the fact that the Union industry could not raise its prices. Furthermore, the exporter claimed that Indian import prices slightly decreased between 2021 and 2022 and could therefore not have a sudden impact on the profitability of the Union producers.
- (84) The exporter claimed that the Commission should have estimated the amount of injury that should have been attributed to other known factors, such as Chinese imports.
- (85) Finally, Birla Group referring to the Judgement of the General Court *Gul Ahmed Textile Mills v Council* ⁽¹²⁾ claimed that the fact that the investigation period of the anti-absorption investigation overlapped with the IP of this investigation distorts the assessment of the impact of imports from India and the whole attribution analysis. As a consequence, they requested that the Commission should base its analysis of the effects of the imports from India on the Union industry's situation on a most recent period even beyond the IP of this investigation, because it would be unaffected by the imports of China.
- (86) The Commission reiterated its findings in recitals (172) and (173) of the provisional Regulation, where it noted that the deterioration of the Union industry's situation coincided with the rapid increase of dumped imports from India with significant undercutting margins, causing price suppression. While the market share of dumped Indian imports increased almost three-fold, the increase in Union industry's market share over the same period was at a much smaller rate. It can therefore be concluded that mainly the dumped imports from India benefitted from the decrease of Chinese imports during the period considered and that there was a coincidence in time between the increase of the dumped imports from India and the deterioration of the Union industry's situation, in particular the Union industry was not able to recover market share and to realise sustainable levels of profit, as concluded in recital (179) of the provisional Regulation. Birla Group did not provide any evidence that would call these conclusions into question. The claim was therefore rejected.

⁽¹²⁾ Judgement of 15 December 2019, *Gul Ahmed Textile Mills v Council*, T-199/04 RENV, ECLI:EU:T:2016:740, para. 179, referring to European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil (*EC – Tube or Pipe Fittings*), Report of the Appellate Body, WT/DS 219/AB/R (dated 22 June 2003), paras. 190 and 191.

- (87) Regarding the request that the Commission estimates the amount of injury caused by other known factors, such as Chinese imports, the Commission notes that it complied with the requirements of the basic Regulation and assessed all other causes of injury separately and combined and concluded that even together they were not able to attenuate the causal link between the Indian dumped imports and the material injury suffered by the Union industry. It is also noted that injury margins were based on the comparison between the target prices of the Union industry and the actual prices of the sampled exporting producers. As such those margins were calibrated to the pricing behaviours of the sampled Indian exporting producers.
- (88) The Commission recalled its findings in recital (204) of the provisional Regulation, where the Commission individually analysed in detail the effects of all other known factors on the Union industry. The analysis showed that while it could not be excluded that the dumped imports from China, the non-dumped Indian imports, and imports from Türkiye might have contributed to the material injury, they did not attenuate the causal link between the dumped Indian imports and the material injury suffered by the Union industry. Birla Group did not provide any evidence to support their claim and it was therefore rejected. Moreover, as noted in recital (87), the injury margins established in this case were precisely calibrated to the pricing behaviour of the Indian exporting producers.
- (89) With reference to the Judgement of the General Court *Gul Ahmed Textile Mills v Council*, the Commission disagrees that its injury assessment was distorted. First, the current investigation and the anti-absorption investigation against China did not have overlapping investigation periods as wrongly claimed by Birla Group: the IP of the current investigation covers the period from 1 October 2022 to 30 September 2023, while the anti-absorption's investigation period was 1 October 2021 to 30 September 2022 ⁽¹³⁾. More importantly, as explained in recital (203) of the provisional Regulation, it is clear from the trends observed during the period considered that while dumped imports from China decreased consistently, the situation of the Union industry was notably deteriorating, in particular its profitability. Birla Group disregarded those trends and relied solely on the fact that there was an anti-absorption investigation against China to support its claim and thus has not shown that the current assessment was distorted. Therefore, this claim was also rejected.
- (90) In the absence of any other comments with respect to the effects of other factors, the Commission confirmed its conclusions set out in recitals (182) to (202) of the provisional Regulation.

5.3. Conclusion on causation

- (91) In the absence of any comments on causation that would change the Commission's assessment, the Commission confirmed its findings in the provisional Regulation and in particular the conclusions set out in recitals (203) to (205) of the provisional Regulation.

6. LEVEL OF MEASURES

6.1. Injury margin

- (92) As explained in Section 3.2, following the provisional measures, the Commission included in its calculation of the export price for the STL group certain re-sales of the STL related entity in Italy, Metallurgica Bresciana. In view of the inclusion of these re-sales, the provisional injury margin for the STL group was revised from 41,2 % to 42,3 %.
- (93) As provided by Article 9(4), third subparagraph, of the basic Regulation, and given that the Commission did not register imports during the period of pre-disclosure, it analysed the development of import volumes to establish if there had been a further substantial rise in imports subject to the investigation during the period of pre-disclosure described in recital (3) and therefore reflect the additional injury resulting from such increase in the determination of the injury margin.

⁽¹³⁾ Recital (19) of Implementing Regulation (EU) 2023/1617.

- (94) Based on data from the Surveillance 3 database ⁽¹⁴⁾, import volumes from India during the four weeks period of pre-disclosure were 56 % higher than the average import volumes in the investigation period on a four-week basis and 89 % higher than the same four-week period within the investigation period. On that basis, the Commission concluded that there had been a substantial rise in imports subject to the investigation during the period of pre-disclosure.
- (95) To reflect the additional injury caused by the increase of imports, the Commission decided to adjust the injury elimination level based on the rise in import volume, which is considered the relevant weighting factor based on the provisions of Article 9(4) of the basic Regulation. It therefore calculated a multiplying factor established by dividing the sum of the volume of imports during the four weeks of the pre-disclosure period of (12 374 cable-km) and the 52 weeks of the IP (103 091 cable-km) by the import volume in the IP extrapolated to 56 weeks (111 021 cable-km). The resulting figure, 1,04, reflects the additional injury caused by the further increase of imports. The provisional injury margins were thus multiplied by this factor.
- (96) As provided for in Article 9(4), third subparagraph of the basic Regulation, such increase in the injury margin shall apply for a period no longer than that referred to in Article 11(2), that is five years.
- (97) Following the final disclosure, Birla Group claimed that the methodology applied for the adjustment of the injury margin was inconsistent with Article 9(4) of the basic Regulation as the assessment should be based on prices and not on the volume of imports. This exporter claimed that the Commission should have estimated any additional injury resulting from the rise of imports first and only subsequently add it to the injury margin, rather than the methodology of the Commission used, i.e. to estimate the increase of imports and then add it to the injury margin.
- (98) The analysis of the additional injury described in Article 9(4) is clearly linked to the volume of imports, as it is referring to a 'further substantial rise in imports subject to the investigation'. The same article specifies also that the assessment is performed in case 'a further substantial rise in imports subject to the investigation occurs during the period of pre-disclosure' and that an additional injury from such increase shall be reflected in the determination of the injury margin. The claim was therefore rejected.
- (99) STL Group claimed that the provisional dumping margins and injury margins demonstrated that something was wrong with the calculation of the dumping margin of the STL Group because: (i) while the export prices of the STL Group were by far the highest, with export prices that are reportedly over 45 % higher than some other exporting producers (a lower injury margin obviously indicating a higher export price); and (ii) while the STL Group was the only fully integrated exporting producer in India, manufacturing the product under investigation from the production of preformed glass, thereby the most cost-efficient producer, the result was still that STL Group received the highest dumping margin. Furthermore, the STL Group claimed that this result was mathematically impossible unless the domestic sales prices of the STL Group were somehow more than 45 % higher than those of some other producers, but this was definitely not the case since the domestic prices of all Indian producers on the Indian home market were similar or at least fluctuate within a range that is much narrower than 45 %. This paradox of having both the highest export prices and the highest dumping margin, therefore, demonstrated that the Commission's adjustments to the export price and to the costs of STL Group have created a situation that is legally untenable and mathematically impossible.
- (100) The Commission considered that the establishment of a dumping margin is based on numerous factors, such as the group/company production/sales structure, the level of domestic prices per product type, the structure of the costs per product type, the number of product types produced and sold on different markets, the volume of these sales between these markets, the result of the ordinary course of trade and the type of expenses. Notably, none of these factors were effectively challenged by STL Group in a reasoned manner. The export price has to be assessed also in the light of these factors when comparing it with the normal value with the purpose of defining the dumping margin. Therefore, the dumping margin and the level of export prices of different sampled exporting producers may result from very different parameters and no direct conclusion should be drawn from these two factors without considering also such different parameters. The claim was therefore rejected.

⁽¹⁴⁾ The EU Surveillance system monitors the import and export of specific goods into/from the Union's single market in terms of volumes and/or value.

- (101) In the absence of any further comments on the remaining findings set out in recitals (207) to (220) of the provisional Regulation, they are herewith confirmed.
- (102) As described in recitals from (92) to (96) above, the Commission adjusted the injury margins. Therefore, the final injury elimination level for the cooperating exporting producers and all other companies is as follows:

Company	Definitive injury margin (%)
MP Birla Group	90,2
Sterlite Technologies Limited Group	44,0
Other cooperating companies	65,6
All other companies	90,2

7. UNION INTEREST

7.1. Interest of the Union industry

- (103) In the absence of any comments with respect to the interest of the Union industry, the Commission confirmed its conclusions set out in recitals (223) to (226) of the provisional Regulation.

7.2. Interest of unrelated importers

- (104) In the absence of comments with respect to the interest of unrelated importers, the Commission confirmed its conclusions set out in recitals (227) to (229) of the provisional Regulation.

7.3. Interest of users, installers, and distributors

- (105) Following the pre-disclosure of provisional measures, an additional user of OFC active in the telecoms industry came forward by providing a reply to the users' questionnaire. This reply was submitted far outside the required deadlines and could not be verified. However, this user did not import OFC from India and did not express either support or opposition to the measures. In any event, its reply did not contain any additional arguments or information on the Union interest aspects, that could have affected the Commission's conclusions regarding the interest of the users.
- (106) Therefore, the Commission maintains its conclusion that the investigation did not reveal any information showing that users would be disproportionately negatively affected by the anti-dumping measures.
- (107) In the absence of any other comments in this regard, the Commission confirmed its conclusions set out in recitals (230) to (233) of the provisional Regulation.

7.4. Supply on the Union market

- (108) In the absence of comments as regards the supply on the Union market, the Commission confirmed its conclusions set out in recitals (234) to (235) of the provisional Regulation.

7.5. Competitive situation on the Union market

- (109) In the absence of any comments with respect to the competitive situation in the Union market, the Commission confirmed its conclusions set out in recitals (236) to (239) of the provisional Regulation.

7.6. Other factors

- (110) In the absence of any comments with respect to other factors, the Commission confirmed its conclusions set out in recital (240) of the provisional Regulation.

7.7. Conclusion on Union interest

- (111) In the absence of any comments with respect to the conclusion on Union interest, the Commission confirmed its conclusions set out in recitals (241) to (243) of the provisional Regulation.

8. DEFINITIVE ANTI-DUMPING MEASURES

8.1. Definitive measures

- (112) In view of the conclusions reached with regard to dumping, injury, causation, level of measures and Union interest, and in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping measures should be imposed in order to prevent further injury being caused to the Union industry by the dumped imports of the product concerned.
- (113) On the basis of the above, the definitive anti-dumping duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Company	Dumping margin (%)	Injury margin (%)	Definitive anti-dumping duty (%)
MP Birla Group	6,9	90,1	6,9
Sterlite Technologies Limited Group	11,4	42,8	11,4
Other cooperating companies	9,0	65,5	9,0
All other companies	11,4	90,1	11,4

- (114) As noted in recital (56), the HFCL Group was found not to be dumping and therefore its exports are excluded from the measures.
- (115) 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 in respect to the companies that were subject to the investigation. These duty rates are thus exclusively applicable to imports of the product under investigation originating in the country concerned and produced by the named legal entities. Imports of the product concerned manufactured by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and should be subject to the duty rate applicable to 'all other imports originating in India'.
- (116) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission⁽¹⁵⁾. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.

⁽¹⁵⁾ European Commission, Directorate-General for Trade, Directorate G, Wetstraat 170 Rue de la Loi, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

- (117) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the proper 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 India'.
- (118) 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 should 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 rate of duty is justified, in compliance with customs law.
- (119) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume, in particular 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, an anti-circumvention investigation may be initiated, provided that the conditions for doing so are met. 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.
- (120) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other imports originating in India should apply not only to the non-cooperating exporting producers in this investigation, but also to the producers which did not export the product concerned to the Union during the investigation period.
- (121) Exporting producers that did not export the product concerned to the Union during the investigation period should be able to request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the IP; (ii) it is not related to an exporting producer that did so; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.
- (122) Trade statistics of OFC are frequently expressed in cable-km. However, there is no such supplementary unit for OFC specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁶⁾. It is therefore necessary to provide that not only the weight in kg or tonnes but also the number of cable-km for the imports of the product concerned must be entered in the declaration for release for free circulation. The cable-km should be indicated for CN and TARIC codes.

8.2. Definitive collection of the provisional duties

- (123) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of provisional anti-dumping duties imposed by the provisional Regulation, should be definitively collected up to the levels established under the present Regulation.

⁽¹⁶⁾ 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, ELI: <http://data.europa.eu/eli/reg/1987/2658/oj>).

9. FINAL PROVISION

- (124) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽¹⁷⁾, when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (125) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping 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, whether or not connectorised, currently falling under CN code ex 8544 70 00 (TARIC codes 8544 70 00 10 and 8544 70 00 91) and originating in India.

The following products are excluded:

- cables below 500 metres in length in which all the optical fibres are individually fitted with operational connectors at one or both extremities, and
- cables for submarine use, plastic insulated, containing a copper or aluminium conductor, in which fibres are contained in metal module(s).

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

Company	Definitive anti-dumping duty	TARIC additional code
Birla Cable Ltd; Universal Cables Ltd; Vindhya Telelinks Ltd	6,9 %	89CF
Sterlite Technologies Limited; Sterlite Tech Cables Solutions Limited	11,4 %	89CG
Other cooperating companies listed in Annex	9,0 %	
All other imports originating in India	11,4 %	C999

3. Anti-dumping duties are not applicable to the Indian exporting producer the HFCL Group, consisting of HFCL Limited and HTL Limited (TARIC additional code 89CH).

4. 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 name and function, drafted as follows: 'I, the undersigned, certify that the (volume in unit we are using) 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 [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 India shall apply.

⁽¹⁷⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI <http://data.europa.eu/eli/reg/2024/2509/oj>).

5. Where a declaration for release for free circulation is presented in respect of the product referred to in paragraph 1, irrespective of its origin, the cable-km of the products imported shall be entered in the relevant field of that declaration, provided this indication is compatible with Annex I to Regulation (EEC) No 2658/87. Member States shall, on a monthly basis, inform the Commission of the number of cable-km imported under CN code ex 8544 70 00 (TARIC codes 8544 70 00 10 and 8544 70 00 91).

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

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2024/1943 shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

Article 3

Article 1(2) may be amended to add new exporting producers from India and make them subject to the appropriate weighted average anti-dumping duty rate for cooperating companies not included in the sample. A new exporting producer shall provide evidence that:

- (a) it did not export the goods described in Article 1(1) during the period of investigation (1 October 2022 to 30 September 2023);
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which could have cooperated in the original investigation; and
- (c) it has either actually exported the product concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.

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, 13 December 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Indian cooperating exporting producers not sampled

Country	Name	TARIC additional code
India	Aberdare Technologies Private Limited	89CI
India	Aksh Optifibre Limited	89CJ
India	Apar Industries Limited	89CK
India	Finolex Cables Limited	89IC
India	Polycab India Limited	89CL
India	UM Cables Limited	89CM
India	ZTT India Private Limited	89CN