

II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/659

of 15 April 2021

concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Regulation (EC) No 88/97*(notified under document C(2021) 2416)*

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⁾, and in particular Article 13(4) thereof,Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Regulation (EC) No 703/96 ⁽²⁾ and in particular Article 3 thereof,Having regard to Commission Implementing Regulation (EU) 2020/45 of 20 January 2020 amending Implementing Regulation (EU) 2019/1379 as regards the extension of the anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China to imports of certain bicycle parts originating in the People's Republic of China by Council Regulation (EC) No 71/97 ⁽³⁾,Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽⁴⁾, and in particular Articles 4 to 7 thereof,

After informing the Member States,

Whereas:

- (1) An anti-dumping duty applies on imports of essential bicycle parts originating in the People's Republic of China ('China') ('the extended duty') as a result of the extension of the anti-dumping duty imposed on imports of bicycles originating in China by Regulation (EC) No 71/97.
- (2) Under Article 3 of Regulation (EC) No 71/97 the Commission is empowered to adopt the necessary measures to authorise the exemption of imports of essential bicycle parts which do not circumvent the anti-dumping duty.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.⁽²⁾ OJ L 16, 18.1.1997, p. 55.⁽³⁾ OJ L 16, 21.1.2020, p. 7.⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

- (3) Those implementing measures are set forth in Regulation (EC) No 88/97 establishing the specific exemption system.
- (4) On that basis the Commission has exempted a number of bicycle assemblers from the extended duty ('the exempted parties').
- (5) As provided for in Article 16(2) of Regulation (EC) No 88/97, the Commission has published in the *Official Journal of the European Union* subsequent lists of the exempted parties ⁽⁵⁾.
- (6) The most recent Commission Implementing Decision (EU) 2020/1409 ⁽⁶⁾ concerning exemptions under Regulation (EC) No 88/97 was adopted on 29 September 2020.
- (7) For the purposes of this Decision, the definitions set out in Article 1 of Regulation (EC) No 88/97 apply.

1. REQUESTS FOR EXEMPTION

- (8) Between 8 May 2018 and 25 September 2020, the Commission received from the parties listed in Tables 1 and 2 requests for exemption with the information required to determine whether these requests were admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.
- (9) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests.
- (10) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of requests from the parties requesting exemption, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by these parties listed in Tables 1 and 3 below was suspended as from the day on which the Commission received their respective requests.

2. AUTHORISATION OF EXEMPTION

- (11) The examination of the merits of the request from the parties listed in Table 1 has been concluded.

Table 1

TARIC additional code	Name	Address
C481	FJ Bikes Europe Unipessoal Lda	Praça do Município 8, Sala 1D PT-3750 111 Águeda, Portugal
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool, Torfaen, NP4 0HZ, United Kingdom

⁽⁵⁾ OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 220, 19.7.1997, p. 6, OJ L 193, 22.7.1997, p. 32, OJ L 334, 5.12.1997, p. 37, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002, p. 2, OJ C 35, 14.2.2003, p. 3, OJ C 43, 22.2.2003, p. 5, OJ C 54, 2.3.2004, p. 2, OJ L 343, 19.11.2004, p. 23, OJ C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16, OJ L 313, 14.11.2006, p. 5, OJ L 81, 20.3.2008, p. 73, OJ C 310, 5.12.2008, p. 19, OJ L 19, 23.1.2009, p. 62, OJ L 314, 1.12.2009, p. 106, OJ L 136, 24.5.2011, p. 99, OJ L 343, 23.12.2011, p. 86, OJ L 119, 23.4.2014, p. 67, OJ L 132, 29.5.2015, p. 32, OJ L 331, 17.12.2015, p. 30, OJ L 47, 24.2.2017, p. 13, OJ L 79, 22.3.2018, p. 31, OJ L 171, 26.6.2019, p. 117, OJ L 138, 30.4.2020, p. 8, OJ L 158, 20.5.2020, p. 7, OJ L 325, 7.10.2020, p. 74.

⁽⁶⁾ Commission Implementing Decision (EU) 2020/1409 of 29 September 2020 concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Regulation (EC) No 88/97 (OJ L 325, 7.10.2020, p. 74).

- (12) The Commission established during its examination that the value of the parts originating in China constituted less than 60 % of the total value of the parts of all the bicycles assembled by FJ Bikes Unipessoal Lda and that the value added to the parts brought in during the assembly operations of Frog Bikes Manufacturing Ltd was greater than 25 % of the manufacturing costs.
- (13) Consequently, the Commission concluded that the respective assembly operations of FJ Bikes Unipessoal Lda and of Frog Bikes Manufacturing Ltd fall outside the scope of Article 13(2) of Regulation (EU) 2016/1036.
- (14) For that reason, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Table 1 fulfil the conditions for exemption from the extended duty.
- (15) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemption should take effect as from the date of receipt of the request. The customs debts in respect of the extended duty from the parties requesting exemption should therefore be considered void from the same date.
- (16) The interested parties were informed of the Commission's conclusions on the merits of their requests respectively and were given an opportunity to comment thereon.
- (17) Since the exemption applies only to the parties specifically referred to in Table 1, the exempted parties should notify the Commission ⁽⁷⁾ without delay of any changes to this exemption (for instance, following a change in the name, legal form or address or following the setting up of new assembly entities).
- (18) In case of change in reference, the exempted parties should provide relevant information, including on any modification in their activities linked to assembly operations. Where appropriate, the Commission will update the references accordingly.

3. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION

- (19) The examination of the merits of the requests from the parties listed in Table 2 is ongoing. Pending a decision on the merits of their requests, the payment of the extended duty by these parties is suspended.
- (20) Since the suspensions apply only to the parties specifically referred to in Table 2, these parties should notify the Commission ⁽⁸⁾ without delay of any changes to these (for instance following a change in the name, legal form or address or following the setting up of new assembly entities).
- (21) In case of change in reference, the party should provide all relevant information, including on any modification in its activities linked to assembly operations. Where appropriate, the Commission will update the references to such party.

Table 2

TARIC additional code	Name	Address
C527	FIRMA ADAM Adam Ziętek	Muchy 56 PL-63-524 Czajków, Poland
C529	Rowerland Piotr Tokarz	ul. Klubowa 23, PL-32-600 Broszkowice, Poland
C557	Berria Bike SL	Calle Blasco de Garay 19, ES-02600 Villarrobledo, Spain
C559	Northtec Sp. Z.o.o.	ul. Dworcowa 15a, PL-43-502 Czechowice-Dziedzice, Poland

⁽⁷⁾ The parties are advised to use the following e-mail address: TRADE-BICYCLE-PARTS@ec.europa.eu.

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C560	Giant Gyártó Hungary Kft.	Bajcsy-Zsilinszky út 78, HU-1055 Budapest, Hungary
C492	MOTOKIT Veículos e Acessórios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal
C609	Nextbike GmbH	Erich Zeigner Allee 69-73 DE-04229 Leipzig, Germany

4. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

- (22) Between 28 July 2020 and 9 December 2020, the exempted or suspended parties listed in Table 3 notified the Commission of changes in their references (names, legal forms and/or addresses). The Commission, after having examined the information submitted, concluded that those changes do not affect the assembly operations with regard to the conditions of exemption or suspension set forth in Regulation (EC) No 88/97.
- (23) While the exemption or the suspension of these parties from the extended duty authorised in accordance with Article 7(1) of Regulation (EC) No 88/97 remains unaffected, the references to these parties should be updated.

Table 3

TARIC additional code	Former reference	Change
A630	Vizija Sport d.o.o. Tržaška cesta 77, SI-1370 Logatec, Slovenia	The name of this exempted party has been changed to: CULT d.o.o.
8983	Mandelli SpA Via Tommaso Grossi 5, IT-20841 Carate Brianza (MB), Italy	The legal form of this exempted party has been changed to: Mandelli s.r.l.
C560	Giant Gyártó Hungary Kft. Bajcsy-Zsilinszky út 78, HU-1055 Budapest, Hungary	The address of this suspended party has been changed to: Jedlik Ányos utca 1, HU-3200 Gyöngyös, Hungary
A813	Leader-96 Ltd. 19 Sedianka str., BG-4003 Plovdiv, Bulgaria	The address of this suspended party has been changed to: 3 Vazrazhdane str., BG-4140 Rogosh, Bulgaria
A565	Arkus & Romet Group Sp. Z o.o. Podgrodzie 32 C PL-39-200 Dębica, Poland	The name of this exempted party has been changed to: Romet Sp. Z o.o.

5. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION LIFTED

- (24) The suspension of payment of the duties for the parties under examination should be lifted for the party listed in Table 4 as from 29 November 2018 to 24 September 2020.

Table 4

TARIC additional code	Name	Address
C492	MOTOKIT Veiculos e Accesorios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal

- (25) On 29 November 2018 the Commission received from the party listed in Table 4 ('Motokit') a request for exemption with the information required to determine whether this request was admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.
- (26) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of the request, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by Motokit was suspended as from the day on which the Commission received its request for exemption.
- (27) TARIC additional code C492 was assigned to Motokit in order to identify the imports of essential bicycle parts declared for free circulation and subject to the suspension of the payment of the extended duty.
- (28) On 22 July 2020 the Commission received from Motokit a request to withdraw the application for an exemption while the examination of its merits was ongoing and the payment of the extended duty was suspended.
- (29) The Commission accepted the withdrawal and consequently the suspension of the payment of the extended duty should be lifted and the extended duty collected as from the date on which the suspension took effect, that is 29 November 2018.
- (30) On 25 September 2020 the Commission received from Motokit a new request for exemption with the information required to determine whether this request was admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.
- (31) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of the new request, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by Motokit was suspended as from the day on which the Commission received its new request for exemption that is 25 September 2020.
- (32) Therefore, the suspension of payment of the extended duty should be lifted for the period prior to 25 September 2020. The extended duty should be collected as from the date of receipt of the first request for exemption submitted by Motokit, that is 29 November 2018 until 24 September 2020. Accordingly, pending a decision on the merits of the exemption request, the new date on which the suspension of the extended duty took effect should be changed to 25 September 2020.
- (33) The party listed in Table 4 was informed of the Commission's conclusions and was given an opportunity to comment thereon. No comments were received.

6. REQUESTS FOR EXEMPTION HELD INADMISSIBLE

- (34) The parties listed in Table 5 submitted requests for exemption which were found to be inadmissible within the meaning of Article 4(4) of Regulation (EC) No 88/97, because they did not meet the conditions set out in its Article 4(1)(a).

Table 5

Name	Address
UW Werkmaatschappij B.V.	Postbus 9255, NL-3506GG Utrecht, The Netherlands

Profil Bicycles CZ, s.r.o.	Hněvotín 31, CZ-783 47 Hněvotín, Czech Republic
TechniBike GmbH	Julius-Saxler-Strasse 3, DE-54550 Daun/Eifel, Germany
HNF GmbH	Bahnhofstrasse 14, DE-16359 Biesenthal, Germany

- (35) The parties listed in Table 5 were informed of the Commission's conclusions and were given an opportunity to comment thereon. No comments were received on the Commission's conclusions.

7. PARTIES FOR WHICH THE EXEMPTING AUTHORISATION IS WITHDRAWN

- (36) As mentioned under recital (1), the extended duty applies on imports into the Union of essential bicycle parts originating in China.
- (37) After the end of the transition period provided for in the Agreement of 24 January 2020 on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and without prejudice to Articles 5(3) and (4) of the Protocol on Ireland/Northern Ireland, the extended duty is no longer applicable to imports customs cleared in the United Kingdom.
- (38) Consequently, the authorisation of exemption from the payment of the extended duty for the parties listed in Table 6 should be withdrawn as from 1 January 2021.

Table 6

TARIC additional code	Name	Address
A995	Planet X Ltd	Unit 38-41, Aldwarke Wharfe Business Park, Waddington Way, GB-Rotherham, South Yorkshire S65 3SH, United Kingdom
C049	CycleSport North Ltd	363 Leach Place, Walton Summit Centre, GB-Preston PR5 8AS, United Kingdom
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, Pontypool GB-Torfaen NP4 0HZ, United Kingdom

HAS ADOPTED THIS DECISION:

Article 1

The parties listed in the Table in this Article are hereby exempted from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93 ⁽⁹⁾ to imports of certain bicycle parts from the People's Republic of China.

In accordance with Article 7(2) of Regulation (EC) No 88/97 the exemption shall take effect as from the date of receipt of the party' requests. This date is provided for in the Table column headed 'Date of effect'.

The exemption shall apply only to the parties specifically referred to in the Table in this Article.

⁽⁹⁾ Council Regulation (EEC) No 2474/93 of 8 September 1993 imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty (OJ L 228, 9.9.1993, p. 1).

The exempted parties shall notify the Commission without delay of any change to its name and address, providing all relevant information, in particular on any modification in the parties' activities linked to assembly operations with regard to the conditions of exemption.

Exempted parties

TARIC additional code	Name	Address	Date of effect
C481	FJ Bikes Europe Unipessoal Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal	8.5.2018
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool, Torfaen, NP4 0HZ, United Kingdom	7.1.2019

Article 2

The parties listed in the Table in this Article are under examination in accordance with Article 6 of Regulation (EC) No 88/97.

The suspensions of payment of the extended anti-dumping duty in accordance with Article 5 of Regulation (EC) No 88/97 shall be effective as from the dates of receipt of the parties' respective suspension requests. Those dates are provided for in the Table column headed 'Date of effect'.

Those suspensions of payments shall apply only to the parties under examination specifically referred to in the Table in this Article.

The parties under examination shall notify the Commission without delay of any changes in their assembly operations linked to the conditions of suspension and provide the Commission with all relevant information as evidence. These changes include but are not limited to, any changes of the parties' names, activities, legal forms, addresses.

Parties under examination

TARIC additional code	Name	Address	Date of effect
C527	FIRMA ADAM Adam Ziętek	Muchy 56 PL-63-524 Czajków, Poland	29.8.2019
C529	Rowerland Piotr Tokarz	ul. Klubowa 23, PL-32-600 Broszkowice, Poland	17.10.2019
C557	Berria Bike SL	Calle Blasco de Garay 19, ES-02600 Villarrobledo - Spain	27.7.2020
C559	Northtec Sp. Z.o.o.	ul. Dworcowa 15a, PL-43-502 Czechowice-Dziedzice - Poland	27.7.2020
C560	Giant Gyártó Hungary Kft.	Jedlik Ányos utca 1, HU-3200 Gyöngyös - Hungary	15.7.2020
C492	MOTOKIT Veículos e Acessórios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal	25.9.2020
C609	Nextbike GmbH	Erich Zeigner Allee 69-73 DE-04229 Leipzig, Germany	25.11.2020

Article 3

Updated references to the exempted or suspended parties listed in the Table in this Article are provided for in the column headed 'New reference'. Those updates shall take effect as from the dates provided for in the Table column headed 'Date of effect'.

The corresponding TARIC additional codes previously attributed to those exempted or suspended parties as provided for in the Table column headed 'TARIC additional code' remain unchanged.

Exempted/suspended parties for which the reference shall be updated

TARIC additional code	Former reference	New reference	Date of effect
A630	Vizija Sport d.o.o. Tržaška cesta 77, SI-1370 Logatec, Slovenia	CULT d.o.o. Tržaška cesta 77, SI-1370 Logatec, Slovenia	28.7.2020
8983	Mandelli SpA Via Tommaso Grossi 5, IT-20841 Carate Brianza (MB), Italy	Mandelli s.r.l. Via Tommaso Grossi 5, IT-20841 Carate Brianza (MB), Italy	2.9.2020
C560	Giant Gyártó Hungary Kft. Bajcsy-Zsilinszky út 78, HU-1055 Budapest, Hungary	Giant Gyártó Hungary Kft. Jedlik Ányos út 1, HU-3200 Gyöngyös, Hungary	17.09.2020
A813	Leader-96 Ltd. 19 Sedianka str., BG-4003 Plovdiv, Bulgaria	Leader-96 Ltd. 3 Vazrazhdane str., BG-4140 Rogosh, Bulgaria	7.12.2020
A565	Arkus & Romet Group Sp. Z o.o. Podgrodzie 32 C PL-39-200 Dębica, Poland	Romet Sp. Z o.o. Podgrodzie 32 C PL-39-200 Dębica, Poland	9.12.2020

Article 4

The suspension of the payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted during the period 29 November 2018 to 24 September 2020 for the party listed in the Table in this Article.

The extended duty shall be collected as from 29 November 2018 to 24 September 2020.

Party for which the suspension is lifted

TARIC additional code	Name	Address
C492	MOTOKIT Veiculos e Accesorios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal

Article 5

The requests for exemption submitted by the parties listed in the Table of this Article respectively are inadmissible and therefore rejected.

Party for which the request of exemption is rejected

Name	Address
UW Werkmaatschappij B.V.	Postbus 9255, NL-3506GG Utrecht, The Netherlands
Profil Bicycles CZ, s.r.o.	Hněvotín 31, CZ-783 47 Hněvotín, Czech Republic
TechniBike GmbH	Julius-Saxler-Strasse 3, DE-54550 Daun/Eifel, Germany
HNF GmbH	Bahnhofstrasse 14, DE-16359 Biesenthal, Germany

Article 6

The authorisations of the exemption of payment of the extended anti-dumping duty are hereby withdrawn respectively for the parties listed in the Table in this Article.

Parties for which the exempting authorisation is withdrawn

TARIC additional code	Name	Address
A995	Planet X Ltd	Unit 38-41, Aldwarke Wharfe Business Park, Waddington Way, GB-Rotherham, South Yorkshire S65 3SH, United Kingdom
C049	CycleSport North Ltd	363 Leach Place, Walton Summit Centre, GB-Preston PR5 8AS, United Kingdom
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, Pontypool GB-Torfaen NP4 0HZ, United Kingdom

Article 7

This Decision is addressed to the Member States and to the parties listed in Articles 1 to 6 and published in the *Official Journal of the European Union*.

Done at Brussels, 15 April 2021.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President
