II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/966

of 1 July 2020

terminating a 'new exporter' review of Implementing Regulation (EU) 2019/1379 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China for one Chinese exporting producer, imposing the duty with regard to that producer's imports and terminating the registration of these imports

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 Articles 11(4) and 14(5) thereof,

Whereas:

1. MEASURES IN FORCE

(1) By Regulation (EEC) No 2474/93 ([2]) ('the original investigation'), the Council imposed a definitive anti-dumping duty of 30,6 % on imports of bicycles originating in the People's Republic of China ('the PRC'). Several trade defence investigations followed since then, amending the initial measures.

(2) By Regulation (EU) No 502/2013 ([3]), the Council, following an interim review pursuant to Article 11(3) of the basic Regulation, amended the measures. In that investigation, sampling was not applied for exporting producers in the PRC and the countrywide anti-dumping duty of 48,5 %, based on the dumping margin, established by Council Regulation (EC) No 1095/2005 ([4]), was maintained.

(3) The measures currently in force are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2019/1379 ([5]).

([1]) OJ L 176, 30.6.2016, p. 21.

([2]) 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).

([3]) Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 153, 5.6.2013, p. 17).

([4]) Council Regulation (EC) No 1095/2005 of 12 July 2005 imposing a definitive anti-dumping duty on imports of bicycles originating in Vietnam, and amending Regulation (EC) No 1524/2000 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China (OJ L 183, 14.7.2005, p. 1).

([5]) Commission Implementing Regulation (EU) 2019/1379 of 28 August 2019 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China as extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka, Tunisia, Cambodia, Pakistan and the Philippines, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 (OJ L 225, 29.8.2019, p. 1).

2. CURRENT INVESTIGATION

(4) On 27 May 2019, the Commission received a request to initiate a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The request was lodged by Universal Cycle Corporation (Guangzhou) Co. Ltd. ('the applicant'), an exporting producer of bicycles in the PRC, whose exports to the Union are subject to a definitive anti-dumping duty of 48,5 %. The applicant claimed that it did not export bicycles to the Union during the investigation period on which the anti-dumping measures were based (1 January 2011 to 31 December 2011), that it began exporting the product under review to the Union as of September 2018, and that it was not related to any of the exporting producers of bicycles which are subject to the measures in force.

(5) The Commission considered that the prima facie evidence submitted by the applicant was sufficient to justify the initiation of a review pursuant to Article 11(4) of the basic Regulation. After the Union producers had been given an opportunity to comment, the Commission initiated, by Commission Implementing Regulation (EU) 2019/2149 ([6]), a review of Implementing Regulation (EU) 2019/1379 with regard to the applicant.

(6) Pursuant to Article 2 of Implementing Regulation (EU) 2019/2149, the anti-dumping duty imposed by Implementing Regulation (EU) 2019/1379 was repealed with regard to the applicant. Simultaneously, pursuant to Articles 11(4) and 14(5) of the basic Regulation and as stated in Article 3 of Implementing Regulation (EU) 2019/2149, the Commission directed the customs authorities to register the applicant's imports.

(7) On 9 January 2020, the applicant formally withdrew its request for a 'new exporter' review. Consequently, the Commission considered that the review investigation should be terminated.

3. DISCLOSURE

(8) The Commission informed the interested parties of the intention to terminate the review investigation, to impose a definitive anti-dumping duty on imports from Universal Cycle Corporation (Guangzhou) Co. Ltd and to levy this duty retroactively on imports subject to registration under Implementing Regulation (EU) 2019/2149. Interested parties were given the opportunity to comment. No comments were received.

4. RETROACTIVE LEVYING OF ANTI-DUMPING DUTY

(9) In view of the findings outlined above, the Commission concluded that the review concerning imports of bicycles manufactured by the applicant and originating in the PRC should be terminated. Consequently, the registration of the applicant's imports should cease and the country-wide duty applicable to all other companies (48,5 %), imposed by Implementing Regulation (EU) 2019/1379, should be levied retroactively on these imports from the date of initiation of this review.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The 'new exporter' review initiated by Implementing Regulation (EU) 2019/2149 is hereby terminated.

Article 2

1. The anti-dumping duty applicable according to Article 1(2) of Commission Implementing Regulation (EU) 2019/1379 to all other companies (TARIC additional code B999) in the People's Republic of China is hereby imposed on imports identified in Article 1 of that Implementing Regulation (EU) 2019/2149.

([6]) Commission Implementing Regulation (EU) 2019/2149 of 13 December 2019 initiating a 'new exporter' review of Implementing Regulation (EU) 2019/1379 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China for one Chinese exporting producer, repealing the duty with regard to imports from that exporting producer and making these imports subject to registration (OJ L 325, 16.12.2019, p. 159).

2. The anti-dumping duty referred to in paragraph 1 is hereby levied with effect from 17 December 2019 on imports of bicycles, which were registered pursuant to Article 3 of Implementing Regulation (EU) 2019/2149.

Article 3

1. The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) 2019/2149.

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

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, 1 July 2020.

For the Commission
The President
Ursula VON DER LEYEN