



2024/841

11.3.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/841

of 8 March 2024

accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of electric bicycles originating in the People's Republic of China and amending Implementing Regulation (EU) 2019/73

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 9(5) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/73 of 17 January 2019 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of electric bicycles originating in the People's Republic of China, and, in particular, Article 1, paragraph 6 thereof ⁽²⁾,

Whereas:

A. MEASURES IN FORCE

- (1) On 17 January 2019, the Commission imposed a definitive anti-dumping duty on imports into the Union of electric bicycles ('the product concerned'), originating in the People's Republic of China ('the PRC') by Implementing Regulation (EU) 2019/73 ('the original Regulation').
- (2) In the investigation leading to the imposition of definitive anti-dumping duties ('original investigation'), sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of Regulation (EU) 2016/1036.
- (3) The Commission imposed individual anti-dumping duty rates ranging from 10,3 % to 62,1 % on imports of electric bicycles for the sampled exporting producers from the PRC. For the cooperating exporting producers that were not included in the sample (with the exception of the companies subject to the countervailing duty rate for all other companies imposed by Commission Implementing Regulation (EU) 2019/72 ⁽³⁾ on the product concerned) a weighted average duty of 24,2 % was imposed. These cooperating exporting producers not included in the sample are listed in Annex I to the original Regulation. A weighted average duty of 16,2 % was imposed on other cooperating companies not included in the sample (and subject to the countervailing duty rate for all other companies imposed by Commission – Implementing Regulation (EU) 2019/72 on the product concerned). These are listed in Annex II to the original Regulation. Furthermore, a country-wide duty rate of 70,1 % was imposed on electric bicycles from companies in the PRC which did not cooperate with the anti-dumping investigation but cooperated in the anti-subsidy investigation concerning imports of the product concerned (listed in Annex III to the original Regulation). A duty rate of 62,1 % was imposed on all other companies.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 16, 18.1.2019, p. 108.

⁽³⁾ Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China (OJ L 16, 18.1.2019, p. 5).

- (4) Pursuant to Article 1, paragraph 6 of the original Regulation, paragraph 2 of that Article may be amended by adding a new exporting producer to the appropriate annex with the cooperating companies not included in the sample and thus subject to the appropriate weighted average anti-dumping duty rate, where that new exporting producer in the PRC provides sufficient evidence to the Commission that:
- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 October 2016 to 30 September 2017 ('the original investigation period');
 - (b) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by the original Regulation that has or could have cooperated in the original investigation; and
 - (c) it has actually exported to the Union the product concerned after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

B. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

- (5) On 9 October 2022 the company Zhejiang Feishen Vehicle Industry Co., Ltd. ('the applicant') submitted a request to the Commission to be granted new exporting producer treatment ('NEPT') and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, subject to the parallel countervailing duty rate for all other companies, i.e. 16,2 %, claiming that it met all three conditions set out in Article 1, paragraph 6 of the original Regulation.
- (6) In order to determine whether the applicant fulfilled the conditions for being granted NEPT, as set out in Article 1, paragraph 6 of the original Regulation ('the NEPT conditions'), the Commission first sent a questionnaire to the applicant requesting evidence showing that it met the NEPT conditions. The applicant provided a reply to the questionnaire.
- (7) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicant. The applicant owns a valid business license to produce electric bicycles that was verified against the data contained in the Chinese registry. In parallel, the Commission informed the Union industry about the applicant's request and invited it to provide any comments, if needed. The Union industry confirmed that the applicant was not related to any exporting producer subject to the duty. The Union industry also provided export data related to the applicant indicating that it may have already exported electric bicycles during the original investigation period. However, after analysis of the data provided, the Commission concluded that the exports did not concern electric bicycles but electric scooters, that are not subject to the anti-dumping measures.

C. ANALYSIS OF THE REQUEST

- (8) With regard to the first condition set out in Article 1, paragraph 6 of the original Regulation that the applicant did not export the product concerned to the Union during the investigation period on which the measures are based, that is from 1 October 2016 to 30 September 2017, during the investigation the Commission established that the applicant did not export electric bicycles to the Union. The sales ledgers submitted by the applicant did not show any sales of electric bicycles to the Union.
- (9) With regard to the second condition set out in Article 1, paragraph 6 of the original Regulation, that the applicant is not related to any of the exporters or producers which are subject to the anti-dumping measures imposed by the original Regulation, during the investigation the Commission established that the applicant is not related to any of the exporters and producers in the PRC which are subject to the anti-dumping measures imposed by the original Regulation, and who exported the product concerned to the Union during the original investigation period.

- (10) With regard to the third condition set out in Article 1, paragraph 6 of the original Regulation, that the applicant has actually exported the product concerned to the Union after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, during the investigation the Commission established that, based on the documentary evidence provided, the applicant has exported electric bicycles to the Union following the investigation period of the original investigation. The applicant provided relevant sales documents for an export transaction to Germany that took place in September 2022.
- (11) Based on the above, the Commission concluded that the applicant complies with the condition set out in Article 1, paragraph 6 of the original Regulation.
- (12) Accordingly, the request to be granted NEPT should be accepted and the applicant should be subject to an anti-dumping duty of 16,2 % for cooperating companies not included in the sample of the original investigation (and subject to the countervailing duty rate for all other companies imposed by Implementing Regulation (EU) 2019/72 on the product concerned).

D. DISCLOSURE

- (13) The applicant and the Union industry were informed of the essential facts and considerations based on which it was deemed appropriate to grant the anti-dumping duty rate applicable to the cooperating companies not included in the sample of the original investigation to Zhejiang Feishen Vehicle Industry Co., Ltd.
- (14) The parties were granted the possibility to submit comments. No comments were received.
- (15) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II of Implementing Regulation (EU) 2019/73, the following company is added to the list of cooperating companies not included in the sample in the anti-dumping investigation and subject to the parallel countervailing duty rate for all other companies in Implementing Regulation (EU) 2019/72:

Company Name	Province	TARIC additional code
'Zhejiang Feishen Vehicle Industry Co., Ltd.	Zhejiang	89AD'

Article 2

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, 8 March 2024.

For the Commission
The President
Ursula VON DER LEYEN