

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 July 1997

exempting 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 Regulation (EEC) No 2474/93

(Text with EEA relevance)

(97/447/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾,

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 pursuant to Regulation (EC) No 703/96⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorization 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 7 and 11 thereof,

After consulting the Advisory Committee,

Whereas:

A. PENDING REQUESTS PURSUANT TO ARTICLE 11 OF REGULATION (EC) No 88/97

- (1) When Regulation (EC) No 71/97 entered into force, the Commission had pending a number of applications pursuant to Article 13 (4) of Regulation (EC) No 384/96 from bicycle assemblers, seeking exemption from the extension to imports of certain bicycle parts from the People's Republic of China by Council Regulation (EC) No 71/97 (hereinafter referred to as 'the extended anti-dumping duty') of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of China by Regulation (EEC) No 2474/93⁽⁵⁾. Annex I to Regulation (EC) No 88/97 listed the parties whose requests were considered admissible pursuant to Article 11 thereof.
- (2) The Commission requested and received the necessary information from those parties and verified it where necessary at the premises of the parties concerned. The examination of the merits of the

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 16, 18. 1. 1997, p. 55.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 17.

⁽⁵⁾ OJ No L 228, 9. 9. 1993, p. 1.

requests in the light of Article 13 (2) of Regulation (EC) No 384/96 showed that, for all of these parties, the value of the bicycle parts originating in the People's Republic of China used in their assembly operations was lower than 60 % of the total value of parts used. The examination also showed that for some parties the value added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.

concerned do not fall within the scope of Article 13 (2) of Regulation (EC) No 384/96. That is so because, for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations, while for some applicants the value added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.

- (3) In view of these findings, pursuant to Article 7 (1) of Regulation (EC) No 88/97, the parties listed in Annex A to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.
- (4) In accordance with Article 11 (4) of Regulation (EC) No 88/97, the parties listed in Annex A to this Decision should be exempted from the extended anti-dumping duty as from 20 April 1996 and the parties' customs debt in respect of the extended anti-dumping duty shall be considered void as from that date.

- (8) For the above reasons, and in accordance with Article 7 (1) of Regulation (EC) No 88/97, the parties listed in Annex B to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.
- (9) In accordance with Article 7 (2) of Regulation (EC) No 88/97 the parties listed in Annex B to this Decision should be exempted from the extended anti-dumping duty as from the date of receipt of their request and the parties' customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.

B. REQUESTS PURSUANT TO ARTICLE 3 OF REGULATION (EC) No 88/97

C. INFORMATION TO INTERESTED PARTIES

- (5) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the extended anti-dumping duty. The Commission published in the *Official Journal of the European Communities* a list of applicants⁽¹⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5 (1) of that Regulation.
- (6) The Commission requested and received the necessary information from the parties listed in Annex B to this Decision and found their requests admissible according to Article 4 (1) of Regulation (EC) No 88/97. The parties were duly informed of the admissibility of their requests. The information provided was examined and verified where necessary at the premises of the parties concerned.
- (7) The facts as finally ascertained by the Commission show that the assembly operations of the applicants

- (10) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the 'C' series of the *Official Journal of the European Communities* in accordance with Article 16 (2) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed respectively in Annex A and in Annex B to this Decision are hereby exempted from the extension under Regulation (EC) No 71/97, of the definitive anti-dumping duty imposed by Regulation (EC) 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.

The exemption shall have effect as from 20 April 1996 for the parties listed in Annex A and as from the date shown in the column 'Date of effect' for the parties listed in Annex B.

⁽¹⁾ OJ No C 45, 13. 2. 1997, p. 3, and OJ No C 112, 10. 4. 1997, p. 9.

Article 2

This Decision is addressed to the Member States and to the parties listed in Annex A and in Annex B.

Done at Brussels, 16 July 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX A

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Dangre Cycles	F-59583 Marly	France	Article 11	20. 4. 1996	8963
Derby Cyclewerke GmbH	D-49661 Cloppenburg	Germany	Article 11	20. 4. 1996	8963
Engelbert Meyer GmbH	D-49692 Sevelten	Germany	Article 11	20. 4. 1996	8963
Fa. Alfred Fischer	D-76229 Karlsruhe	Germany	Article 11	20. 4. 1996	8963
Kynast AG	D-49692 Quakenbrück	Germany	Article 11	20. 4. 1996	8963
Monark Crescent	S-432 82 Varberg	Sweden	Article 11	20. 4. 1996	8963
Muddy Fox	UK-UB6 7RH Middlesex	United Kingdom	Article 11	20. 4. 1996	8963
Pantherwerke	D-37537 Bad Wildungen	Germany	Article 11	20. 4. 1996	8963
PRO-FIT Sportartikel	D-74076 Heilbronn	Germany	Article 11	20. 4. 1996	8963
Prophete GmbH	D-33378 Rheda-Wiedenbrück	Germany	Article 11	20. 4. 1996	8963
Quantum Cycles	F-59770 Marly	France	Article 11	20. 4. 1996	8963
TNT Cycles	E-17180 Vilablareix (Girona)	Spain	Article 11	20. 4. 1996	8963

Interested parties are advised that, following this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination will be published in the C series of the *Official Journal of the European Communities* in accordance with Article 16 (2) of that Regulation.

ANNEX B

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Biria GmbH	D-68535 Edingen	Germany	Article 7	22. 1. 1997	8062
Brennabor Fahrräder Bernard Fischer GmbH	D-32105 Bad Salzuflen	Germany	Article 7	22. 1. 1997	8062
Nikos Maniopoulos SA	G-265 00 Ag Vassilios-Patras	Greece	Article 7	22. 1. 1997	8062
Saracen Cycles Ltd	UK-CV34 6TS Warwick	United Kingdom	Article 7	22. 1. 1997	8062
Sprick Fahrräder GmbH	D-59302 Oelde Stromberg	Germany	Article 7	22. 1. 1997	8062
Vaterland Werk	D-58805 Neuenrade	Germany	Article 7	23. 1. 1997	8063
Professional Cycle Manufacturing	UK-B64 5AL Cradley Heath	United Kingdom	Article 7	24. 1. 1997	8064
Esmaltina	P-3782 Sangalhos Codex	Portugal	Article 7	27. 1. 1997	8065
Intercycles SA	F-85000 La Roche sur Yon	France	Article 7	27. 1. 1997	8065
Cicli Cinzia SRL	I-40060 Osteria Grande — (BO)	Italy	Article 7	28. 1. 1997	8066
Enik GmbH	D-57473 Wenden	Germany	Article 7	28. 1. 1997	8066
Lapierre SA	F-21005 Dijon Cedex	France	Article 7	29. 1. 1997	8067
Flli Masciaghi SRL	I-20060 Basiano	Italy	Article 7	29. 1. 1997	8067
MBM SRL	I-47023 Cesena	Italy	Article 7	29. 1. 1997	8067
Rizzato & C (Cesare Rizzato)	I-35131 Padova	Italy	Article 7	29. 1. 1997	8067
Esperia SpA	I-35028 Piove di Sacco	Italy	Article 7	30. 1. 1997	8068
KTM Fahrrad GmbH	A-5230 Mattighofen	Austria	Article 7	30. 1. 1997	8068
Montana SRL	I-12060 Magliano ALPI	Italy	Article 7	30. 1. 1997	8068
Peripoli SpA	I-36075 Montecchio Maggiore (VI)	Italy	Article 7	30. 1. 1997	8068
Cycles Messina	F-57280 Semecourt	France	Article 7	31. 1. 1997	8069
Manufacture Viennoise de Cycles	F-38780 Estrablin	France	Article 7	31. 1. 1997	8069
Orbea S. Coop Ltda	E-48269 Mallabia	Spain	Article 7	31. 1. 1997	8069
Girardengo SRL	I-15065 Frugarolo AL	Italy	Article 7	3. 2. 1997	8070
Lombardo Gaspare	I-91012 Buseto Palizzolo (TP)	Italy	Article 7	6. 2. 1997	8071
Yakari SRL	I-25028 Verolanuova	Italy	Article 7	6. 2. 1997	8071
Sprint SpA	I-75045 Castegnato (BS)	Italy	Article 7	7. 2. 1997	8072
Vicini Mario e Figli SNC	I-47023 Cesena (Forli)	Italy	Article 7	7. 2. 1997	8072
Van den Berghe NV	B-9100 Sint-Niklaas	Belgium	Article 7	11. 2. 1997	8073
Cicli Casadei SNC	I-S. Giuseppe di Comacchio (FE)	Italy	Article 7	12. 2. 1997	8074
Alpina SRL	I-47039 Savignano sul Rubicone	Italy	Article 7	13. 2. 1997	8075

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Sparta Rijwielen-en Motorfabriek BV	NL-7300 AA Apeldoorn	The Netherlands	Article 7	16. 2. 1997	8076
Cicli Bimm SRL	I-50045 Montemurlo (PO)	Italy	Article 7	18. 2. 1997	8077
Vern Special SRL	I-20020 Lainate (MI)	Italy	Article 7	18. 2. 1997	8077
Baronia-Fahrrad GmbH	D-32369 Rahden	Germany	Article 7	19. 2. 1997	8078
Jan Janssen Fietsen v.o.f	NL-46341 SR Hoogerheide	The Netherlands	Article 7	19. 2. 1997	8078
MGI (nv Marcel Geurts Industry)	B-3630 Maasmechelen	Belgium	Article 7	19. 2. 1997	8078
FIV Edoardo Bianchi SpA	I-24047 Treviglio (BG)	Italy	Article 7	20. 2. 1997	8079
Reperto Corse Bianchi SRL	I-24047 Treviglio (BG)	Italy	Article 7	20. 2. 1997	8079
Denver SRL	I-12020 Cervasca (CN)	Italy	Article 7	28. 2. 1997	8088
Savoie	F-01470 Serrieres de Briord	France	Article 7	5. 3. 1997	8080
Scout SNC	I-20020 Grancia di Lainate (MI)	Italy	Article 7	6. 3. 1997	8081
Órbita-Bicicletas Portuguesa, Lda	P-3751 Águeda Codex	Portugal	Article 7	12. 3. 1997	8082
Éts René Valdenaire SA	F-88204 Remiremont Cedex	France	Article 7	13. 3. 1997	8083
Schiano SRL	I-80020 Frattaminore (Na)	Italy	Article 7	14. 3. 1997	8084
ADD SA	E-28820 Madrid	Spain	Article 7	3. 4. 1997	8085
Birrodas Lda	P-3780 Anadia	Portugal	Article 7	3. 4. 1997	8085
Decathlon Italia SRL	I-20124 Milano	Italy	Article 7	3. 4. 1997	8085
ASWEL	I-12025 Dronero (Cuneo)	Italy	Article 7	4. 4. 1997	8086

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