

COMMISSION IMPLEMENTING DECISION (EU) 2023/1431**of 30 June 2023****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**

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.
- (3) Those implementing measures are set forth in Regulation (EC) No 88/97 ('the exemption Regulation') 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').

⁽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.

- (5) By Implementing Regulation (EU) 2023/611 ⁽⁵⁾ of 17 March 2023, the Commission published in the *Official Journal of the European Union* the updated list of the parties under examination and the list of the exempted parties .
- (6) For the purposes of this Decision, the definitions set out in Article 1 of the exemption Regulation apply.

1. REQUESTS FOR EXEMPTION

- (7) Between 15 July 2020 and 1 February 2023, 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 of the exemption Regulation.
- (8) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests.
- (9) The comments received by Decathlon Sp. z o.o. Poland relating to the date of effect of the suspension of payments of the duties for parties under examination were addressed and dismissed in recitals (22) to (27) of Commission Implementing Decision (EU) 2022/1461 of 26 August 2022 ⁽⁶⁾.
- (10) In accordance with Article 5(1) of the exemption Regulation, 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 2 below was suspended as from the day on which the Commission received their respective duly substantiated requests pursuant to Article 4(1) and (2) of the exemption Regulation.

2. AUTHORISATION OF EXEMPTION

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

Table 1

TARIC additional code	Name	Address
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt, Germany

- (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 the party listed in Table 1.
- (13) Consequently, the Commission concluded that the assembly operations of the party listed in Table 1 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 the exemption Regulation, the party listed in Table 1 fulfilled the conditions for exemption from the extended duty.

⁽⁵⁾ Commission Implementing Regulation (EU) 2023/611 of 17 March 2023 amending Regulation (EC) No 88/97 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 (OJ L 80, 20.3.2023, p. 67), Annex II.

⁽⁶⁾ Commission Implementing Decision (EU) 2022/1461 of 26 August 2022 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 229, 5.9.2022, p. 69).

- (15) In accordance with Article 7(2) of the exemption Regulation, the exemption should take effect as from the date of receipt of the duly substantiated request pursuant to Article 4(1) and (2) of the exemption Regulation. The customs debts in respect of the extended duty from the party requesting exemption should therefore be considered void from the same date.
- (16) The interested party was informed of the Commission's conclusions on the merits of its requests and was given an opportunity to comment thereon.
- (17) Since the exemption applies only to the party specifically referred to in Table 1, the exempted party 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 party should provide relevant information, including on any modification in its activity 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 concerned 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
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany, Slovakia
C991	Bicicletas Mendiz S.A.	C/Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba), Spain
899I	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo – France

⁽⁷⁾ The party is advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu.

⁽⁸⁾ The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu.

4. UPDATE OF REFERENCES TO EXEMPTED PARTIES

- (22) Between 28 June 2022 and 10 March 2023, the exempted parties listed in Table 3 notified the Commission of changes in their names and 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 the exemption Regulation.
- (23) While the exemption of these parties from the extended duty authorised in accordance with Article 7(1) of the exemption Regulation remains unaffected, the references to these parties should be updated.

Table 3

TARIC additional code	Former reference	Change
C009	Derby Cycle Werke GmbH Siemensstraße 1-3 9661 Cloppenburg, Germany	The name and address of this party have been changed to: Kalkhoff Werke GmbH Europa-Allee 26, 49685 Emstek, Germany
A576	Race Production NV Beverlosesteenweg 85, 3583 Beringen, Belgium	The name of this party has been changed to: Belgian Cycling Factory NV
A726	Unibike OEM Factory S.A. Zona Industrial de Oiã, Lote C-21, 3770 059 Oiã, Portugal	The address of this party has been changed to: Parque Empresarial de Soza B, Lt 3,4,10,11, 3840 342 Soza-Vagos, Portugal

5. REQUEST FOR EXEMPTION HELD INADMISSIBLE

- (24) On 8 July 2022 the party listed in Table 4 submitted a request for exemption which were found to be inadmissible within the meaning of Article 4(4) of the exemption Regulation, because it did not fulfil the conditions set out in Articles 4(1) and 4(2).

Table 4

Name	Address
Cycle Center 53-11 BV	Van Heemstraweg-Oost 4, 5301 KE Zaltbommel – The Netherlands

- (25) The party listed in Table 4 was informed on the Commission's conclusions and was given an opportunity to comment thereon. No further comments were received on the Commission's conclusions.

6. PARTY FOR WHICH THE EXEMPTION AUTHORISATION IS REVOKED

- (26) On 8 September 2022 the Commission was notified that the exempted party listed in Table 5 wound up and ceased its activities. In particular, on 18 July 2022 the Italian Court established the bankruptcy of Cicli Elios srl.
- (27) As a consequence, the Commission concluded that the exemption authorisation granted to Cicli Elios srl should be revoked as of 18 July 2022, pursuant to Article 10 of the exemption Regulation.
- (28) The party listed in Table 5 was informed of the Commission's conclusions and was given an opportunity to comment thereon.

- (29) Cicli Elios srl commented by requesting the Commission to reconsider the revocation of its exemption authorisation.
- (30) The Commission, after having duly assessed the request, concluded that no new arguments were brought forward to support a reassessment of the conclusions previously disclosed. Therefore, the revocation of the exemption authorisation was confirmed and the party informed accordingly,

Table 5

TARIC additional code	Name	Address
8605	Cicli Elios srl	Via G. Ferraris 996/1030, 45021 Badia Polesine (RO) – Italy

HAS ADOPTED THIS DECISION:

Article 1

The party listed in the Table in this Article is 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 Regulation (EEC) No 2474/93 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' request. This date is provided for in the Table column headed 'Date of effect'.

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

The exempted party 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 party' activities linked to assembly operations with regard to the conditions of exemption.

Exempted party

TARIC additional code	Name	Address	Date of effect
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt – Germany	1.7.2021

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
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo – Spain	30.3.2022
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic	20.2.2022
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland	21.3.2022
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany, Slovakia	8.8.2022
C991	Bicicletas Mendiz S.A.	C/Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba), Spain	26.10.2022
8991	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo, France	21.4.2023

Article 3

Updated references to the exempted parties listed in the Table in this Article are provided 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 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
C009	Derby Cycle Werke GmbH Siemensstraße 1-3 49661 Cloppenburg, Germany	Kalkhoff Werke GmbH Europa-Allee 26, 49685 Emstek, Germany	1.7.2022
A576	Race Production NV Beverlosesteenweg 85, 3583 Beringen, Belgium	Belgian Cycling Factory NV Beverlosesteenweg 85, 3583 Beringen, Belgium	9.2.2023
A726	Unibike OEM Factory S.A. Zona Industrial de Oiã, Lote C-21, 3770 059 Oiã, Portugal	Unibike OEM Factory S.A. Parque Empresarial de Soza B, Lt 3,4,10,11, 3840 342 Soza-Vagos, Portugal	19.4.2023

Article 4

The request for exemption submitted by the party listed in the Table of this Article is inadmissible and therefore rejected in accordance with Article 4(4) of Regulation (EC) No 88/97.

The rejection shall take effect as from the date provided for in the Table column headed 'Date of effect'.

Party for which the request of exemption is rejected

Name	Address	Date of effect
Cycle Center 53-11 BV	Van Heemstraweg-Oost 4, 5301 KE Zaltbommel, The Netherlands	28.7.2022

Article 5

The exemption authorisation of payment of the extended anti-dumping duty is hereby revoked for the party listed in the Table in this Article.

The revocation shall take effect as from the date provided for in the Table column headed 'Date of effect'.

Party for which the exemption authorisation is revoked

TARIC additional code	Name	Address	Date of effect
8605	Cicli Elios srl	Via G. Ferraris 996/1030, 45021 Badia Polesine (RO), Italy	18.7.2022

Article 6

This Decision is addressed to the Member States and to the parties listed in Articles 1 to 5 and published in the *Official Journal of the European Union*.

Done at Brussels, 30 June 2023.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President
