

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 November 2006

granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, last maintained and amended by Regulation (EC) No 1095/2005, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Regulation (EC) No 88/97

(2006/772/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⁾ (the basic Regulation),

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⁾ (the extending Regulation), maintained by Council Regulation (EC) No 1524/2000 ⁽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⁾ (the exemption Regulation), maintained by Regulation (EC) No 1524, and in particular Article 7 thereof,

After consulting the Advisory Committee,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 175, 14.7.2000, p. 39. Regulation as amended by Regulation (EC) No 1095/2005 (OJ L 183, 14.7.2005, p. 1).

⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Union* successive lists of applicants ⁽¹⁾ for which the 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 the exemption Regulation.
- (2) Following the last publication of the list of parties under examination ⁽²⁾, a period of examination has been selected. This period was defined as from 1 January to 31 December 2005. A questionnaire was sent to all parties under examination, requesting information on the assembly operations conducted during the relevant period of examination.

A. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS PREVIOUSLY GRANTED

A.1. Acceptable requests for exemption

- (3) The Commission received from the parties listed in Table 1 below all the information required for the determination of the admissibility of their requests. The information provided was examined and verified, where necessary, at the premises of the parties concerned. Based on this information, the Commission found that the requests submitted by the parties listed in Table 1 are admissible pursuant to Article 4(1) of the exemption Regulation.

Table 1

Name	Address	Country	TARIC additional code
ARKUS & ROMET Group Sp. z o.o.	Podgrodzie 32 C, 39-200 Dębica	Poland	A565
ARKUS Sp. z o.o.	Podgrodzie 32 C, 39-200 Dębica	Poland	A565
Athletic Manufacturing Sp. z.o.o.	ul. Drawska 21, 02-202 Warszawa	Poland	A568
Avantisbike — Fabrico de bicicletas SA	Zona Industrial de Oiã (Sul), Lt. B17, 3770-059 Oiã	Portugal	A726
BELVE s.r.o.	Palkovičova, 5, 915 01 Nové Mesto nad Váhom	Slovak Republic	A535
Bike Mate s.r.o.	Dlhá 248/43, 905 01 Senica	Slovak Republic	A589
Cannondale Europe BV	Hanzepoort 27, 7575 DB Oldenzaal	The Netherlands	A686
CSEKE Trade Kft.	Központi út 21-47., 1211 Budapest	Hungary	A685
C-TRADING s.r.o.	V. Palkovicha 19, 946 03 Kolárovo	Slovak Republic	A662
Decathlon Sp. z o. o.	ul. Malborska 53, 03-286 Warszawa	Poland	A696
Eurobike Kft.	Zengő utca 58., 7693 Pécs-Hird	Hungary	A624
Fabryka Rowerów Romet-Jastrowie Sp. z o.o.	ul. Narutowicza 14, 64-915 Jastrowie	Poland	A564

⁽¹⁾ 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 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 C 299, 4.12.2004, p. 4, and OJ L 17, 21.1.2006, p. 16.

⁽²⁾ OJ L 17, 21.1.2006, p. 16.

Name	Address	Country	TARIC additional code
Firma Wielobranżowa 'Mexller' Artur Nowak	ul. Romera 4/20, 42-200 Częstochowa	Poland	A697
Koliken Kft.	Széchenyi u. 103., 6400 Kiskunhalas	Hungary	A616
Koninklijke Gazelle BV	Wilhelminaweg 8, 6951BP Dieren	The Netherlands	8609
Kynast Bike GmbH	Artlandstraße 55, 49610 Quakenbrück	Germany	A692
Manufacture de cycles du Comminges (MCC)	Z.I. Ouest, 31800 Saint-Gaudens	France	A690
Maxbike Ltd	Svatoplukova 2771, 700 30 Ostrava-Vitkovice	Czech Republic	A664
Muller Sport Bohemia s.r.o.	Okružní 110, Hlincova Hora, 373-71 Rudolfov	Czech Republic	A605
OLPRAN Spol. s.r.o.	Libušina, 101, 772-11 Olomouc	Czech Republic	A546
PIFF Vertriebs GmbH	Wilhelmstraße 49, 49610 Quakenbrück	Germany	A668
TIESSE s.n.c. di Tosato Virginio & C.	Via Meucci 12, 35030 Caselle di Selvazzano Dentro (PD)	Italy	A724
Tolin Przedsiębiorstwo Prywatne Jerzy Topolski	Łęg-Witoszyn, 87-811 Fabianki	Poland	A586
Victus International Trading S.A.	ul. Naramowicka 150, 61-619 Poznań	Poland	A588
Vizija Sport d.o.o.	Tržaška cesta 87 b, 1370 Logatec	Slovenia	A630

- (4) The facts as finally ascertained by the Commission show that for 24 of these 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, and they, therefore, fall outside the scope of Article 13(2) of the basic Regulation.
- (5) Concerning the last party, although the facts show that the value of the parts originating in the People's Republic of China which were used in its assembly operations was above 60 % of the total value of the parts used in the assembly operations, the value added was above 25 % of the manufacturing costs. Therefore the assembly operations of that party fall outside the scope of Article 13(2) of the basic Regulation.
- (6) For these reasons, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in the above table should be exempted from the extended anti-dumping duty.
- (7) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in Table 1 from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition, their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.

- (8) It is to be noted that the following five parties listed in Table 1 informed the Commission services of a change in their name and/or in their legal seat, or transfer of assembly activity, during the examination period:
- ‘Athletic International Sp. z o.o., ul. Drawska 21, 02-202 Warsaw, Poland’ transferred its assembly activity to ‘Athletic Manufacturing Sp. z o.o., ul. Drawska 21, 02-202 Warsaw, Poland’;
 - ‘Avantisbike — Fabrico de bicicletas SA, Rua do Casarão, 3750-869 Borralha, Portugal’ transferred its legal seat to ‘Zona Industrial de Oiã (Sul), Lt. B17, 3770-059 Oiã, Portugal’;
 - ‘CSEKE Trade Kft., Gyepor u. 1., 1211 Budapest, Hungary’ transferred its legal seat to ‘Központi út 21-47., 1211 Budapest, Hungary’;
 - ‘Firma Wielobranżowa ART-POL — Artur Nowak, ul. Romera 4/20, 42-200 Częstochowa, Poland’ changed its name to ‘Firma Wielobranżowa “Mexller” Artur Nowak, ul. Romera 4/20, 42-200 Częstochowa, Poland’;
 - ‘PFIFF Vertriebs GmbH, Wilhelmstraße 58, 49610 Quakenbrück, Germany’ transferred its legal seat to ‘Wilhelmstraße 49, 49610 Quakenbrück, Germany’.
- (9) It has been established that these changes in the name and/or legal seat and transfer of assembly activity did not affect the assembly operations with regard to the stipulations of the exemption Regulation and therefore the Commission does not consider that these changes should affect the exemption from the extended anti-dumping duty.

A.2. Unacceptable requests for exemption and withdrawals

- (10) The parties listed in Table 2 below also submitted requests for exemption from the extended anti-dumping duty.

Table 2

Name	Address	Country	TARIC additional code
A.J. Maias Lda.	Estrada Nacional N.º 1, Malaposta, Apart. 27, 3781-908 Sangalhos	Portugal	A401
Bike Sport	Krzemionka 14, 62-872 Godziesze	Poland	A593
Hermann Hartje KG	Deichstraße 120-122, 27318 Hoya/Weser	Germany	A725
ISTRO-HGA, spol. s.r.o.	Svätopeterská 14, 947 01 Hurbanovo	Slovak Republic	A541
Maver Sp. z o.o.	ul. Przasnysza 77, 06-200 Maków Mazowiecki	Poland	A728
P.W.U.H. Sterna	ul. Lotników 51, 73-102 Stargard Szczeciński	Poland	A631

- (11) Four parties withdrew their request for exemption and informed the Commission accordingly.

- (12) One party failed to submit the requested information required for the examination of its request. For this reason, and in accordance with Article 7(3) of the exemption Regulation, the Commission informed this party that it intended to reject its request for exemption. This party was given an opportunity to comment. No comments were received.
- (13) Another party did not use the bicycle parts for the production or assembly of bicycles during the examination period, nor did it inform the Commission that it destroyed or re-exported them, which constitutes a breach of the obligations set out in Article 6(2) of the exemption Regulation. The party was informed accordingly and given an opportunity to comment. No comments were received.
- (14) Since the parties listed in Table 2 failed to meet the criteria for exemption set by Article 6(2) of the exemption Regulation, the Commission has to reject their requests for exemption, in accordance with Article 7(3) of the Regulation. In the light of this, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty must be collected as from the date of receipt of the requests submitted by these parties.

A.3. Request for exemption requiring further examination

- (15) The party listed in Table 3 below also submitted a request for exemption from the payment of the extended anti-dumping duty.

Table 3

Name	Address	Country	TARIC additional code
ROG Kolesa, d.d.	Letališka 29, 1000 Ljubljana	Slovenia	A538

- (16) As regards this party, the Commission services were not in a position to verify whether the assembly operations of this party fall outside the scope of Article 13(2) of the basic Regulation due to the bankruptcy procedure of the party instituted by the Bankruptcy Penal Tribunal held by the District Court of Ljubljana.
- (17) In light of the above, the party listed in Table 3 should be maintained in the list of parties under examination. The payment of the anti-dumping duty in respect of the imports of essential bicycle parts declared for free circulation by this party should remain suspended.

B. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS NOT PREVIOUSLY GRANTED

B.1. Inadmissible requests for exemption

- (18) The parties listed in Table 4 also submitted requests for exemption from the payment of the extended anti-dumping duty:

Table 4

Name	Address	Country
Firma Bikeland	ul. 15 Sierpnia 17, 96-500 Sochaczew	Poland
NV 2 Bs	Slagbaan 37, 3052 Blanden	Belgium
NV Simons	Staatsbaan 279, 3460 Bekkevoort	Belgium

- (19) With regard to these parties, it should be noted that their requests did not meet the admissibility criteria set out in Article 4(1) of the exemption Regulation.
- (20) Two applicants use essential bicycle parts for the production or assembly of bicycles in quantities below 300 units per type on a monthly basis.
- (21) One applicant did not provide *prima facie* evidence that its assembly operations fell outside the scope of Article 13(2) of the basic Regulation, notably *prima facie* evidence that 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.
- (22) These parties were informed accordingly and were given an opportunity to comment. No comments were received. As a consequence, no suspension was granted to these parties.

B.2. Admissible requests for exemption for which suspension should be granted

- (23) Interested parties are hereby informed of the receipt of further requests for exemption, pursuant to Article 3 of the exemption Regulation, from parties listed in Table 5. The suspension from the extended duty, following these requests, should take effect as shown in the column headed 'Date of effect':

Table 5

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Alubike — Bicicletas, SA	Zona Industrial de Oiã, Lote C10, 3770-059 Oliveira do Bairro	Portugal	Article 5	12.12.2005	A730
Bonaventure BVBA	Stoomtuigstraat 16, 8830 Hooglede-Gits	Belgium	Article 5	19.1.2006	A732
Goldbike — Indústria de Bicicletas, Lda	Rua das Flores, s/n, Poutena, 3780-594 Vilarinho do Bairro Anadia	Portugal	Article 5	9.8.2006	A777
Ing. Jaromír Březina	Foglarova 11, 787 01 Šumperk	Czech Republic	Article 5	20.7.2006	A776
Koga BV	Tinweg 9, 8445 PD Heerenveen	The Netherlands	Article 5	19.6.2006	A773
Look Cycle International S.A.	27, rue du Docteur-Léveillé, B.P. 13, 58028 Nevers Cedex	France	Article 5	14.9.2006	A781
Loris Cycles di Perinel Lori	Via delle Industrie 8, 30022 Ceggia (VE)	Italy	Article 5	13.12.2005	A731
Prestige NV	Zuiderdijk 25, 9230 Wetteren	Belgium	Article 5	16.2.2006	A737
Puky GmbH & Co. KG	Fortunastraße 11, 42489 Wülfrath	Germany	Article 5	21.8.2006	A778
Skeppshultcykeln AB	Storgatan 78, 333 93 Skeppshult	Sweden	Article 5	29.3.2006	A745
Stevens Vertriebs GmbH	Asbrookdamm 35, 22115 Hamburg	Germany	Article 5	3.7.2006	A774
Trenga DE Vertriebs GmbH	Großmoordamm 63-67, 21079 Hamburg	Germany	Article 5	10.5.2006	A746

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below in Table 1 below are hereby exempted from the extension to imports of certain bicycle parts from the People's Republic of China pursuant to Regulation (EC) No 71/97 of the definitive anti-dumping duty on bicycles originating in the People's Republic of China.

The exemption shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

Table 1

List of parties to be exempted

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
ARKUS & ROMET Group Sp. z o.o.	Podgrodzie 32 C, 39-200 Dębica	Poland	Article 7	1.6.2005	A565
ARKUS Sp. z o.o.	Podgrodzie 32 C, 39-200 Dębica	Poland	Article 7	from 23.6.2004 to 31.5.2005	A565
Athletic Manufacturing Sp. z.o.o.	ul. Drowska 21, 02-202 Warszawa	Poland	Article 7	3.8.2004	A568
Avantisbike — Fabrico de bicicletas SA	Zona Industrial de Oiã (Sul), Lt. B17, 3770-059 Oiã	Portugal	Article 7	10.11.2005	A726
BELVE s.r.o.	Palkovičova, 5, 915 01 Nové Mesto nad Váhom	Slovak Republic	Article 7	4.5.2004	A535
Bike Mate s.r.o.	Dlhá 248/43, 905 01 Senica	Slovak Republic	Article 7	8.10.2004	A589
Cannondale Europe BV	Hanzepoort 27, 7575 DB Oldenzaal	The Netherlands	Article 7	21.6.2005	A686
CSEKE Trade Kft.	Központi út 21–47., 1211 Budapest	Hungary	Article 7	21.4.2005	A685
C-TRADING s.r.o.	V. Palkovicha 19, 946 03 Kolárovo	Slovak Republic	Article 7	10.2.2005	A662
Decathlon Sp. z o. o.	ul. Malborska 53, 03-286 Warszawa	Poland	Article 7	19.8.2005	A696
Eurobike Kft.	Zengő utca 58., 7693 Pécs-Hird	Hungary	Article 7	28.1.2005	A624
Fabryka Rowerów Romet-Jastrowie Sp. z o.o.	ul. Narutowicza 14, 64-915 Jastrowie	Poland	Article 7	from 14.6.2004 to 31.5.2005	A564
Firma Wielobranżowa 'Mexller' — Artur Nowak	ul. Romera 4/20, 42-200 Częstochowa	Poland	Article 7	22.9.2005	A697
Koliken Kft.	Széchenyi u. 103., 6400 Kiskunhalas	Hungary	Article 7	8.11.2004	A616
Koninklijke Gazelle BV	Wilhelminaweg 8, 6951 BP Dieren	The Netherlands	Article 7	29.6.2005	8609
Kynast Bike GmbH	Artlandstraße 55, 49610 Quakenbrück	Germany	Article 7	29.7.2005	A692

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Manufacture de cycles du Comminges (MCC)	Z.I. Ouest, 31800 Saint-Gaudens	France	Article 7	29.6.2005	A690
Maxbike Ltd	Svatoplukova 2771, 700 30 Ostrava-Vitkovice	Czech Republic	Article 7	3.1.2005	A664
Muller Sport Bohemia s.r.o.	Okružní 110, Hlincova Hora, 373-71 Rudolfov	Czech Republic	Article 7	8.11.2004	A605
OLPRAN Spol. s.r.o.	Libušina, 101, 772-11 Olomouc	Czech Republic	Article 7	1.5.2004	A546
PFIFF Vertriebs GmbH	Wilhelmstraße 49, 49610 Quakenbrück	Germany	Article 7	6.4.2005	A668
TIESSE s.n.c. di Tosato Virginio & C.	Via Meucci 12, 35030 Caselle di Selvazzano Dentro (PD)	Italy	Article 7	24.10.2005	A724
Tolin Przedsiębiorstwo Prywatne Jerzy Topolski	Łęg-Witoszyn, 87-811 Fabianki	Poland	Article 7	10.9.2004	A586
Victus International Trading S.A.	ul. Naramowicka 150, 61-619 Poznań	Poland	Article 7	11.10.2004	A588
Vizija Sport d.o.o.	Tržaška cesta 87 b, 1370 Logatec	Slovenia	Article 7	24.1.2005	A630

Article 2

The requests for exemption from the extended anti-dumping duty submitted pursuant to Article 3 of Regulation (EC) No 88/97 by the parties listed in Table 2 below are hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

Table 2

List of parties for which the suspension is to be lifted

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
A.J. Maias Lda.	Estrada Nacional N.º 1, Malaposta, Apart. 27, 3781-908 Sangalhos	Portugal	Article 5	23.2.2005	A401
Bike Sport	Krzemionka 14, 62-872 Godziesze	Poland	Article 5	3.1.2005	A593
Hermann Hartje KG	Deichstraße 120-122, 27318 Hoya/Weser	Germany	Article 5	7.11.2005	A725
ISTRO-HGA, spol. s.r.o.	Svätopeterská 14, 947 01 Hurbanovo	Slovak Republic	Article 5	1.5.2004	A541
Maver Sp. z o.o.	ul. Przasnysza 77, 06-200 Maków Mazowiecki	Poland	Article 5	19.10.2005	A728
P.W.U.H. Sterna	ul. Lotników 51, 73-102 Stargard Szczeciński	Poland	Article 5	2.2.2005	A631

Article 3

The parties listed in Table 3 below constitute the updated list of parties under examination pursuant to Article 3 of Regulation (EC) No 88/97. The suspension from the extended duty, following these requests, took effect as from the relevant date in the column headed 'Date of effect' in Table 3.

Table 3

List of parties under examination

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Alubike — Bicicletas, S.A.	Zona Industrial de Oiã, Lote C10, 3770-059 Oliveira do Bairro	Portugal	Article 5	12.12.2005	A730
Bonaventure BVBA	Stoomtuigstraat 16, 8830 Hooglede-Gits	Belgium	Article 5	19.1.2006	A732
Goldbike — Indústria de Bicicletas, Lda	Rua das Flores, s/n, Poutena, 3780-594 Vilarinho do Bairro Anadia	Portugal	Article 5	9.8.2006	A777
Ing. Jaromír Březina	Foglarova 11, 787 01 Šumperk	Czech Republic	Article 5	20.7.2006	A776
Koga BV	Tinweg 9, 8445 PD Heerenveen	The Netherlands	Article 5	19.6.2006	A773
Look Cycle International S.A.	27, rue du Docteur- Léveillé, B.P. 13, 58028 Nevers Cedex	France	Article 5	14.9.2006	A781
Loris Cycles di Perinel Lori	Via delle Industrie 8, 30022 Ceggia (VE)	Italy	Article 5	13.12.2005	A731
Prestige NV	Zuiderdijk 25, 9230 Wetteren	Belgium	Article 5	16.2.2006	A737
Puky GmbH & Co. KG	Fortunastraße 11, 42489 Wülfrath	Germany	Article 5	21.8.2006	A778
ROG Kolesa, d.d.	Letališka 29, 1000 Ljubljana	Slovenia	Article 5	1.5.2004	A538
Skeppshultcykeln AB	Storgatan 78, 333 93 Skeppshult	Sweden	Article 5	29.3.2006	A745
Stevens Vertriebs GmbH	Asbrookdamm 35, 22115 Hamburg	Germany	Article 5	3.7.2006	A774
Trenga DE Vertriebs GmbH	Großmoordamm 63-67, 21079 Hamburg	Germany	Article 5	10.5.2006	A746

Article 4

The requests for exemption from the extended anti-dumping duty made by the parties listed in Table 4 below are hereby rejected.

*Table 4***List of parties for which the request for exemption is rejected**

Name	Address	Country
Firma Bikeland	ul. 15 Sierpnia 17, 96-500 Sochaczew	Poland
NV 2 Bs	Slagbaan 37, 3052 Blanden	Belgium
NV Simons	Staatsbaan 279, 3460 Bekkevoort	Belgium

Article 5

This Decision is addressed to the Member States and to the parties listed in Articles 1, 2, 3 and 4.

Done at Brussels, 10 November 2006.

For the Commission
Peter MANDELSON
Member of the Commission
