

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/588

of 22 April 2020

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

(notified under document C(2020) 2382)

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 into the Union 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 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').
- (5) As provided for in Article 16(2) of Regulation (EC) No 88/97, the Commission has published in the *Official Journal of the European Union* subsequent lists of the exempted parties ⁽⁵⁾.

⁽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⁾ 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 L 193, 22.7.1997, p. 32, OJ L 334, 5.12.1997, p. 37, 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 L 343, 19.11.2004, p. 23, OJ C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16, OJ L 313, 14.11.2006, p. 5, OJ L 81, 20.3.2008, p. 73, OJ C 310, 5.12.2008, p. 19, OJ L 19, 23.1.2009, p. 62, OJ L 314, 1.12.2009, p. 106, OJ L 136, 24.5.2011, p. 99, OJ L 343, 23.12.2011, p. 86, OJ L 119, 23.4.2014, p. 67, OJ L 132, 29.5.2015, p. 32, OJ L 331, 17.12.2015, p. 30, OJ L 47, 24.2.2017, p. 13, OJ L 79, 22.3.2018, p. 31, OJ L 171, 26.6.2019, p. 117.

- (6) The most recent Commission Implementing Decision (EU) 2019/1087 ⁽⁶⁾ concerning exemptions under Regulation (EC) No 88/97 was adopted on 19 June 2019.
- (7) For the purposes of this Decision, the definitions set out in Article 1 of Regulation (EC) No 88/97 apply.

1. REQUESTS FOR EXEMPTION

- (8) Between 19 December 2016 and 17 October 2019, the Commission received from the parties listed in Tables 1 and 3 requests for exemption with the information required to determine whether these requests were admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.
- (9) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests.
- (10) In accordance with Article 5(1) of Regulation (EC) No 88/97, 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 3 below was suspended as from the day on which the Commission received their respective requests.

2. AUTHORISATION OF EXEMPTION

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

Table 1

TARIC additional code	Name	Address
C307	Merida Polska Sp. Z o.o.	ul. Marii Skłodowskiej-Curie 35, PL-41-800 Zabrze, Poland
C311	Juan Luna Cabrera	Calle Alhama 64, ES-14900 Lucena (Cordoba), Spain

- (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 both parties. This was also the case for the majority of the assembled bicycles by both parties.
- (13) Consequently, the Commission concluded that the respective assembly operations of Merida Polska Sp. Z o.o. and of Juan Luna Cabrera 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 Regulation (EC) No 88/97, the parties listed in Table 1 fulfil the conditions for exemption from the extended duty.
- (15) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemptions should take effect as from the date of receipt of the requests. The customs debts in respect of the extended duty from the parties requesting exemption should therefore be considered void from the same date.
- (16) The parties were informed of the Commission's conclusions on the merits of their requests and were given an opportunity to comment thereon.
- (17) Since the exemptions apply only to the parties specifically referred to in Table 1, the exempted parties should notify the Commission ⁽⁷⁾ 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).

⁽⁶⁾ Commission Implementing Decision (EU) 2019/1087 of 19 June 2019 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 171, 26.6.2019, p. 117).

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

- (18) In case of change in reference, the exempted parties should provide all relevant information, in particular on any modification in its activities linked to assembly operations. Where appropriate, the Commission will update the references accordingly.

3. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

- (19) The exempted or suspended parties listed in Table 2 notified the Commission, between 2 May 2019 and 20 February 2020, of changes in their references (names, legal forms 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 Regulation (EC) No 88/97.
- (20) While the exemption or the suspension of these parties from the extended duty authorised in accordance with Article 7(1) of Regulation (EC) No 88/97 remains unaffected, the references to these parties should be updated.

Table 2

TARIC additional code	Former reference	Change
A163	Speedcross di Torretta Luigi & C. s.n.c. Corso Italia 20, IT-20020 Vanzaghello (MI), Italy	The name and legal form of the company have been changed to: Speedcross s.r.l.
A557	Jozef Kender-Kenzel Piesková 437/9A, 946 52 Imel, Slovakia	The name, legal form and address of the company have been changed to: KENZEL s.r.o. Novozámocká 182, 94701 Hurbanovo, Slovakia
8612	Tecno Bike S.r.l. Via del Lavoro 22, IT-61030 Canavaccio, Urbino (PS), Italy	The address of the company has been changed to: Via del Lavoro 22, IT-61029 Canavaccio di Urbino (PU), Italy
8979	W.S.B. Hi-Tech Bicycle Europe B.V. De Hemmen 91, NL-9206AG Drachten, The Netherlands	The address of the company has been changed to: De Roef 15, NL-9206AK Drachten, The Netherlands

4. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION

- (21) The examination of the merits of the requests from the parties listed in Table 3 is ongoing. Pending a decision on the merits of their requests, the payment of the extended duty by these parties is suspended.
- (22) Since the suspensions apply only to the parties specifically referred to in Table 3, 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).
- (23) In case of change in reference, the party should provide all relevant information, in particular on any modification in its activities linked to assembly operations. Where appropriate, the Commission will update the references to such party.

Table 3

TARIC additional code	Name	Address
C202	Vanmoof B.V.	Mauritskade 55, NL-1092 AD Amsterdam, The Netherlands
C207	Kenstone Metal Company GmbH	Am Maikamp 8-12, DE-32107 Bad Salzufen, Germany

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

TARIC additional code	Name	Address
C481	FJ Bikes Europe Unipessoal, Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal
C492	MOTOKIT Veiculos e Accesorios S.A.	Rua Padre Vicente Maria da Rocha 448, 1° Esq., PT- 3840-453 Vagos, Portugal
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool, Torfaen, NP4 0HZ, United Kingdom
C527	FIRMA ADAM Adam Ziętek	Muchy 56 PL-63-524 Czajków, Poland
C529	Rowerland Piotr Tokarz	ul. Klubowa 23, PL-32-600 Broszkowice, Poland

5. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION LIFTED

- (24) The suspension of payment of the duties for the parties under examination should be lifted for the party listed in Table 4.

Table 4

TARIC additional code	Name	Address
C489	P.P.H. ARTPOL Artur Kopec	ul. Aniołowska 14, PL-42-202 Częstochowa, Poland

- (25) On 3 July 2019 the Commission received from that party a request to withdraw the application for an exemption while the examination of its merits was ongoing and the payment of the extended duty was suspended.
- (26) The Commission accepted the withdrawal and consequently the suspension of the payment of the extended duty should be lifted. The extended duty should be collected as from the date of receipt of the request for exemption submitted by that party, namely the date on which the suspension took effect, that is 25 October 2018.
- (27) The party was informed of the Commission's conclusions and was given an opportunity to comment thereon. No comments were submitted.

6. AUTHORISATION OF EXEMPTION REVOKED

- (28) The exempted parties listed in Table 5 notified the Commission, between 30 June 2019 and 3 February 2020, of the following: closing down of its activities (Bicicletas Monty S.A.), and the renunciation of the exemption from the payment of extended duty (Gor Kolesa, proizvodnja koles, d.o.o).
- (29) Consequently, in accordance with the principle of good administration, the authorisation of exemption from the payment of the extended duty for both exempted parties listed in Table 5 should be revoked,

Table 5

TARIC additional code	Name	Address
A165	Bicicletas Monty S.A.	Calle El Plà 106, ES-08980 Sant Feliu de Llobregat, Spain
C209	Gor Kolesa, proizvodnja koles, d.o.o.	Primorska cesta 6b, SI-3325 Šoštanj, Slovenia

HAS ADOPTED THIS DECISION:

Article 1

The parties listed in the Table in this Article are 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 Council 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 exemptions shall take effect as from the dates of receipt of the parties' requests. Those dates are provided for in the Table column headed 'Date of effect'.

The exemptions shall apply only to the parties specifically referred to in the Table in this Article.

The exempted parties shall notify the Commission without delay of any change to their names and addresses, providing all relevant information, in particular on any modification in the party's activities linked to assembly operations with regard to the conditions of exemption.

Exempted parties

TARIC additional code	Name	Address	Date of effect
C307	Merida Polska Sp. Z o.o.	ul. Marii Skłodowskiej-Curie 35, PL-41-800 Zabrze, Poland	14.6.2017
C311	Juan Luna Cabrera	C/Alhama 64, ES-14900 Lucena (Cordoba), Spain	4.10.2017

Article 2

Updated references to the exempted or suspended parties listed in the Table in this Article are provided for 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 or suspended 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
A163	Speedcross di Torretta Luigi & C. s.n.c. Corso Italia 20, IT -20020 Vanzaghello (MI), Italy	Speedcross s.r.l. Corso Italia 20, IT -20020 Vanzaghello (MI), Italy	2.5.2019
A557	Jozef Kender-Kenzel Piesková 437/9A, 946 52 Imel, Slovakia	KENZEL s.r.o. Novozámocká 182, 947 01 Hurbanovo, Slovakia	1.6.2019

^(*) 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).

TARIC additional code	Former reference	New reference	Date of effect
8612	Tecno Bike S.r.l. Via del Lavoro 22, IT-61030 Canavaccio, Urbino (PS), Italy	Tecno Bike S.r.l. Via del Lavoro 22, IT-61029 Canavaccio di Urbino (PU), Italy	20.2.2020
8979	W.S.B. Hi-Tech Bicycle Europe B.V. De Hemmen 91, NL-9206AG Drachten, The Netherlands	W.S.B. Hi-Tech Bicycle Europe B.V. De Roef 15, NL-9206AK Drachten, The Netherlands	12.3.2020

Article 3

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
C202	Vanmoof B.V.	Mauritskade 55, NL-1092 AD Amsterdam, the Netherlands	19.12.2016
C207	Kenstone Metal Company GmbH	Am Maikamp 8-12, DE-32107 Bad Salzuflen, Germany	20.3.2017
C481	FJ Bikes Europe Unipessoal, Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal	8.5.2018
C492	MOTOKIT Veiculos e Acessórios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal	29.11.2018
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool, Torfaen, NP4 0HZ, United Kingdom	7.1.2019
C527	FIRMA ADAM Adam Ziętek	Muchy 56, PL-63-524 Czajków, Poland	29.8.2019
C529	Rowerland Piotr Tokarz	ul. Klubowa 23, PL-32-600 Broszkowice, Poland	17.10.2019

Article 4

The suspension of the payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties listed in the Table in this Article.

The extended duty should be collected as from the date on which the suspension took effect. That date is provided for in the Table column headed 'Date of effect'.

Party for which the suspension is lifted

TARIC additional code	Name	Address	Date of effect
C489	P.P.H. ARTPOL Artur Kopeć	ul. Aniołowska 14, PL-42-202 Częstochowa, Poland	25.10.2018

Article 5

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

The extended duty should be collected as from the date on which the revocation of the authorisation took effect. This date is provided for in the Table column headed 'Date of effect'.

Parties for which the exemption is revoked

TARIC additional code	Name	Address	Date of effect
A165	Bicicletas Monty S.A.	Calle El Plà 106, ES-08980 Sant Feliu de Llobregat, Spain	30.6.2019
C209	Gor Kolesa, proizvodnja koles, d.o.o.	Primorska cesta 6b, SI-3325 Šoštanj, Slovenia	3.2.2020

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, 22 April 2020.

For the Commission
Phil HOGAN
Member of the Commission