

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***(notified under document C(2019) 4455)*

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 Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 ⁽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 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 153, 5.6.2013, p. 17.⁽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.

- (6) The most recent Commission Implementing Decision (EU) 2018/477 ⁽⁶⁾ concerning exemptions under Regulation (EC) No 88/97 was adopted on 15 March 2018.
- (7) For the purposes of this Decision, the definitions set out in Article 1 of Regulation (EC) No 88/97 shall apply.

1. REQUESTS FOR EXEMPTION

- (8) Between 27 April 2015 and 7 January 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
C049	CycleSport North Ltd	363 Leach Place, Walton Summit Centre, GB-Preston PR5 8AS, United Kingdom
C209	Gor Kolesa, proizvodnja koles, d.o.o.	Primorska cesta 6b, SI-3325 Šoštanj, Slovenia

- (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 CycleSport North Ltd and that the value added to the parts brought in during the assembly operations of Gor Kolesa, proizvodnja koles, d.o.o. was greater than 25 % of the manufacturing costs.
- (13) Consequently, the Commission concluded that the respective assembly operations of CycleSport North Ltd and of Gor Kolesa, proizvodnja koles, d.o.o 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 above 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 above, 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) 2018/477 of 15 March 2018 concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Commission Regulation (EC) No 88/97 (OJ L 79, 22.3.2018, p.31).

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

- (18) 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.

3. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

- (19) The exempted or suspended parties listed in Table 2 below notified the Commission, between 17 May 2018 and 6 March 2019, on 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
8605	Cicli Elios di Ragona Roberto & C. S.n.c. Via G. Ferraris 1050, IT-45021 Badia Polesine (RO), Italy	The name, legal form and address of the company have been changed to: Cicli Elios Srl Via G. Ferraris 996/1030, IT-45021 Badia Polesine (RO), Italy
8749	Bikkel Bikes BV Magnesiumstraat 37, NL-6031RV Nederweert, The Netherlands	The name and address of the company have been changed to: Bikkel Bikes Group BV Magnesiumstraat 45, NL-6031RV Nederweert, The Netherlands
A168	CHERRI di Cherri Franco & C. s.a.s., Via Cagliari 39, IT-09016 Iglesias (CA), Italy	The name, legal form and address of the company have been changed to: EGC srl Via Fontana 18, IT-45021 Milano, Italy
A726	Avantisbike - Fábrico de bicicletas Lda Zona Industrial de Oiã - Lote C-21, PT-3770-068 Oiã, Portugal	The name, legal form and address of the company have been changed to: Unibike OEM Factory S.A. Zona Industrial de Oiã - Lote C-21, PT-3770-059 Oiã, Portugal
A966	Skilledbike Sp. z o.o. Olszanka 109, PL-33-386 Podegrodzie, Poland	The address of the company has been changed to: Brzezna 420, PL-33-386 Podegrodzie, Poland
A984	Blue Factory Team S.L. Calle Torres y Villaroel 6, Elche Parque Empresarial, ES-03320 Elche, Alicante, Spain	The address of the company has been changed to: C/Juan de la Cierva 62, Elche Parque Empresarial, ES-03203 Elche, Alicante, Spain
C021	Kuisle & Kuisle GmbH Füssener Strasse 22a, DE-87675 Stötten, Germany	The address of the company has been changed to: Gewerbstrasse 14, DE-87675 Stötten, Germany

TARIC additional code	Former reference	Change
C207	Kenstone Metal Company GmbH Heideland 1-7, DE-24976 Handewitt-Weding, Germany	The address of the company has been changed to: Am Maikamp 8-12, DE-32107 Bad Salzuflen, Germany
C209	Gor Kolesa, proizvodnja koles, d.o.o. Partizanska cesta 12, SI-3320 Velenje, Slovenia	The address of the company has been changed to: Primorska cesta 6b, SI-3325 Šoštanj, Slovenia

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 below 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 below, 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 Salzuflen, Germany
C307	Merida Polska Sp. Z o.o.	ul. Marii Skłodowskiej-Curie 35, PL-41-800 Zabrze, Poland
C311	Juan Luna Cabrera	C/Alhama 64, ES-14900 Lucena (Cordoba), Spain
C481	FJ Bikes Europe Unipessoal, Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal
C489	P.P.H. ARTPOL Artur Kopeć	ul. Aniołowska 14, PL-42-202 Częstochowa, Poland
C492	MOTOKIT Veiculos e Accesorios S.A.	Rua Padre Vicente Maria da Rocha 448, 1º Esq., PT-3840-453 Vagos, Portugal
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool NP4 0HZ, United Kingdom

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

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 parties listed in Table 4 below.

Table 4

TARIC additional code	Name	Address
C170	Hermann Hartje KG	Deichstrasse 120-122, DE-27318 Hoya, Germany
C220	Matex International Aquitaine	Avenue Gay Lussac 6, FR-33370 Artigues-près-Bordeaux, France

- (25) Between 31 May 2018 and 18 January 2019 the Commission received from both parties in question 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 these parties, namely the date on which the suspension took effect (29 September 2016 for Hermann Hartje KG, Germany and 9 June 2017 for Matex International Aquitaine, France).
- (27) The parties were informed of the Commission's conclusions and were given an opportunity to comment thereon. No comments were submitted within the deadline.

6. AUTHORISATION OF EXEMPTION REVOKED

- (28) The exempted party listed in Table 5 notified on 22 February 2018 the Commission of the closing down of its activities following bankruptcy as formally stated by the relevant authority on 17 October 2017.
- (29) Consequently, in accordance with the principle of good administration, the authorisation of exemption from the payment of the extended duty should be revoked,

Table 5

TARIC additional code	Name	Address
A246	COBRAN Srl	Via Della Zingarina 6, IT-47924 Rimini, Italy

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 ⁽⁹⁾ 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'.

⁽⁹⁾ 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).

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
C049	CycleSport North Ltd	363 Leach Place, Walton Summit Centre, GB-Preston PR5 8AS, United Kingdom	27.4.2015
C209	Gor Kolesa, proizvodnja koles, d.o.o.	Primorska cesta 6b, SI-3325 Šoštanj, Slovenia	26.4.2017

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
8605	Cicli Elios di Ragona Roberto & C. S.n.c. Via G. Ferraris 1050, IT-45021 Badia Polesine (RO), Italy	Cicli Elios S.r.l. Via G. Ferraris 996/1030, IT-45021 Badia Polesine (RO), Italy	19.12.2018
8749	Bikkel Bikes BV Magnesiumstraat 37, NL-6031RV Nederweert, The Netherlands	Bikkel Bikes Group BV Magnesiumstraat 45, NL-6031RV Nederweert, The Netherlands	27.11.2018
A168	CHERRI di Cherri Franco & C. s.a.s, Via Cagliari 39, IT-09016 Iglesias (CA), Italy	EGC srl Via Fontana 18, IT-45021 Milano, Italy	30.1.2019
A726	Avantisbike - Fábrico de bicicletas Lda Zona Industrial de Oiã - Lote C-21, PT-3770-068 Oiã, Portugal	Unibike OEM Factory S.A. Zona Industrial de Oiã - Lote C-21, PT-3770-059 Oiã, Portugal	3.7.2018
A966	Skilledbike Sp. z o.o. Olszanka 109, PL-33-386 Podegrodzie, Poland	Skilledbike Sp. z o.o. Brzezna 420, PL-33-386 Podegrodzie, Poland	3.1.2019
A984	Blue Factory Team S.L. Calle Torres y Villaroel 6, Elche Parque Empresarial, ES-03320 Elche, Alicante, Spain	Blue Factory Team S.L. C/Juan de la Cierva 62, Elche Parque Empresarial, ES-03203 Elche, Alicante, Spain	15.5.2017

TARIC additional code	Former reference	New reference	Date of effect
C021	Kuisle & Kuisle GmbH Füssener Strasse 22a, DE-87675 Stötten, Germany	Kuisle & Kuisle GmbH Gewerbestrasse 14, DE-87675 Stötten, Germany	14.2.2018
C207	Kenstone Metal Company GmbH Heideland 1-7, DE-24976 Handewitt-Weding, Germany	Kenstone Metal Company GmbH Am Maikamp 8-12, DE-32107 Bad Salzuflen, Germany	1.3.2018
C209	Gor Kolesa, proizvodnja koles, d.o.o. Partizanska cesta 12, SI-3320 Velenje, Slovenia	Gor Kolesa, proizvodnja koles, d.o.o. Primorska cesta 6b, SI-3325 Šoštanj, Slovenia	26.9.2018

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
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
C481	FJ Bikes Europe Unipessoal, Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal	8.5.2018
C489	P.P.H. ARTPOL Artur Kopec	ul. Aniołowska 14, PL-42-202 Częstochowa, Poland	25.10.2018
C492	MOTOKIT Veiculos e Accesorios 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 NP4 0HZ, United Kingdom	7.1.2019

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'.

Parties for which the suspension is lifted

TARIC additional code	Name	Address	Date of effect
C170	Hermann Hartje KG	Deichstrasse 120-122, DE-27318 Hoya, Germany	29.9.2016
C220	Matex International Aquitaine	Avenue Gay Lussac 6, FR-33370 Artigues-près-Bordeaux, France	9.6.2017

Article 5

The authorisation of the exemption of payment of the extended anti-dumping duty is hereby revoked for the party 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'.

Party for which the exemption is revoked

TARIC additional code	Name	Address	Date of effect
A246	COBRAN Srl	Via Della Zingarina 6, IT-47924 Rimini, Italy	17.10.2017

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, 19 June 2019.

For the Commission
Cecilia MALMSTRÖM
Member of the Commission
