Commission Implementing Regulation (EU) 2020/966 of 1 July 2020 terminating a 'new exporter' review of Implementing Regulation (EU) 2019/1379 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China for one Chinese exporting producer, imposing the duty with regard to that producer's imports and terminating the registration of these imports

COMMISSION IMPLEMENTING REGULATION (EU) 2020/966

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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)] ('the basic Regulation') and in particular Articles 11(4) and 14(5) thereof,

Whereas:

1. MEASURES IN FORCE

(1) By Regulation (EEC) No 2474/93[(2)] ('the original investigation'), the Council imposed a definitive anti-dumping duty of 30,6 % on imports of bicycles originating in the People's Republic of China ('the PRC'). Several trade defence investigations followed since then, amending the initial measures.

(2) By Regulation (EU) No 502/2013[(3)], the Council, following an interim review pursuant to Article 11(3) of the basic Regulation, amended the measures. In that investigation, sampling was not applied for exporting producers in the PRC and the countrywide anti-dumping duty of 48,5 %, based on the dumping margin, established by Council Regulation (EC) No 1095/2005[(4)], was maintained.

(3) The measures currently in force are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2019/1379[(5)].

2. CURRENT INVESTIGATION

(4) On 27 May 2019, the Commission received a request to initiate a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The request was lodged by Universal Cycle Corporation (Guangzhou) Co. Ltd. ('the applicant'), an exporting producer of bicycles in the PRC, whose exports to the Union are subject to a definitive anti-dumping duty of 48,5 %. The applicant claimed that it did not export bicycles to the Union during the investigation period on which the anti-dumping

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/966. (See end of Document for details)*

measures were based (1 January 2011 to 31 December 2011), that it began exporting the product under review to the Union as of September 2018, and that it was not related to any of the exporting producers of bicycles which are subject to the measures in force.

(5) The Commission considered that the prima facie evidence submitted by the applicant was sufficient to justify the initiation of a review pursuant to Article 11(4) of the basic Regulation. After the Union producers had been given an opportunity to comment, the Commission initiated, by Commission Implementing Regulation (EU) 2019/2149[(6)], a review of Implementing Regulation (EU) 2019/1379 with regard to the applicant.

(6) Pursuant to Article 2 of Implementing Regulation (EU) 2019/2149, the anti-dumping duty imposed by Implementing Regulation (EU) 2019/1379 was repealed with regard to the applicant. Simultaneously, pursuant to Articles 11(4) and 14(5) of the basic Regulation and as stated in Article 3 of Implementing Regulation (EU) 2019/2149, the Commission directed the customs authorities to register the applicant's imports.

(7) On 9 January 2020, the applicant formally withdrew its request for a 'new exporter' review. Consequently, the Commission considered that the review investigation should be terminated.

3. DISCLOSURE

(8) The Commission informed the interested parties of the intention to terminate the review investigation, to impose a definitive anti-dumping duty on imports from Universal Cycle Corporation (Guangzhou) Co. Ltd and to levy this duty retroactively on imports subject to registration under Implementing Regulation (EU) 2019/2149. Interested parties were given the opportunity to comment. No comments were received.

4. RETROACTIVE LEVYING OF ANTI-DUMPING DUTY

(9) In view of the findings outlined above, the Commission concluded that the review concerning imports of bicycles manufactured by the applicant and originating in the PRC should be terminated. Consequently, the registration of the applicant's imports should cease and the country-wide duty applicable to all other companies (48,5 %), imposed by Implementing Regulation (EU) 2019/1379, should be levied retroactively on these imports from the date of initiation of this review.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The 'new exporter' review initiated by Implementing Regulation (EU) 2019/2149 is hereby terminated.

Article 2

1 The anti-dumping duty applicable according to Article 1(2) of Commission Implementing Regulation (EU) 2019/1379 to all other companies (TARIC additional code