Commission Implementing Regulation (EU) 2019/2149 of 13 December 2019 initiating 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, repealing the duty with regard to imports from that exporting producer and making these imports subject to registration

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2149

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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,

After having informed the Member States,

Whereas:

1. REQUEST

(1) The Commission received a request for a 'new exporter' review under Article 11(4) of the basic Regulation.

(2) The request was lodged on 27 May 2019 by Universal Cycle Corporation (Gouangzhou) ('the applicant'), an exporting producer of bicycles in the People's Republic of China ('the PRC').

2. PRODUCT UNDER REVIEW

(3) The product under review is bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, currently falling under CN codes 8712 00 30 and ex 8712 00 70 (TARIC codes 8712007091, 8712007092 and 8712007099) and originating in the PRC.

3. EXISTING MEASURES

(4) 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 PRC. Several investigations followed since then, amending the initial measures.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2149. (See end of Document for details)*

(5) By Regulation (EU) No 502/2013[(3)], the Council, following an interim review pursuant to Article 11(3) of the Council Regulation (EC) No 1225/2009[(4)], 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[(5)], was maintained.

(6) The measures currently in force are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2019/1379[(6)], under which imports into the Union of the product under review produced by the applicant are subject to a definitive antidumping duty of 48,5 %.

4. GROUNDS FOR THE REVIEW

(7) The applicant provided sufficient evidence that it did not export the product under review to the Union during the investigation period on which the anti-dumping measures were based (1 January 2011 to 31 December 2011).

(8) The applicant provided sufficient evidence that it is not related to any of the exporting producers of the product under review which are subject to the anti-dumping duties in force.

(9) Finally, the applicant provided sufficient evidence that it has begun exporting the product under review to the Union after the end of the original investigation period, namely in September 2018.

5. PROCEDURE

5.1. Initiation

(10) The Commission examined the evidence available and concluded that there was sufficient evidence to justify the initiation of a 'new exporter' review pursuant to Article 11(4) of the basic Regulation, with a view to determining the applicant's individual margin of dumping. Should dumping be found, the Commission will determine the level of the duty to which the imports of the product under review produced by the applicant into the Union should be subject.

(11) In accordance with article 11(4), normal value for the applicant shall be determined following the methodology laid down in Article 2(1) to (6a) of the basic Regulation, as the latest expiry review of the measures was initiated after 20 December 2017.

(12) Union producers known to be concerned were informed of the request for a review on 30 September 2019 and were given an opportunity to comment until 11 October 2019.

5.2. Repeal of the existing measures and registration of imports

(13) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports into the Union of the product under review produced by the applicant. At the same time, such imports should be made

subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that anti-dumping duties can be levied from the date of the registration of these imports should the review result in a finding of dumping in respect of the applicant. Furthermore, the Commission notes that it is not possible, at this stage, to provide a reliable estimate of the amount of possible future liability, without prejudice to Article 9(4) of the basic Regulation.

5.3. **Review investigation period**

(14) The investigation will cover the period from 1 July 2018 to 30 June 2019 ('review investigation period').

5.4. **Investigating the applicant**

(15) In order to obtain information it deems necessary for its investigation, the Commission has made a questionnaire for the applicant available in the file for inspection by interested parties and on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/tdi/case_details.cfm?id=2428. The applicant must submit the completed questionnaire within the time limit specified in Article 4(2) of this Regulation.

5.5. **Other written submissions**

(16) Subject to the provisions of this Regulation, all interested parties are invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within the time-limit specified in Article 4(2) of this Regulation.

5.6. **Possibility to be heard by the Commission investigation services**

(17) All interested parties may request to be heard by the Commission investigation services within the time-limits specified in Article 4(3) of this Regulation. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initiation stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.7. **Instructions for making written submissions and sending completed questionnaires and correspondence**

(18) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2149. (See end of Document for details)*

(19) All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled '*Limited*'[7]. Interested parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

(20) Interested parties providing '*Limited*' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled '*For inspection by interested parties'*. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

(21) If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

(22) Interested parties are invited to make all submissions and requests via TRON.tdi (https://webgate.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets.

(23) In order to have access to TRON.tdi, interested parties need an EU Login account. Full instructions on how to register and use TRON.tdi are available on https://webgate.ec.europa.eu/tron/resources/documents/gettingStarted.pdf.

(24) By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf.

(25) The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission

Directorate-General for Trade