Commission Implementing Regulation (EU) 2017/777 of 4 May 2017 initiating a review of Council Implementing Regulation (EU) No 501/2013 (extending the definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not) for the purposes of determining the possibility of granting an exemption from those measures to one Tunisian exporting producer, repealing the anti-dumping duty with regard to imports from that exporting producer and making imports from that exporting producer subject to registration

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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 anti-dumping Regulation’), and in particular Articles 11(4), 13(4) and 14(5) thereof,

After informing the Member States,

Whereas:

1. REQUEST

(1) The European Commission (‘the Commission’) received a request for an exemption from the anti-dumping measures applicable to imports of bicycles originating in the People's Republic of China extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not, pursuant to Articles 11(4) and 13(4) of the basic anti-dumping Regulation.

(2) The request was lodged on 13 September 2016 by Look Design System SA (‘the applicant’), an exporting producer of bicycles in Tunisia (‘the country concerned’).

2. PRODUCT UNDER REVIEW

(3) The product under review is bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not, currently falling within CN codes ex 8712 00 30 and ex 8712 00 70 (TARIC code 8712 00 30 10 and 8712 00 70 91).

3. EXISTING MEASURES

(4) On 29 May 2013 the Council, by Regulation (EU) No 502/2013[(2)], amended Council Implementing Regulation (EU) No 990/2011[(3)] imposing a definitive anti-dumping duty on imports of bicycles originating in the PRC, following an interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009[(4)].

(5) On the same date, the Council, by Implementing Regulation (EU) No 501/2013[(5)] extended the measures to imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not.

(6) On 18 May 2015 the Commission, by Implementing Regulation (EU) 2015/776[(6)], extended the measures to imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not.

4. GROUNDS FOR THE REVIEW

(7) The applicant alleged that it is not related to any of the exporters or producers in the country concerned which are subject to the anti-dumping measures on the product under review.

(8) Also, the applicant alleged that it did not export the product under review to the Union during the investigation period used in the investigation that led to the extended measures, namely the period from 1 September 2011 to 31 August 2012.

(9) In addition, the applicant alleged that it has not circumvented the existing measures.

(10) Finally, the applicant provided evidence that it has exported the product under review to the Union in August 2016.

5. PROCEDURE

5.1. Initiation

(11) The Commission examined the evidence available and concluded that there was sufficient evidence to justify the initiation of an investigation pursuant to Articles 11(4) and 13(4) of the basic anti-dumping Regulation for the purposes of determining the possibility of granting the applicant an exemption from the extended measures.

The Union industry known to be concerned was informed of the request for a review and was given an opportunity to comment, but no comments were received.

5.2. **Repeal of the existing anti-dumping measures and registration of imports**

(12) Pursuant to Article 11(4) of the basic anti-dumping Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product under review which are produced and sold for export to the Union by the applicant.

(13) At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic anti-dumping Regulation in order to ensure that, should the review result in a finding of circumvention in respect of the applicant, anti-dumping duties can be levied from the date of the registration of these imports. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the investigation.

5.3. **Review investigation period**

(14) The investigation will cover the period from 1 April 2016 to 31 March 2017 (‘review investigation period’).

5.4. **Investigating the applicant**

(15) In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant. The applicant must submit the completed questionnaire within 37 days of the date of entry into force of this Regulation, unless otherwise specified, pursuant to Article 6(2) of the basic anti-dumping 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 37 days of the date of entry into force 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. 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 right of defence.

(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 should be labelled 'Limited'[(7)].

(20) Interested parties providing 'Limited' information are required to furnish non- confidential summaries of it pursuant to Article 19(2) of the basic anti-dumping Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

(21) Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which should be submitted on a CD-ROM or DVD by hand or by registered mail. By using 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. 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 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 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

Directorate H

Office: CHAR 04/039

1049 Bruxelles/Brussel

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