Commission Implementing Regulation (EU) 2015/831 of 28 May 2015 updating the list of parties exempted 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 following the screening initiated by Commission Notice 2014/C 299/08

COMMISSION IMPLEMENTING REGULATION (EU) 2015/831

of 28 May 2015

updating the list of parties exempted 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 following the screening initiated by Commission Notice 2014/C 299/08

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community[(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 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[(3)], and in particular Articles 7, 10 and 16 thereof,

After informing the Member States,

Whereas:

(1) An anti-dumping duty currently applies on imports into the European Union of essential bicycle parts originating in the People's Republic of China (‘the extended duty’) as a result of the extension by Regulation (EC) No 71/97 (‘the extending Regulation’) of the anti-dumping duty on imports of bicycles originating in the People's Republic of China.

(2) Under Article 3 of the extending Regulation, the European Commission (‘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. Those implementing measures are contained in Regulation (EC) No 88/97 (‘the exemption Regulation’) establishing the specific exemption system (‘the exemption system’).

(3) On this basis the Commission has exempted a number of bicycle assemblers from the extended duty ('the exempted parties'). The most recent Commission Implementing Decision concerning exemptions under the exemption Regulation was adopted on 16 April 2014[(4)]. As provided for in Article 16(2) of the exemption Regulation, the Commission has published in the *Official Journal of the European Union* successive lists of the exempted parties[(5)].

(4) As provided in recital (44) of the extending Regulation, the Commission has to keep the exemption system constantly under review so that it can be adapted where necessary to take account of experience gained with the operation of that system.

(5) It has come to the attention of the Commission that a number of exempted parties have ceased to exist or have changed their activity or their company details (such as the company name, the legal form or registered office address).

(6) In order to ensure the sound management of the exemption system, on 5 September 2014 the Commission published in the *Official Journal of the European Union* the Commission Notice 2014/C 299/08[(6)] listing all exempted parties and initiating their screening ('the screening Notice').

(7) The objective of the screening was to:

(a) bring the references to exempted parties in the TARIC database in line with their company details as recorded in the business registries;

(b) identify the exemptions that are No longer justified (e.g. in cases where an exempted party ceased to exist, requests the revocation of its exemption or does not cooperate); and

(c) collect basic information about the exempted parties, such as their contact details and relevant information about their assembly operations.

(8) The screening Notice was also notified to all exempted parties at their last known address and to the Member States. All exempted parties were requested to respond to the screening questionnaire by 20 October 2014 at the latest.

(9) The information collected through the screening is essential for the sound management of the exemption system. Hence, the attention of the exempted parties was drawn to the fact that failure to respond completely and correctly to that questionnaire on time will be considered as a lack of cooperation for the purpose of Article 10 of the exemption Regulation.

(10) For the exempted parties who did not respond to the screening questionnaire within the initial deadline the Commission has further extended the deadline to respond to the screening questionnaire to 21 November 2014. Those parties have been individually notified about that and about the consequences of non-cooperation. The Commission has also consulted the Member States in order to determine their status.

(11) Based on responses received from the exempted parties, from the Member States and from industry associations, the Commission determined the exempted parties whose exemption should be maintained and parties whose exemption should be revoked. The

exempted parties were granted the opportunity to be heard and to comment on the findings of the screening. In the case of revocation based on the non-existence of a party, that fact has been confirmed by the relevant Member State.

Exempted parties whose exemptions is maintained

(12) The exempted parties whose exemptions comply with the conditions of the exemption Regulation and should therefore be maintained are listed in Annex I.

(13) For some of these exempted parties the references (name, address, country and TARIC additional code) should be updated due to the changes established during the screening. The Commission, after having examined the information submitted, concluded that those changes in No way affect the assembly operations with regard to the conditions of exemption set forth in the exemption Regulation.

(14) For the sound management of the exemption system, TARIC additional codes covering multiple exempted parties shall be replaced by new individual codes.

(15) Since the exemptions will apply only to the parties specifically referred to in Annex I with their names and addresses, it is necessary that exempted parties notify the Commission[7] forthwith of any changes to these (for instance, following a change in the name, legal form or registered address or following the setting up of new assembly entities). In such case, it is necessary that the party provides all relevant information, in particular regarding any modification in its activities related to their assembly operations. Where appropriate, the Commission will update the references to this party.

Exempted parties whose exemptions is revoked

(16) The exemption of the exempted parties who requested the revocation of their exemption, failed to reply to the questionnaire by 21 November 2014 or ceased to exist should be revoked. In order to ensure the sound management of the exemption scheme, the revocation should be effective from that date.

(17) The exempted parties whose exemption is revoked are listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

1 Annex II of Regulation (EC) No 88/97 is replaced by Annex I to this Regulation. The exemptions authorised under that Annex shall apply only to the parties specifically referred to in it with their names and addresses. Each exempted party shall notify the Commission forthwith of any change to these, 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.

2 Article 12 of Regulation (EC) No 88/97 is replaced by the following:

Article 12

Exempted parties

The parties listed in Annex II are hereby exempted from the extended duty with effect form 20 April 1996, or the day on which the exemption was granted by Commission decision, whichever is later.

Article 2

The exemptions under Regulation (EC) No 88/97 of the parties set out in Annex II to this Regulation are hereby revoked with effect from 21 November 2014.

Article 3

This Regulation shall enter into force on the thirtieth day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 May 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Updated list of exempted parties

Old references			**Updated references**		
Name	**Address**	**TARIC additional code**	**Updated Name**	**Updated Address**	**Updated TARIC additional code**[a]
4Ever s.r.o.	Moravská 842, CZ-74213 Studénka, Czech Republic	A558	4Ever s.r.o.	Moravská 842, Butovice, CZ-742 13 Studénka, Czech Republic	A558
Accell Hunland Kft.	Parkoló tér 1, HU-5091 Tószeg, Hungary	A534	Accell Hunland Kft.	Parkoló tér 1, HU-5091 Tószeg, Hungary	A534
All Bikes	IT-12020 Villar S. Costanzo (CN), Italy	8748	All Bike' s S.r.l.	Via Caduti sul don 15, IT-12020 Villar S. Costanzo (CN), Italy	8748
Alliance Bikes Sp. z o.o.	ul. Tadeusza Borowskiego 2, PL-03-475 Warszawa, Poland	A549	Alliance Bikes Sp. z o.o.	ul. Tadeusza Borowskiego 2, PL-03-475 Warszawa, Poland	A549
Alpina di Montevecchi Manolo & C. SAS	Via Archimede 485 Zona Artigianale di Case Castagnoli, IT-47023 Cesena, Italy	8075	Alpina di Montevecchi Manolo & C. S.A.S.	Via Archimede 485, IT-47521 Cesena (FO), Italy	8075
Alubike-Bicicletas S.A.	Zona Industrial de Oia Lote C10,	A730	Alubike-Bicicletas S.A.	Zona Industrial de Oiã	A730

a The following exempted parties originally covered by TARIC additional code 8963 are attributed to the new unique codes: Accell Nederland B.V. (C004), Cycles France Loire (C005), Cycleurope Industries (C007), Cycleurope Sverige AB (C008), Derby Cycle Werke GmbH (C009), Engelbert Meyer GmbH (C010), Manufacture Française Du Cycle (C014), Panther International GmbH (C017), Promiles (C018), Prophete GmbH (C019), TNT Cycles (C020). The following exempted party originally covered by TARIC additional code 8065 is attributed to the following code: Esmaltina (C011). The following exempted parties originally covered by TARIC additional code 8067 are assigned to the following codes: CYCLES LAPIERRE (C006), F.lli Masciaghi S.p.a. (C012), MBM S.r.l. (C015). The following exempted parties originally covered by TARIC additional code 8068 are assigned to the following codes: Montana S.r.l. (C016), KTM Fahrrad GmbH (C013).