Commission Implementing Decision (EU) 2020/676 of 18 May 2020 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(2020) 3137)

COMMISSION IMPLEMENTING DECISION (EU) 2020/676

of 18 May 2020

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(2020) 3137)

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 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 4 to 7 thereof,

Having regard to Commission Implementing Regulation (EU) 2019/1379 of 28 August 2019 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China as extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka, Tunisia, Cambodia, Pakistan and the Philippines, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036[(4)],

After informing the Member States,

Whereas:

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/676. (See end of Document for details)*

(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 out 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.

(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].

(6) The most recent Commission Implementing Decision (EU) 2020/588[6] concerning exemptions under Regulation (EC) No 88/97 was adopted on 22 April 2020.

(7) For the purposes of this Decision, the definitions set out in Article 1 of Regulation (EC) No 88/97 apply.

(8) On 19 December 2016, the Commission received from the Dutch company VanMoof B.V. ('VanMoof') a request for exemption with the information required to determine whether this request was admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.

(9) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of the request, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by VanMoof was suspended as from the day on which the Commission received its request for exemption.

(10) The TARIC additional code C202 was assigned to VanMoof in order to identify the imports of essential bicycle parts declared for free circulation and subject to the suspension of the payment of the extended duty.

(11) Subsequently, VanMoof informed the Commission that in order to demonstrate compliance with the requirements set out in Article 6 of Regulation (EC) No 88/97, its recording system was adapted and improved and therefore requested to change the date of the exemption request from 19 December 2016 to 1 January 2018.

(12) Therefore, the suspension of payment of the extended duty should be lifted for the period prior to 1 January 2018. The extended duty should be collected as from the date of receipt of the request for exemption submitted by VanMoof, namely the date on which the suspension took effect that is 19 December 2016 until 31 December 2017. Accordingly, pending a decision on the merits of the exemption request, the new date on which the suspension of the extended duty took effect was changed to 1 January 2018.

(13) The Commission has concluded its examination of the merits of VanMoof's exemption request.

(14) The Commission established during its examination that the value of the parts originating in the PRC constituted less than 60 % of the total value of the parts of all

the bicycles assembled by VanMoof. This was also the case for the majority of the assembled bicycles by VanMoof.

(15) Consequently, the Commission concluded that the assembly operations of VanMoof fall outside the scope of Article 13(2) of Regulation (EU) 2016/1036. For that reason and in accordance with Article 7(1) of Regulation (EC) No 88/97, VanMoof fulfils the conditions for exemption from the extended duty.

(16) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemptions should take effect as from the date on which the suspension of the extended duty took effect, that is 1 January 2018. The customs debts in respect of the extended duty from the parties requesting exemption should therefore be considered void from the same date.

(17) The Commission informed VanMoof its conclusions on the merits of its exemption request and gave VanMoof an opportunity to comment. No comments were received.

(18) Since the exemption applies only to the party specifically referred to in the table below, the exempted party should notify the Commission[7] without delay of any changes to it (for instance, a change in the name, legal form or address or the setting up of new assembly entity or the production processes). In such cases, VanMoof 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 accordingly,

TARIC additional code	Name	Address
C202	VanMoof B.V.	Mauritskade 55, NL-1092 AD Amsterdam, The Netherlands

HAS ADOPTED THIS DECISION:

Article 1

The party listed in the Table in this Article is 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[8] 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 exemption shall take effect as from the date provided for in the Table column headed 'Date of effect'.

The exemption shall apply only to the party specifically referred to in the Table in this Article.

The exempted party shall notify the Commission without delay of any change to its name and address, providing all relevant information, in particular on any modification to its activities linked to assembly operations with regard to the conditions of exemption.

Exempted party

TARIC additional code	Name	Address	Date of effect