Commission Implementing Decision (EU) 2020/588 of 22 April 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) 2382)

COMMISSION IMPLEMENTING DECISION (EU) 2020/588

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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) 2382)

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 Implementing Regulation (EU) 2020/45 of 20 January 2020 amending Implementing Regulation (EU) 2019/1379 as regards the extension of the anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China to imports of certain bicycle parts originating in the People's Republic of China by Council Regulation (EC) No 71/97[(3)],

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[(4)], and in particular Articles 4 to 7 thereof,

After informing the Member States,

Whereas:

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/588. (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 forth 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 ('the exempted parties').

(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) 2019/1087[(6)] concerning exemptions under Regulation (EC) No 88/97 was adopted on 19 June 2019.

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

1. REQUESTS FOR EXEMPTION

(8) Between 19 December 2016 and 17 October 2019, the Commission received from the parties listed in Tables 1 and 3 requests for exemption with the information required to determine whether these requests were admissible in accordance with Article 4(1) of Regulation (EC) No 88/97.

(9) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests.

(10) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of requests from the parties requesting exemption, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by these parties listed in Tables 1 and 3 below was suspended as from the day on which the Commission received their respective requests.

2. AUTHORISATION Of EXEMPTION

(11) The examination of the merits of the requests from the parties listed in Table 1 has been concluded.

TABLE 1

TARIC additional code	Name	Address
C307	Merida Polska Sp. Z o.o.	ul. Marii Skłodowskiej-Curie 35, PL-41-800 Zabrze, Poland
C311	Juan Luna Cabrera	Calle Alhama 64, ES-14900 Lucena (Cordoba), Spain

(12) The Commission established during its examination that the value of the parts originating in China constituted less than 60 % of the total value of the parts of all the bicycles assembled by both parties. This was also the case for the majority of the assembled bicycles by both parties.

(13) Consequently, the Commission concluded that the respective assembly operations of Merida Polska Sp. Z o.o. and of Juan Luna Cabrera fall outside the scope of Article 13(2) of Regulation (EU) 2016/1036.

(14) For that reason, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Table 1 fulfil the conditions for exemption from the extended duty.

(15) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemptions should take effect as from the date of receipt of the requests. The customs debts in respect of the extended duty from the parties requesting exemption should therefore be considered void from the same date.

(16) The parties were informed of the Commission's conclusions on the merits of their requests and were given an opportunity to comment thereon.

(17) Since the exemptions apply only to the parties specifically referred to in Table 1, the exempted parties should notify the Commission[7] without delay of any changes to these (for instance, following a change in the name, legal form or address or following the setting up of new assembly entities).

(18) In case of change in reference, the exempted parties 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.

3. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

(19) The exempted or suspended parties listed in Table 2 notified the Commission, between 2 May 2019 and 20 February 2020, of changes in their references (names, legal forms and addresses). The Commission, after having examined the information submitted, concluded that those changes do not affect the assembly operations with regard to the conditions of exemption or suspension set forth in Regulation (EC) No 88/97.

(20) While the exemption or the suspension of these parties from the extended duty authorised in accordance with Article 7(1) of Regulation (EC) No 88/97 remains unaffected, the references to these parties should be updated.

TABLE 2

TARIC additional code	Former reference	Change

A163	Speedcross di Torretta Luigi & C. s.n.c. Corso Italia 20, IT-20020 Vanzaghello (MI), Italy	The name and legal form of the company have been changed to: Speedcross s.r.l.
A557	Jozef Kender-Kenzel Piesková 437/9A, 946 52 Imel, Slovakia	The name, legal form and address of the company have been changed to: KENZEL s.r.o. Novozámocká 182, 94701 Hurbanovo, Slovakia
8612	Tecno Bike S.r.l. Via del Lavoro 22, IT-61030 Canavaccio, Urbino (PS), Italy	The address of the company has been changed to: Via del Lavoro 22, IT-61029 Canavaccio di Urbino (PU), Italy
8979	W.S.B. Hi-Tech Bicycle Europe B.V. De Hemmen 91, NL-9206AG Drachten, The Netherlands	The address of the company has been changed to: De Roef 15, NL-9206AK Drachten, The Netherlands

4. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION

(21) The examination of the merits of the requests from the parties listed in Table 3 is ongoing. Pending a decision on the merits of their requests, the payment of the extended duty by these parties is suspended.

(22) Since the suspensions apply only to the parties specifically referred to in Table 3, these parties should notify the Commission[8] without delay of any changes to these (for instance following a change in the name, legal form or address or following the setting up of new assembly entities).

(23) In case of change in reference, the party 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 to such party.

TABLE 3

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

C207	Kenstone Metal Company GmbH	Am Maikamp 8-12, DE-32107 Bad Salzuflen, Germany
C481	FJ Bikes Europe Unipessoal, Lda	Praça do Município 8, Sala 1D, PT-3750 111 Águeda, Portugal
C492	MOTOKIT Veiculos e Accesórios S.A.	Rua Padre Vicente Maria da Rocha 448, 1° Esq., PT-3840-453 Vagos, Portugal
C499	Frog Bikes Manufacturing Ltd	Unit A, Mamhilad Park Estate, GB-Pontypool, Torfaen, NP4 0HZ, United Kingdom
C527	FIRMA ADAM Adam Ziętek	Muchy 56 PL-63-524 Czajków, Poland
C529	Rowerland Piotr Tokarz	ul. Klubowa 23, PL-32-600 Broszkowice, Poland

5. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION LIFTED

(24) The suspension of payment of the duties for the parties under examination should be lifted for the party listed in Table 4.

TABLE 4

TARIC additional code	Name	Address
C489	P.P.H. ARTPOL Artur Kopeć	ul. Aniołowska 14, PL-42-202 Częstochowa, Poland

(25) On 3 July 2019 the Commission received from that party a request to withdraw the application for an exemption while the examination of its merits was ongoing and the payment of the extended duty was suspended.

(26) The Commission accepted the withdrawal and consequently the suspension of the payment of the extended duty should be lifted. The extended duty should be