Commission Implementing Decision (EU) 2019/1087 of 19 June 2019 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(2019) 4455)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1087

of 19 June 2019

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(2019) 4455)

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 Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009[(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 on imports of bicycles originating in China by Regulation (EC) No 71/97.

(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) 2018/477[(6)] concerning exemptions under Regulation (EC) No 88/97 was adopted on 15 March 2018.

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

1. REQUESTS FOR EXEMPTION

(8) Between 27 April 2015 and 7 January 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
C049	CycleSport North Ltd	363 Leach Place, Walton Summit Centre, GB-Preston PR5 8AS, United Kingdom
C209	Gor Kolesa, proizvodnja koles, d.o.o.	Primorska cesta 6b, SI-3325 Šoštanj, Slovenia

(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 CycleSport North Ltd and that the value added to the parts brought in during the assembly operations of Gor Kolesa, proizvodnja koles, d.o.o. was greater than 25 % of the manufacturing costs.

(13) Consequently, the Commission concluded that the respective assembly operations of CycleSport North Ltd and of Gor Kolesa, proizvodnja koles, d.o.o 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 above 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 above, 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 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.

3. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

(19) The exempted or suspended parties listed in Table 2 below notified the Commission, between 17 May 2018 and 6 March 2019, on 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

8605	Cicli Elios di Ragona Roberto & C. S.n.c. Via G. Ferraris 1050, IT-45021 Badia Polesine (RO), Italy	The name, legal form and address of the company have been changed to: Cicli Elios Srl Via G. Ferraris 996/1030, IT-45021 Badia Polesine (RO), Italy
8749	Bikkel Bikes BV Magnesiumstraat 37, NL-6031RV Nederweert, The Netherlands	The name and address of the company have been changed to: Bikkel Bikes Group BV Magnesiumstraat 45, NL-6031RV Nederweert, The Netherlands
A168	CHERRI di Cherri Franco & C. s.a.s, Via Cagliari 39, IT-09016 Iglesias (CA), Italy	The name, legal form and address of the company have been changed to: EGC srl Via Fontana 18, IT-45021 Milano, Italy
A726	Avantisbike - Fábrico de bicicletas Lda Zona Industrial de Oiã - Lote C-21, PT-3770-068 Oiã, Portugal	The name, legal form and address of the company have been changed to: Unibike OEM Factory S.A. Zona Industrial de Oiã - Lote C-21, PT-3770-059 Oiã, Portugal
A966	Skilledbike Sp. z o.o. Olszanka 109, PL-33-386 Podegrodzie, Poland	The address of the company has been changed to: Brzezna 420, PL-33-386 Podegrodzie, Poland
A984	Blue Factory Team S.L. Calle Torres y Villaroel 6, Elche Parque Empresial, ES-03320 Elche, Alicante, Spain	The address of the company has been changed to: C/Juan de la Cierva 62, Elche Parque Empresarial, ES-03203 Elche, Alicante, Spain

C021	Kuisle & Kuisle GmbH Füssener Strasse 22a, DE-87675 Stötten, Germany	The address of the company has been changed to: Gewerbestrasse 14, DE-87675 Stötten, Germany
C207	Kenstone Metal Company GmbH Heideland 1-7, DE-24976 Handewitt-Weding, Germany	The address of the company has been changed to: Am Maikamp 8-12, DE-32107 Bad Salzuflen, Germany
C209	Gor Kolesa, proizvodnja koles, d.o.o. Partizanska cesta 12, SI-3320 Velenje, Slovenia	The address of the company has been changed to: Primorska cesta 6b, SI-3325 Šoštanj, Slovenia

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 below 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 below, 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
C307	Merida Polska Sp. Z o.o.	ul. Marii Skłodowskiej-Curie 35,