DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/1461

of 26 August 2022

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(2022) 6011)

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 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.

(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.

([1]) OJ L 176, 30.6.2016, p. 21.
([2]) OJ L 16, 18.1.1997, p. 55.
([3]) OJ L 16, 21.1.2020, p. 7.
([4]) OJ L 17, 21.1.1997, p. 17.

(3) Those implementing measures are set forth in Regulation (EC) No 88/97 ('the exemption Regulation') 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 the exemption Regulation, 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) 2022/505 ([6]) concerning exemptions under the exemption Regulation was adopted on 23 March 2022.

(7) For the purposes of this Decision, the definitions set out in Article 1 of the exemption Regulation apply.

1. REQUESTS FOR EXEMPTION

(8) Between 15 July 2020 and 30 March 2022, the Commission received from the parties listed in Tables 1 and 2 requests for exemption with the information required to determine whether these requests were admissible in accordance with Article 4 of the exemption Regulation.

(9) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests. Their comments have been addressed in recitals (22) to (27).

(10) In accordance with Article 5(1) of the exemption Regulation, 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 2 below was suspended as from the day on which the Commission received their respective duly substantiated requests pursuant to Article 4(1) and (2) of the exemption Regulation.

2. AUTHORISATION OF EXEMPTION

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

Table 1

TARIC additional code	Name	Address
C492	MOTOKIT Veiculos e Acessórios Lda	Rua Alto do Vale do Grou 36, 3750-870 Borralha/ Águeda, Portugal
C559	Northtec Sp. z o.o.	ul. Dworcowa 15a, 43-502 Czechowice-Dziedzice, Poland
C560	Giant Gyártó Hungary Kft.	Jedlik Ányos utca 1, 3200 Gyöngyös, Hungary

([5]) OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 220, 19.7.1997, p. 6, OJ L 193, 22.7.1997, p. 32, OJ L 334, 5.12.1997, p. 37, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002, p. 2, OJ C 35, 14.2.2003, p. 3, OJ C 43, 22.2.2003, p. 5, OJ C 54, 2.3.2004, p. 2, OJ L 343, 19.11.2004, p. 23, OJ C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16, OJ L 313, 14.11.2006, p. 5, OJ L 81, 20.3.2008, p. 73, OJ C 310, 5.12.2008, p. 19, OJ L 19, 23.1.2009, p. 62, OJ L 314, 1.12.2009, p. 106, OJ L 136, 24.5.2011, p. 99, OJ L 343, 23.12.2011, p. 86, OJ L 119, 23.4.2014, p. 67, OJ L 132, 29.5.2015, p. 32, OJ L 331, 17.12.2015, p. 30, OJ L 47, 24.2.2017, p. 13, OJ L 79, 22.3.2018, p. 31, OJ L 171, 26.6.2019, p. 117, OJ L 138, 30.4.2020, p. 8, OJ L 158, 20.5.2020, p. 7, OJ L 325, 7.10.2020, p. 74, OJ L 140, 23.4.2021, p. 1, OJ L 83, 10.3.2022, p. 39, OJ L 102, 30.3.2022, p. 16.

([6]) Commission Implementing Decision (EU) 2022/505 of 23 March 2022 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 (OJ L 102, 30.3.2022, p. 16.)

(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 the parties listed in Table 1.

(13) Consequently, the Commission concluded that the assembly operations of the parties listed in Table 1 respectively 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 the exemption Regulation, the parties listed in Table 1 fulfilled the conditions for exemption from the extended duty.

(15) In accordance with Article 7(2) of the exemption Regulation, the exemption should take effect as from the date of receipt of the duly substantiated request pursuant to Article 4(1) and (2) of the exemption Regulation. 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 interested parties were informed of the Commission's conclusions on the merits of their requests respectively and were given an opportunity to comment thereon.

(17) Since the exemption applies only to the parties specifically referred to in Table 1, the exempted parties should notify the Commission ([7]) without delay of any changes to this exemption (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 party should provide relevant information, including on any modification in its activity linked to assembly operations. Where appropriate, the Commission will update the references accordingly.

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

(19) The examination of the merits of the requests from the parties listed in Table 2 is ongoing. Pending a decision on the merits of their requests, the payment of the extended duty by these parties is suspended.

(20) Since the suspensions apply only to the parties specifically referred to in Table 2, 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).

(21) In case of change in reference, the party concerned should provide all relevant information, including on any modification in its activities linked to assembly operations. Where appropriate, the Commission will update the references to such party.

Table 2

TARIC additional code	Name	Address
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt, Germany
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland

(22) Decathlon Sp. z o.o. Poland ('Decathlon') listed in Table 2 commented by requesting the Commission to reconsider the date of effect of the suspension of payments of the duties for parties under examination.

([7]) The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu
([8]) The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu

(23) Decathlon claimed that the request for exemption was lodged on 1 December 2021 together with the necessary documents and information in order for the Commission to determine its admissibility and therefore, the suspension of payments of the duties should take effect as from that date.

(24) In this regard, Article 4(3) of the exemption Regulation states that the admissibility of requests of exemption is determined when it is duly substantiated pursuant to Article 4(1) and (2) of the same Regulation.

(25) The request of exemption lodged by Decathlon on 1 December 2021 was not duly substantiated to determine its admissibility. The Commission informed Decathlon accordingly and requested additional information as well as missing documentation pursuant to Article 4(2) of the exemption Regulation.

(26) Decathlon provided the missing documentation and information on 31 January 2022 and 21 March 2022. Therefore, the request for exemption lodged by Decathlon was considered duly substantiated only as of 21 March 2022 and accordingly this is the date of effect of the suspension of payment of the extended duties.

(27) For the above, the date of 21 March 2022, as previously disclosed, is confirmed and the request of Decathlon dismissed.

4. UPDATE OF REFERENCES TO EXEMPTED PARTIES

(28) Between 16 November 2021 and 24 May 2022, the exempted parties listed in Table 3 notified the Commission of changes in their 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 the exemption Regulation.

(29) While the exemption of these parties from the extended duty authorised in accordance with Articles 5(1) or 7(1) of the exemption Regulation remains unaffected, the references to these parties should be updated.

Table 3

TARIC additional code	Former reference	Change
A984	Blue Factory Team S.L. Calle Juan de la Cierva 62, Elche-Alicante, Spain	The address of this exempted party has been changed to: Calle Nicolás Copérnico 4, Elche Parque Empresarial, 03203 Elche-Alicante, Spain
A605	Bohemia Bike a.s. Na Pankráci 1724/129 Nusle, 140 00 Praha 4, Czech Republic	The address of this exempted party has been changed to: Pujmanové 1753/10a Nusle, 140 00 Praha 4, Czech Republic
B940	Solo International Oy Pyynitie 1B, 02230 Espoo, Finland	The address of this exempted party has been changed to: Komeetankatu 1, 02210 Espoo, Finland
A730	Alubike – Bicicletas S.A. Zona Industrial de Oiã Lote C10, Oiã, 3770 068 Oliveira do Bairro, Portugal	The address of this exempted party has been changed to: Zona Industrial de Aveiro Sul, lote 11, Mamodeiro, Aveiro Concelho, Freguesia, 3810 783 Aveiro, Portugal

5. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION LIFTED (WITHDRAWAL OF REQUESTS FOR EXEMPTION)

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

Table 4

TARIC additional code	Name	Address
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
C609	Nextbike GmbH	Erich Zeigner Allee 69-73 04229 Leipzig, Germany

(31) On 27 July 2020 and on 25 November 2020 the Commission received from the parties listed in Table 4 a request for exemption with the information required to determine whether the respective requests were admissible in accordance with Article 4(1) of the exemption Regulation.

(32) In accordance with Article 5(1) of Regulation (EC) No 88/97, pending a decision on the merits of the requests, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by the parties listed in Table 4 was suspended as from the day on which the Commission received their requests for exemption respectively.

(33) TARIC additional codes C557 and C609 were assigned to Berria Bike S.L. Spain ('Berria Bike') and Nextbike GmbH, Germany ('Nextbike') respectively, 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.

(34) On 25 March 2022 the Commission received from Berria Bike 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.

(35) The Commission accepted the withdrawal and consequently the suspension of the payment of the extended duty should be lifted. The extended duty should be collected as from the date of receipt of the request for exemption submitted by Berria Bike, namely the date on which the suspension took effect, that is 27 July 2020.

(36) On 30 March 2022 the Commission received from Berria Bike a new request for exemption with the information required to determine whether this request was admissible in accordance with Article 4(1) of the exemption Regulation.

(37) In accordance with Article 5(1) of the exemption Regulation, pending a decision on the merits of the new request, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by Berria Bike was suspended as from the day on which the Commission received its new duly substantiated request for exemption pursuant to Article 4(1) and (2) of Regulation (EC) No 88/97, that is 30 March 2022.

(38) Accordingly, pending a decision on the merits of the latest exemption request, the new date on which the suspension of the extended duty took effect should be changed to 30 March 2022.

(39) On 5 May 2022 the Commission received from Nextbike 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.

(40) The Commission accepted the withdrawal and consequently the suspension of the payment of the extended duty should be lifted. The extended duty should be collected as from the date of receipt of the request for exemption submitted by Nextbike, namely the date on which the suspension took effect, that is 25 November 2020.

(41) The parties listed in Table 4 were informed of the Commission's conclusions and were given an opportunity to comment thereon. No comments were received,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed in the Table in this Article are hereby exempted from the extension by Council 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 ([9]) 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 of receipt of the parties' request. This date is provided for in the Table column headed 'Date of effect'.

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

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

Exempted party

TARIC additional code	Name	Address	Date of effect
C492	MOTOKIT Veiculos e Acessórios Lda	Rua Alto do Vale do Grou 36, 3750-870 Borralha/Águeda, Portugal	25.9.2020
C559	Northtec Sp. z o.o.	ul. Dworcowa 15a, 43-502 Czechowice-Dziedzice, Poland	27.7.2020
C560	Giant Gyártó Hungary Kft.	Jedlik Ányos utca 1, 3200 Gyöngyös, Hungary	15.7.2020

Article 2

The parties listed in the Table in this Article are under examination in accordance with Article 6 of Regulation (EC) No 88/97.

The suspensions of payment of the extended anti-dumping duty in accordance with Article 5 of Regulation (EC) No 88/97 shall be effective as from the dates of receipt of the parties' respective supension requests. Those dates are provided for in the Table column headed 'Date of effect'.

Those suspensions of payments shall apply only to the parties under examination specifically referred to in the Table in this Article.

The parties under examination shall notify the Commission without delay of any changes in their assembly operations linked to the conditions of suspension and provide the Commission with all relevant information as evidence. These changes include but are not limited to, any changes of the parties' names, activities, legal forms, addresses.

([9]) Council Regulation (EEC) No 2474/93 of 8 September 1993 imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty (OJ L 228, 9.9.1993, p. 1).

Parties under examination

TARIC additional code	Name	Address	Date of effect
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo – Spain	30.3.2022
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt, Germany	1.7.2021
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic	20.2.2022
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland	21.3.2022

Article 3

Updated references to the exempted or suspended parties listed in the Table in this Article are provided for in the column headed 'New reference'. Those updates shall take effect as from the dates provided for in the Table column headed 'Date of effect'.

The corresponding TARIC additional codes previously attributed to those exempted or suspended parties as provided for in the Table column headed 'TARIC additional code' remain unchanged.

Exempted/suspended parties for which the reference shall be updated

TARIC additional code	Former reference	New reference	Date of effect
A984	Blue Factory Team S.L. Calle Juan de la Cierva 62, Elche-Alicante, Spain	Blue Factory Team S.L. Calle Nicolás Copérnico 4, Elche Parque Empresarial, 03203 Elche-Alicante, Spain	10.8.2021
A605	Bohemia Bike a.s. Na Pankráci 1724/129 Nusle, 140 00 Praha 4, Czech Republic	Bohemia Bike a.s. Pujmanové 1753/10a Nusle, 140 00 Praha 4, Czech Republic	11.4.2022
B940	Solo International Oy Pyynitie 1B, 02230 Espoo, Finland	Solo International Oy Komeetankatu 1, 02210 Espoo, Finland	28.4.2022
A730	Alubike – Bicicletas S.A. Zona Industrial de Oiã Lote C10, Oiã, 3770 068 Oliveira do Bairro, Portugal	Alubike – Bicicletas S.A. Zona Industrial de Aveiro Sul, lote 11, Mamodeiro, Aveiro Concelho, Freguesia, 3810 783 Aveiro, Portugal	11.6.2022

Article 4

The suspension of the payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted during the period 27 July 2020 to 29 March 2022 for the party listed in the Table in this Article under TARIC additional code C557.

The extended duty shall be collected as from 27 July 2020 to 29 March 2022.

The suspension of the payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the party listed in the Table in this Article under TARIC additional code C609 and the extended duty shall be collected.

Parties for which the suspension is lifted

TARIC additional code	Name	Address
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
C609	Nextbike GmbH	Erich-Zeigner-Allee 69-73 04229 Leipzig, Germany

Article 5

This Decision is addressed to the Member States and to the parties listed in Articles 1 to 4 and published in the *Official Journal of the European Union*.

Done at Brussels, 26 August 2022.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President