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COMMISSION IMPLEMENTING REGULATION (EU) 2024/2384

of 9 September 2024

initiating a review of an exempted party pursuant to Regulation (EC) No 88/97 and making the imports of the exempted party subject to registration

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]) ('the basic Regulation'), and in particular Articles 13(4) and 14(5) 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]) ('the exemption Regulation'), and in particular Article 9 thereof,

After having informed the Member States,

Whereas:

1. EX-OFFICIO INITIATION

(1) The European Commission ('the Commission') has decided, on its own initiative, pursuant to Article 9 of the exemption Regulation, to review whether the Finnish company Solo International Oy ('the party under review'), currently benefitting from an exemption authorisation of the anti-dumping duties on its imports of certain bicycle parts originating in the People's Republic of China, has been complying with its obligations under Article 8 of the exemption Regulation or has been engaging in customs misdeclarations, and to make their imports (TARIC additional code B940) subject to registration pursuant to Article 14(5) of the basic Regulation.

2. PRODUCT UNDER REVIEW

(2) The product under review is essential bicycle parts as defined in Regulation (EC) No 71/97, declared for free circulation by, or on behalf of, Solo International Oy (TARIC additional code B940).

3. EXISTING MEASURES

(3) The measures currently in force are definitive anti-dumping duties imposed by Regulation (EC) No 71/97 and extended by Implementing Regulation (EU) 2020/45.

([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.

(4) In accordance with Commission Implementing Decision (EU) 2015/2362 ([5]), as amended by Commission Implementing Decision (EU) 2022/1461 ([6]), imports declared for free circulation by, or on behalf of, Solo International Oy with TARIC additional code B940 are exempt from payment of the anti-dumping duty.

4. GROUNDS FOR THE REVIEW

(5) The Commission has at its disposal information that the party under review may have infringed its obligations as an exempted party. There are indications that the essential bicycle parts imported by the party under review may not have been used in its assembly operations or assembly of other products, destroyed, re-exported, or resold to another exempted party, and that those imports may have been misclassified for customs purposes.

5. PROCEDURE

5.1. Initiation

(6) In light of the above, the Commission initiates a review pursuant to Article 9 of the exemption Regulation, with a view to determining whether the exemption granted to Solo International Oy should be revoked, and to make imports of the product under review subject to registration in accordance with Article 14(5) of the basic Regulation.

5.2. Registration of imports

(7) Pursuant to Article 9(3) of the exemption Regulation, as of the date of the initiation of the review, imports from the party under review shall be registered pursuant to Article 14(5) of the basic Regulation, to ensure that, should the review result in a revocation of the exemption, anti-dumping duties of 48,5 % imposed by Implementing Regulation (EU) 2020/45 would apply against those imports from the date of such registration. This is without prejudice to other customs liability that may arise from the findings of this investigation.

5.3. Review investigation period

(8) The investigation will cover the period from 1 January 2020 to 30 June 2024 ('review investigation period').

5.4. Investigating the company

(9) In order to obtain information it deems necessary for its investigation, the Commission will send a a questionnaire to the party under review. The questionnaire reply has to be submitted within the time-limit indicated in Article 3(2) of this Regulation.

(10) In order to obtain information it deems necessary for its investigation, the Commission may also request information and assistance from the customs authorities.

5.5. Other written submissions

(11) Subject to the provisions of this Regulation, all interested parties are invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within the time limit specified in Article 3(2) of this Regulation.

([5]) Commission Implementing Decision (EU) 2015/2362 of 15 December 2015 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 331, 17.12.2015, p. 30).

([6]) 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 (OJ L 229, 5.9.2022, p. 69).

5.6. **Possibility to be heard by the Commission investigation services**

(12) All interested parties may request to be heard by the Commission investigation services within the time limits specified in Article 3(3) of this Regulation. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initiation stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.7. **Instructions for making written submissions and sending completed questionnaires and correspondence**

(13) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

(14) All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled '*Sensitive*' ([7]). Interested parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

(15) Parties providing '*Sensitive*' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled '*For inspection by interested parties*'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

(16) If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

(17) Interested parties are invited to make all submissions and requests via TRON.tdi (https://webgate.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets.

(18) In order to have access to TRON.tdi, interested parties need an EU Login account. Full instructions on how to register and use TRON.tdi are available on https://webgate.ec.europa.eu/tron/resources/documents/gettingStarted.pdf.

(19) By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: https://europa.eu/!7tHpY3.

(20) The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

([7]) A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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6. **NON-COOPERATION**

(21) In accordance with Article 10 of the exemption Regulation, the exemption shall be revoked in the event of a lack of cooperation from any exempted party. If any exempted party refuses access to or does not provide the necessary information within the time limits, supplies false or misleading information or significantly impedes the investigation, it may be considered as non-cooperation.

7. **HEARING OFFICER**

(22) Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

(23) The Hearing Officer may organise hearings and mediate between the interested party(ies) and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in the due course.

(24) Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

(25) For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: https://policy.trade.ec.europa.eu/contacts/hearing-officer_en.

8. **SCHEDULE OF THE INVESTIGATION**

(26) The investigation will be concluded within 9 months of the date of the entry into force of this Regulation.

9. **PROCESSING OF PERSONAL DATA**

(27) Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([8]).

(28) A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: https://europa.eu/!vr4g9W,

([8]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS REGULATION:

Article 1

1. A review is initiated under Article 9 of Regulation (EC) No 88/97 in order to determine whether Solo International Oy is respecting its obligations as an exempted party and whether the exemption from the anti-dumping duty on essential bicycle parts granted to Solo International Oy should be revoked.

2. The product under review, and that benefits from the exemption, is essential bicycle parts as defined in Regulation (EC) No 71/97, namely:

— Painted or anodized or polished and/or lacquered frames (CN code ex 8714 91 10, TARIC codes 8714 91 10 31, 8714 91 10 35 and 8714 91 10 39);

— Painted or anodized or polished and/or lacquered front forks (CN code ex 8714 91 30, TARIC codes 8714 91 30 35 and 8714 91 30 39);

— Derailleur gears (CN code ex 8714 99 50, TARIC codes 8714 99 50 91 and 8714 99 50 99);

— Crank-gear (CN code ex 8714 96 30, TARIC code 8714 96 30 90);

— Free-wheel sprocket-wheels (CN code ex 8714 93 00, TARIC code 8714 93 00 19), whether or not presented in sets;

— Other brakes (CN code ex 8714 94 20, TARIC code 8714 94 20 99);

— Brake levers (CN code ex 8714 94 90, TARIC code 8714 94 90 19), whether or not presented in sets;

— Complete wheels with or without tubes, tyres and sprockets (CN code ex 8714 99 90, TARIC code(s) 8714 99 90 19);

— Handlebars (CN code ex 8714 99 10, TARIC codes 8714 99 10 89 and 8714 99 10 99), whether or not presented with a stem, brake and/or gear levers attached;

and imported by Solo International Oy (TARIC additional code B940).

Article 2

The national customs authorities shall take the appropriate steps to register the imports identified in Article 1(2) of this Regulation, pursuant to Article 14(5) of Regulation (EU) 2016/1036.

Registration shall expire nine months following the date of entry into force of this Regulation.

Article 3

1. Interested parties must make themselves known by contacting the Commission within 15 days from the date of entry into force of this Regulation.

2. Interested parties, if their representations are to be taken into account during the investigation, must present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 37-day time limit. For hearings on issues pertaining to the initiation stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Any request to be heard must be made in writing and must specify the reasons for the request.

Article 4

This Regulation shall enter into force on the day following that of 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, 9 September 2024.

For the Commission
The President
Ursula VON DER LEYEN