DECISIONS

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

(notified under document C(2022)1693)

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.

(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').

([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.

(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) 2022/403 ([6]) concerning exemptions under the exemption Regulation was adopted on 3 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 29 August 2019 and 1 July 2021, 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.

(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 requests.

2. **AUTHORISATION OF EXEMPTION**

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

Table 1

TARIC additional code	**Name**	**Address**
C527	FIRMA ADAM Adam Ziętek	Muchy 56, 63-524 Czajków, Poland

(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 party listed in Table 1.

(13) Consequently, the Commission concluded that the assembly operations of FIRMA ADAM Adam Ziętek 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 party 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 request. The customs debts in respect of the extended duty from the party requesting exemption should therefore be considered void from the same date.

([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.

([6]) Commission Implementing Decision (EU) 2022/403 of 3 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 83, 10.3.2022, p. 39).

(16) The interested party was informed of the Commission's conclusions on the merits of its request and was given an opportunity to comment thereon.

(17) Since the exemption applies only to the party specifically referred to in Table 1, the exempted party 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 parties.

Table 2

TARIC additional code	Name	Address
C557	Berria Bike SL	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
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
C492	MOTOKIT Veiculos e Acessórios Lda	Rua Alto do Vale do Grou 36 3750-870 Borralha/ Águeda, Portugal
C609	Nextbike GmbH	Erich-Zeigner-Allee 69-73 04229 Leipzig, Germany
C720	Propain Bicycles GmbH	Schachenstraße 39 88267 Vogt, Germany

4. UPDATE OF REFERENCES TO EXEMPTED OR SUSPENDED PARTIES

(22) Between 31 March 2021 and 7 May 2021, the exempted or suspended parties listed in Table 3 notified the Commission of changes in their references (names, legal forms and/or 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.

(23) While the exemption or the suspension 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.

([7]) The party is 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.

Table 3

TARIC additional code	Former reference	Change
A168	EGC S.r.l. Via Fontana 18, 45021 Milano, Italy	The address of this exempted party has been changed to: Corso Ventidue Marzo 32/1 20135 Milano (MI), Italy
8085	Oxyprod S.r.l. Via G. Morone 4 20121 Milano (MI), Italy	The name and address of this exempted party have been changed to: Decathlon Produzione Italia S.r.l. Via Buonarroti 39 20145 Milano (MI), Italy
C492	MOTOKIT Veiculos e Acessórios S.A. Rua Padre Vicente Maria da Rocha 448, 1° Esq., 3840-453 Vagos, Portugal	The legal form and address of this suspended party have been changed to: MOTOKIT Veiculos e Acessórios Lda Rua Alto do Vale do Grou 36 3750-870 Borralha/Águeda, Portugal

5. **REQUESTS FOR EXEMPTION HELD INADMISSIBLE**

(24) The parties listed in Table 4 submitted requests for exemption which were found to be inadmissible within the meaning of Article 4(4) of the exemption Regulation, because they did not fulfil the conditions set out in Article 4(1) and Article 4(2).

Table 4

Name	Address
Bicicletas Mendiz S.A.	Zuazobidea 22, (P.I. Jundiz) – 01015 Vitoria-Gasteiz, Spain
MK Bicycles GmbH	Krugbäckerstraße 16 – 56424 Mogendorf, Germany
Smart Urban Mobility B.V.	Contactweg 26, 1014BH Amsterdam, The Netherlands
UW Werkmaatschappij B.V.	Postbus 9255, 3506GG Utrecht, The Netherlands

(25) The parties listed in Table 4 were informed on the Commission's conclusions and were given an opportunity to comment thereon.

(26) No comments were received from UW Werkmaatschappij B.V. and Smart Urban Mobility B.V. on the Commission's conclusions.

(27) Bicicletas Mendiz SA and MK Bicycles GmbH commented by requesting the Commission to reconsider the rejection on the basis of additional documentation and arguments they provided.

(28) The Commission, after having duly assessed the respective documents and arguments, concluded that the additional submissions could not support the request to reconsider the conclusions as previously disclosed. Therefore, the inadmissibility of the requests for exemption was confirmed.

(29) The parties were informed accordingly and were given an opportunity to comment thereon. No further comments were received on the Commission's conclusions.

6. **PARTIES FOR WHICH THE EXEMPTION AUTHORISATION IS WITHDRAWN**

(30) Between 25 March 2021 and 28 October 2021 the Commission was notified that the two exempted parties listed in Table 5 wound up and ceased their activities.

(31) Sachsenring Bike Manufaktur GmbH wound up and ceased its activity on 12 January 2021 following bankruptcy, while Cicli Cinzia srl wound up and ceased its activity on 27 January 2021.

(32) As a consequence, the Commission concluded that the exemption authorisation granted to Sachsenring Bike Manufaktur GmbH should be withdrawn as of 12 January 2021 and the exemption authorisation granted to Cicli Cinzia srl should be withdrawn as of 27 January 2021, in accordance with the principle of good administration.

(33) The parties listed in Table 5 were informed of the Commission's conclusions and were given an opportunity to comment thereon.

(34) No comments were received from Sachsenring Bike Manufaktur GmbH on the Commission's conclusions.

(35) Cicli Cinzia srl commented by requesting the Commission to reconsider the withdrawal of its exemption authorisation.

(36) The Commission, after having duly assessed the request, concluded that no new arguments were brought forward to support a reassessment of the conclusions previously disclosed. Therefore, the withdrawal of the exemption authorisation was confirmed and the party informed accordingly,

Table 5

TARIC additional code	Name	Address
8009	Sachsenring Bike Manufaktur GmbH	Kyselhäuser Straße 23 06526 Sangerhausen, Germany
8066	Cicli Cinzia srl	Via Lombardia 48, Osteria Grande 40060 Castel San Pietro Terme, Italy

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 ([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 party' request. This date is 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 in the party' activities linked to assembly operations with regard to the conditions of exemption.

([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).

Exempted party

TARIC additional code	Name	Address	Date of effect
C527	FIRMA ADAM Adam Ziętek	Muchy 56 63-524 Czajków, Poland	29.8.2019

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 suspension 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.

Parties under examination

TARIC additional code	Name	Address	Date of effect
C557	Berria Bike SL	Calle Blasco de Garay 19, 02600 Villarrobledo – Spain	27.7.2020
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
C492	MOTOKIT Veiculos e Acessórios Lda	Rua Alto do Vale do Grou 36 3750-870 Borralha/Águeda, Portugal	25.9.2020
C609	Nextbike GmbH	Erich-Zeigner-Allee 69-73 04229 Leipzig, Germany	25.11.2020
C720	Propain Bicycles GmbH	Schachenstraße 39 88267 Vogt, Germany	1.7.2021

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
8085	Oxyprod S.r.l. Via G. Morone 4 20121 Milano (MI), Italy	Via Buonar Decathlon Produzione Italia S.r.l. roti 39 20145 Milano (MI), Italy	3.6.2015 for change of name; 20.4.2021 for change of address
A168	EGC S.r.l. Via Fontana 18, Milano 45021 (MI), Italy	EGC S.r.l. Corso Ventidue Marzo 32/1 20135 Milano (MI), Italy	31.3.2021
C492	MOTOKIT Veiculos e Acessórios S.A. Rua Padre Vicente Maria da Rocha 448, 1° Esq., 3840-453 Vagos, Portugal	MOTOKIT Veiculos e Acessórios Lda Rua Alto do Vale do Grou 36 3750-870 Borralha/Águeda, Portugal	7.5.2021

Article 4

The requests for exemption submitted by the parties listed in the Table of this Article respectively are inadmissible and therefore rejected in accordance with Article 4(4) of Regulation (EC) No 88/97.

Those rejections shall take effect as from the dates provided for in the Table column headed 'Date of effect'.

Parties for which the request of exemption is rejected

Name	Address	Date of effect
Bicicletas Mendiz SA	Zuazobidea 22, (P.I. Jundiz) – 01015 Vitoria-Gasteiz, Spain	5.5.2021
MK Bicycles GmbH	Krugbäckerstraße 16 – 56424 Mogendorf, Germany	14.6.2021
Smart Urban Mobility BV	Contactweg 26, 1014BH Amsterdam, The Netherlands	17.6.2021
UW Werkmaatschappij B.V.	Postbus 9255, 3506GG Utrecht, The Netherlands	12.11.2021

Article 5

The exemption authorisation of payment of the extended anti-dumping duty is hereby withdrawn for the parties listed in the Table in this Article.

The withdrawal shall take effect as from the date provided for in the Table column headed 'Date of effect'.

Parties for which the exemptiong authorisation is withdrawn

TARIC additional code	Name	Address	Date of effect
8009	Sachsenring Bike Manufaktur GmbH	Kyselhäuser Straße 23 06526 Sangerhausen, Germany	12.1.2021
8066	Cicli Cinzia srl	Via Lombardia 48, Osteria Grande 40060 Castel San Pietro Terme, Italy	27.1.2021

Article 6

This Decision is addressed to the Member States and to the parties listed in Articles 1 to 5 and published in the *Official Journal of the European Union*.

Done at Brussels, 23 March 2022.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President