COMMISSION IMPLEMENTING DECISION (EU) 2024/1279

of 8 May 2024

concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Commission Regulation (EC) No 88/97

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 Council 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 Commission Regulation (EC) No 88/97 ('the exemption Regulation'), as amended, 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) By Implementing Regulation (EU) 2023/611 of 17 March 2023, the Commission published in the *Official Journal of the European Union* the list of the parties under examination and the updated list of the exempted parties ([5]).

([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]) Commission Implementing Regulation (EU) 2023/611 of 17 March 2023 amending Regulation (EC) No 88/97 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 (OJ L 80, 20.3.2023, p. 67), Annex I and Annex II.

(6) 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. The most recent Commission Implementing Decision (EU) 2023/1431 ([6]) concerning exemptions under the exemption Regulation was adopted on 30 June 2023.

(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 20 February 2022 and 22 May 2023, 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 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**
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czechia
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa - 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 parties listed in Table 1.

(13) Consequently, the Commission concluded that the assembly operations of the parties listed in Table 1 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.

([6]) Commission Implementing Decision (EU) 2023/1431 of 30 June 2023 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 175, 10.7.2023, p. 17).

(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 party 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. No comments were received.

(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
899I	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo - France
899M	Delta Sport Sp. z o.o.	Strzała, ul. Zamiejska 17, 08-199 Siedlce - Poland

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

(22) The suspension of payment of the duties should be lifted for the parties under examination listed in Table 3.

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

Table 3

TARIC additional code	Name	Address
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany - Slovakia
C991	Bicicletas Mendiz S.A.	Calle Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba) - Spain

(23) On 8 August 2022 and on 26 October 2022, the Commission received from the parties listed in Table 3 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.

(24) In accordance with Article 5(1) of the exemption Regulation, 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 3 was suspended as from the dates on which the Commission received their respective requests for exemption.

(25) TARIC additional codes C896 and C991 were assigned to Cyclision s.r.o. Slovakia ('Cyclision') and Bicicletas Mendiz S.A. Spain ('Bicicletas Mendiz') 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.

(26) On 13 June 2023, the Commission received from Bicicletas Mendiz 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.

(27) 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 Bicicletas Mendiz, namely the date on which the suspension took effect, that is 26 October 2022.

(28) On 22 June 2023, Bicicletas Mendiz was informed of the Commission's conclusions and was given an opportunity to comment thereon. No comments were received.

(29) On 3 October 2023, in accordance with Article 6(1) of the exemption Regulation, the Commission identified an investigation period in order to decide whether to grant an exemption to Cyclision and sent to Cyclision a questionnaire together with request of information on its assembling activities carried out during the investigation period as identified.

(30) Moreover, the Commission informed Cyclision that in accordance with Article 7(4) of the exemption Regulation, failure to submit the requested information within the time limit set by the Commission could lead to the request for exemption being rejected. The Commission did not receive any reply.

(31) On 6 November 2023, the Commission reiterated the request to submit the necessary documents and information on the Cyclision's assembling activities carried out during the investigation period. Cyclision was also informed that failure to submit the requested questionnaire and documentation constituted a breach of Cyclision's obligations set out in Article 6(2) of the exemption Regulation. Furthermore, the Commission informed Cyclision on the intention to reject the request for exemption pursuant to Article 7(4) of the exemption Regulation. The Commission did not receive any reply.

(32) On 24 November 2023, Cyclision was informed on the ongoing procedures to adopt a Commission decision rejecting the request for exemption and that therefore, the suspension would be lifted and Cyclision would have to pay the extended duties not collected from the date of suspension. The Commission did not receive any reply.

(33) Consequently, the request for exemption lodged by Cyclision should be rejected in accordance with Article 7(4) of the exemption Regulation. The suspension of the payment of the extended duty should be lifted and the extended duty should be collected as from the date of receipt of the request for exemption submitted by Cyclision, namely the date on which the suspension took effect, that is 8 August 2022.

5. **UPDATE OF REFERENCES TO EXEMPTED PARTIES**

(34) Between 6 June 2023 and 7 February 2024, the exempted parties listed in Table 4 notified the Commission of changes in their names 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 the exemption Regulation.

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

Table 4

TARIC additional code	**Former reference**	**Change**
A826	Rijwielen en bromfietsen L'Avenir Posthoornstraat 1, 2500 Lier, Belgium	The name of this party has been changed to: L'Avenir 2.0 B.V.
C720	Propain Bicycles GmbH Schachenstraße 39, 88267 Vogt - Germany	The address of this party has been changed to: Schachenstraße 15, 88267 Vogt - Germany
C481	FJ Bikes Europe Unipessoal, Lda Praça do Município 8, Sala 1D, 3750 111 Águeda - Portugal	The address of this party has been changed to: Parque Empresarial do Casarão, Avenida das Ferragens 579, 3750-860 Borralha, Águeda - Portugal

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

(36) The exemption authorisation should be revoked for the parties listed in Table 5.

Table 5

TARIC additional code	**Name**	**Address**
8489	Cycle-Union GmbH	An der Schmiede 4, 26135 Oldenburg - Germany
C019	Prophete GmbH & Co. KG	Lindenstrasse 50, 33378 Rheda-Wiedenbrück -Germany
C202	Vanmoof B.V.	Mauritskade 55, 1092 AD Amsterdam, Netherlands

TARIC additional code	Name	Address
8071	Yakari	Via Kennedy 44, 25028 Verolanuova (BS), Italy
8083	Établissements René Valdenaire S.A.	Rue des Poncées, 88200 Saint-Etienne-les-Remiremont, France
8330	NV Minerva	Schoebroekstraat 38, 3583 Paal-Beringen, Belgium
C311	Juan Luna Cabrera	Calle Alhama 64, 14900 Lucena (Cordoba), Spain
A850	Radsportvertrieb Dietmar Bayer GmbH	Zum Acker 1, 56244 Freirachdorf, Germany
8005	Gruppo Bici S.p.A.	Via Pitagora 15, 47521 Cesena (FO), Italy
8081	Scout s.n.c.	Via Pogliano 36, 20020 Lainate (MI), Italy
8624	Berg Toys B.V.	Stevinlaan 2, 6716 WB Ede, Netherlands
8767	Planet Fun S.A.	les 4 chevaliers, Rond-point de la République, 17180 Périgny, France
8981	Olmo Giuseppe S.p.A.	Via Poggi 22, 17015 Celle Ligure (SV), Italy
A172	Lenardon Lida	Via Provinciale 5, 33098 San Martino al Tagliamento (PN), Italy
A231	Velomarche di Giunta Giancarlo & C. s.n.c.	Via Piemonte 5/7, 61022 fraz. Montecchio, Vallefoglia (PS), Italy
A249	F.A.R.A.M. srl	Località Nucleo Industriale, 02015 Cittaducale (RI), Italy
8205	Cicli Frera S.n.c. di Antonio e Vittorio Fontana & C.	Viale dell'industria 6, 35020 Arzergrande (PD), Italy
A500	Bicicletas de Castilla y León S.L.	Barrio Gimeno 5, 09001 Burgos, Spain

(37) Between 17 July 2023 and 19 March 2024, the Commission was notified that the exempted parties listed in Table 5 under TARIC additional codes 8489, C019, C202, 8071, 8083, 8330, C311 and A850 wound up and ceased their activities. Moreover, the exempted parties listed in Table 5 under TARIC additional codes 8005, 8081, 8624, 8767, 8981, A172, A231, A249 permanently ceased the bicycle assembling activity and/or did not use the exemption authorisation since January 2019 and therefore, did not meet the threshold set out in Article 14(c) of the exemption Regulation. Furthermore, the exempted parties listed in Table 5 under TARIC additional codes 8205 and A500 did not use essential bicycle parts for the assembly operations in quantities above the threshold set out in Article 14(c) of the exemption Regulation.

(38) As a consequence thereof, the Commission concluded that the exemption authorisations granted to the parties listed in Table 5 should be revoked, pursuant to Article 10 of the exemption Regulation.

(39) The parties listed in Table 5 were informed of the Commission's conclusions and were given an opportunity to comment thereon. The exempted party listed in Table 5 under TARIC additional code A500 replied confirming that they did not use essential bicycle parts for the assembly operations in quantities above the threshold set out in Article 14(c) of the exemption Regulation but that they are still assembling bicycles. For this reason, the revocation of their exemption authorisation should take effect as from the day following that of the publication of this Decision in the *Official Journal of the European Union*. No comments were received from other parties listed in Table 5,

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 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, as amended, the exemption shall take effect as from the date of receipt of the parties' respective request for exemption. Those dates are 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 parties

TARIC additional code	Name	Address	Date of effect
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo, Spain	30.3.2022
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czechia	20.2.2022
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa - Poland	21.3.2022

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, and addresses.

Parties under examination

TARIC additional code	Name	Address	Date of effect
899I	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo - France	21.4.2023
899M	Delta Sport Sp. z o.o.	Strzała, ul. Zamiejska 17, 08-199 Siedlce - Poland	22.5.2023

Article 3

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 parties listed in the Table in this Article.

The extended duty shall be collected as from the dates provided for in the Table column headed 'Date of effect'.

Parties for which the suspension is lifted

TARIC additional code	Name	Address	Date of effect
C991	Bicicletas Mendiz S.A.	Calle Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba) - Spain	26.10.2022
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany - Slovakia	8.8.2022

Article 4

Updated references to the exempted 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 parties as provided for in the Table column headed 'TARIC additional code' remain unchanged.

Exempted parties for which the reference shall be updated

TARIC additional code	Former reference	New reference	Date of effect
A826	Rijwielen en bromfietsen L'Avenir Posthoornstraat 1, 2500 Lier - Belgium	L'Avenir 2.0 B.V. Posthoornstraat 1, 2500 Lier - Belgium	6.6.2023
C720	Propain Bicycles GmbH Schachenstraße 39, 88267 Vogt - Germany	Propain Bicycles GmbH Schachenstraße 15, 88267 Vogt - Germany	29.8.2023

TARIC additional code	Former reference	New reference	Date of effect
C481	FJ Bikes Europe Unipessoal, Lda Praça do Município 8, Sala 1D, 3750 111 Águeda - Portugal	FJ Bikes Europe Unipessoal, Lda Parque Empresarial do Casarão, Avenida das Ferragens 579, 3750-860 Borralha, Águeda - Portugal	13.7.2023

Article 5

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

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

For the party listed in the Table in this Article with additional TARIC code A500, the revocation shall take effect as from the day following that of the publication of this Decision in the *Official Journal of the European Union*.

Parties for which the exemption authorisation is revoked

TARIC additional code	Name	Address	Date of effect
8489	Cycle-Union GmbH	An der Schmiede 4, 26135 Oldenburg - Germany	1.3.2023
C019	Prophete GmbH & Co. KG	Lindenstrasse 50, 33378 Rheda-Wiedenbrück -Germany	1.3.2023
C202	VanMoof B.V.	Mauritskade 55, 1092 AD Amsterdam, Netherlands	17.7.2023
8071	Yakari	Via Kennedy 44, 25028 Verolanuova (BS), Italy	1.1.2016
8083	Établissements René Valdenaire S.A.	Rue des Poncées, 88200 Saint-Etienne-les-Remiremont, France	20.12.2023
8330	NV Minerva	Schoebroekstraat 38, 3583 Paal-Beringen, Belgium	1.1.2016
C311	Juan Luna Cabrera	Calle Alhama 64, 14900 Lucena (Cordoba), Spain	12.2.2024
A850	Radsportvertrieb Dietmar Bayer GmbH	Zum Acker 1, 56244 Freirachdorf, Germany	20.2.2024
8005	Gruppo Bici S.p.A.	Via Pitagora 15, 47521 Cesena (FO), Italy	22.1.2024
8081	Scout s.n.c.	Via Pogliano 36, 20020 Lainate (MI), Italy	2.2.2024
8624	Berg Toys B.V.	Stevinlaan 2, 6716 WB Ede, Netherlands	6.2.2024
8767	Planet Fun S.A.	les 4 chevaliers, Rond-point de la République, 17180 Périgny, France	6.2.2024

TARIC additional code	Name	Address	Date of effect
8981	Olmo Giuseppe S.p.A.	Via Poggi 22, 17015 Celle Ligure (SV), Italy	6.2.2024
A172	Lenardon Lida/Cicli Bandiziol	Via Provinciale 5, 33098 San Martino al Tagliamento (PN), Italy	6.2.2024
A231	Velomarche di Giunta Giancarlo & C. s.n.c.	Via Piemonte 5/7, 61022 fraz. Montecchio, Vallefoglia (PS), Italy	6.2.2024
A249	F.A.R.A.M. srl	Località Nucleo Industriale, 02015 Cittaducale (RI), Italy	6.2.2024
8205	Cicli Frera S.n.c. di Antonio e Vittorio Fontana & C.	Viale dell'industria 6, 35020 Arzergrande (PD), Italy	6.2.2024
A500	Bicicletas de Castilla y León S.L.	Barrio Gimeno 5, 09001 Burgos, Spain	the day following the publication of this Decision

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, 8 May 2024.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President