

COMMISSION IMPLEMENTING DECISION (EU) 2017/322**of 22 February 2017****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***(notified under document C(2017) 1129)*

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 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 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 ⁽³⁾, and in particular Articles 4 to 7 thereof,

After informing the Member States,

Whereas:

- (1) An anti-dumping duty currently applies on imports into the European Union of essential bicycle parts originating in the People's Republic of China ('the extended duty') as a result of the extension by Regulation (EC) No 71/97 ('the extending Regulation') of the anti-dumping duty on imports of bicycles originating in the People's Republic of China ('China').
- (2) Under Article 3 of the extending Regulation, the European Commission ('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 this 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* successive lists of the exempted parties ⁽⁴⁾.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁴⁾ 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 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 C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16 and 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.

- (6) The most recent Commission Implementing Decision concerning exemptions under the exemption Regulation was adopted on 15 December 2015 ⁽¹⁾.

1. REQUESTS FOR EXEMPTION

- (7) The Commission received from the parties listed in Tables 1 to 3 below requests for exemption with all the information required to determine that these were admissible in accordance with Article 4(1) of the exemption Regulation.
- (8) These parties were given an opportunity to comment on the Commission's conclusions as to the admissibility of their requests.
- (9) In accordance with Article 5(1) of the exemption Regulation pending a decision on the merits of requests from these parties the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by these parties was suspended as from the day on which the Commission received their requests.

2. AUTHORISATION OF EXEMPTIONS

- (10) 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
B963	PANEX DINAMIC d.o.o.	Dr Tome Bratkovića 1, HR-40000 Čakovec, Croatia
C001	CICLI EUROPA s.r.l.	34 Via portella Bifuto, IT-93017 San Cataldo (CL), Italy
C002	OLYMPIQUE SARL	ZA Les Epalits, FR-42610 Saint-Romain-le-Puy, France
C021	Kuisele & Kuisele GmbH	Füssener Straße 22 a, DE-87675 Stötten, Germany
B960	In Cycles — Montagem e Comércio de Bicicletas Lda.	Zona Industrial De Barrô Norte/Sul, N.º 976, Fracção A/B e D, AP. 52, PT-3750-353 Barrô Águeda, Portugal
C053	Firma Handlowo-Usługowo-Produkcyjna 'Trans-Rower' Roman Tylec	Dąbie 47, PL-39-311 Zdziarzec, Poland

- (11) The Commission established during this examination that the value of the parts originating in China constituted less than 60 % of the total value of the parts of the bicycles assembled by these parties.
- (12) Consequently, their assembly operations fall outside the scope of Article 13(2) of the basic Regulation.

⁽¹⁾ OJ L 331, 17.12.2015, p. 30.

- (13) For that reason, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in Table 1 should be exempted from the extended duty.
- (14) In accordance with Article 7(2), their exemptions should take effect as from the date of receipt of their requests and, in addition, their customs debts in respect of the extended duty should be considered void from the same date.
- (15) These parties were informed of the Commission's conclusions on the merits of their requests and were given an opportunity to comment thereon.
- (16) Since the exemptions apply only to the parties specifically referred to in Table 1 with their names and addresses, the exempted parties should notify the Commission ⁽¹⁾ forthwith, 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).
- (17) In such case, 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 PARTIES

- (18) The exempted parties listed in Table 2 notified the Commission on changes in their references (names legal forms or addresses). The Commission, after having examined the information submitted, concluded that those changes in no way affect the assembly operations with regard to the conditions of exemption set forth in the exemption Regulation.
- (19) While the exemption of these parties from the extended duty authorised in accordance with Article 7(1) of the exemption Regulation remain unaffected, the references to these parties should be updated.

Table 2

TARIC additional code	Former reference	Change
A662	Credat Industries a.s., V. Palkovicha 19 SK-946 03 Kolárovo, Slovakia	The company's address has been changed to: 'Priemyselný areál 3415 SK-946 03 Kolárovo, Slovakia'
A247	AT Zweirad GmbH, Boschstrasse 18, DE-48341 Altenberge, Germany	The company's address has been changed to: 'Zur Steinkuhle 2, DE-48341 Altenberge, Germany'
A995	Planet X Ltd, Unit 6, Ignite Business Park, Magna Way, Rotherham GB-S60 1FD, United Kingdom	The company's address has been changed to: 'Unit 38-41, Aldwarke Wharfe Business Park, Waddington Way, Rotherham, South York- shire GB-S65 3SH, United Kingdom'
A542	Biuro Ekonomiczno-Handlowe Jan Zasada, ul. Fabryczna 6, PL-98-300 Wieluń, Poland	The company's name and legal form has been changed to: 'Biuro Ekonomiczno-Handlowe Jan Zasada Sp. z o.o.'

⁽¹⁾ The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu

TARIC additional code	Former reference	Change
8983	Mara Cicli SRL, Via della Pergola 5, IT-21052 Busto Arsizio (VA), Italy	The company's name, legal form and address have been changed to: 'Mandelli SPA Via Tommaso Grossi 5, IT-20841 Carate Brianza (MB), Italy'
A605	Bohemia Bike a.s., Okružní 697, CZ-370 01 České Budějovice, Czech Republic	The company's address has been changed to 'Na Pankráci 1724/129 Nusle CZ-140 00 Praha 4, Czech Republic'

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

- (20) The examination of the merits of the request from the parties listed in Table 3 is ongoing. Pending a decision on the merits of their requests the payment of extended duty by these parties is suspended.
- (21) Since the suspensions apply only to the parties specifically referred to in Table 3 with their names and addresses, these parties should notify the Commission ⁽¹⁾ forthwith, 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).
- (22) In such case, 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
C003	Interbike Spółka z o.o.	ul. Ślaska 6/5, PL-42-200 Częstochowa, Poland
C049	Cycles Sport North Ltd	363 Leach Place, Walton Summit Centre, Preston, GB-PR5 8AS, United Kingdom
C170	Hermann Hartje KG	Deichstrasse 120-122, DE-27318 Hoya, Germany
C102	Uno Bike B.V.	Bovendijk 213, NL-3045 PD Rotterdam, Netherlands
C128	VELOSPRINT S	Trnavská 40, SK-949 01 Nitra, Slovakia
C169	Pelago MFG oy	Tyynenmerenkatu 6 L3, FI-00220 Helsinki, Finland
C202	VANMOOF B.V.	Mauritskade 55, NL-1092 AD Amsterdam, Netherlands

⁽¹⁾ The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

The parties listed in Table 1 below are 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 ⁽¹⁾ 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 their exemptions shall take effect as from the dates of receipt of these parties' requests. These dates are provided for in the column headed 'Date of effect'.

The exemptions shall apply only to the parties specifically referred to in Table 1 with their names and addresses.

The exempted parties shall notify the Commission forthwith, of any change to these, providing all relevant information, in particular on any modification in the party's activities linked to assembly operations with regard to the conditions of exemption.

Table 1

Exempted parties

TARIC additional code	Name	Address	Date of effect
B960	In Cycles — Montagem e Comércio de Bicicletas Lda.	Zona Industrial De Barrô Norte/Sul, N.º 976, Fracção A/B e D, AP. 52, PT-3750-353 Barrô Águeda, Portugal	2.5.2014
B963	PANEX DINAMIC d.o.o.	Dr Tome Bratkovića 1, HR-40000 Čakovec, Croatia	13.8.2014
C002	OLYMPIQUE SARL	ZA Les Epalits, FR-42610 Saint-Romain-le-Puy, France	28.10.2014
C001	CICLI EUROPA s.r.l.	34 Via portella Bifuto, IT-93017 San Cataldo (CL), Italy	10.11.2014
C021	Kuisle & Kuisle GmbH	Füssener Straße 22 a, DE-87675 Stötten, Germany	17.2.2015
C053	Firma Handlowo-Usługowo-Produkcyjna 'Trans-Rower' Roman Tylec	Dąbie 47, PL-39-311 Zdziarzec, Poland	1.7.2015

⁽¹⁾ 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).

Article 3

Updated references to the exempted parties listed in Table 2 below are provided for in the column headed 'New reference'. These updates shall take effect as from the dates provided for in the column headed 'Date of effect'.

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

Table 2

Exempted parties for which the reference shall be updated

TARIC additional code	Former reference	New reference	Date of effect
A662	Credat Industries a.s., V. Palkovicha 19, SK-946 03 Kolárovo, Slovakia	Credat Industries a.s., Priemyselný areál 3415, SK-946 03 Kolárovo, Slovakia	21.3.2016
A247	AT Zweirad GmbH, Boschstrasse 18, DE-48341 Altenberge, Germany	AT Zweirad GmbH, Zur Steinkuhle 2, DE-48341 Altenberge, Germany	17.2.2016
A995	Planet X Ltd, Unit 6, Ignite Business Park, Magna Way, Rotherham GB-S60 1FD, United Kingdom	Planet X Ltd, Unit 38-41, Aldwarke Wharfe Business Park, Waddington Way, Rotherham, South Yorkshire GB-S65 3SH, United Kingdom	17.11.2016
8983	Mara Cicli SRL, Via della Pergola 5, IT-21052 Busto Arsizio (VA), Italy	Mandelli SPA, Via Tommaso Grossi 5, IT-20841 Carate Brianza (MB), Italy	1.1.2017
A605	Bohemia Bike a.s., Okružní 697, CZ-370 01 České Budějovice, Czech Republic	Bohemia Bike a.s., Na Pankráci 1724/129 Nusle CZ-140 00 Praha 4, Czech Republic	25.1.2017
A542	Biuro Ekonomiczno-Handlowe Jan Zasada ul. Fabryczna 6, PL-98-300 Wieluń, Poland	Biuro Ekonomiczno-Handlowe Jan Zasada Sp. z o.o. ul. Fabryczna 6, PL-98-300 Wieluń, Poland	2.1.2017

Article 4

The parties listed in Table 3 below 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 these parties' requests. These dates are provided for in the column headed 'Date of effect'.

These suspensions shall apply only to the parties under examination specifically referred to in Table 3 with their names and addresses.

The parties under examination shall notify the Commission forthwith, of any change to these, providing all relevant information, in particular on any modification in the party's activities linked to assembly operations with regard to the conditions of suspension.

Table 3

Parties under examination

TARIC additional code	Name	Address	Date of effect
C003	Interbike Spółka z o.o.	ul. Śląska 6/5, PL-42-200 Częstochowa, Poland	18.12.2014
C049	Cycles Sport North Ltd	363 Leach Place, Walton Summit Centre, Preston, GB-PR5 8AS, United Kingdom	27.4.2015
C102	Uno Bike B.V.	Bovendijk 213, NL-3045 PD Rotterdam, Netherlands	24.11.2015
C170	Hermann Hartje KG	Deichstrasse 120-122, DE-27318 Hoya, Germany	29.9.2016
C128	VELOSPRINT S	Trnavská 40, SK-949 01 Nitra, Slovakia	14.4.2016
C169	Pelago MFG oy	Tyynenmerenkatu 6 L3, FI-00220 Helsinki, Finland	23.9.2016
C202	VANMOOF B.V.	Mauritskade 55, NL-1092 AD Amsterdam, Netherlands	19.12.2016

Article 5

This Decision is addressed to the Member States and to the parties listed in Articles 2, 3 and 4. It is also published in the *Official Journal of the European Union*.

Done at Brussels, 22 February 2017.

For the Commission
Cecilia MALMSTRÖM
Member of the Commission