

## COMMISSION DECISION

of 11 February 2002

**exempting 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 Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97**

(notified under document number C(2002) 391)

(2002/134/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

suspended pursuant to Article 5(1) of Regulation (EC) No 88/97.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, as last amended by Regulation (EC) No 2238/2000 <sup>(2)</sup>,

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, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China <sup>(3)</sup>,

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 and maintained by Regulation (EC) No 1524/2000 <sup>(4)</sup>, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption of the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Communities* successive lists of applicants <sup>(5)</sup> for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was

- (2) The Commission requested and received the necessary information from the parties listed in Article 1 of this Decision and found each of their requests to be admissible pursuant to Article 4(1) of Regulation (EC) No 88/97. The information provided was examined and verified where necessary at the premises of the parties concerned.

- (3) The facts as finally ascertained by the Commission show that the assembly operations of the applicants concerned do not fall within the scope of Article 13(2) of Regulation (EC) No 384/96. In particular, it was found that for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations.

- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Article 1 should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.

- (5) In accordance with Article 7(2) of Regulation (EC) No 88/97, the exemption of the parties listed in Article 1 from the extended anti-dumping duty should take effect as from the date of receipt of their request and their customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.

- (6) A number of other parties, listed in Article 2 of this Decision, also requested an exemption from the extended anti-dumping duty but failed however to submit the necessary information requested by the Commission. Consequently, those parties should not be exempted under Article 7 of Regulation (EC) No 88/97. The Commission informed the parties concerned that it intended to reject their requests for exemption from the extended duty, on the grounds that they had failed to provide the information or supporting evidence requested.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 257, 11.10.2000, p. 2.

<sup>(3)</sup> OJ L 16, 18.1.1997, p. 55.

<sup>(4)</sup> OJ L 17, 21.1.1997, p. 17.

<sup>(5)</sup> OJ C 45, 13. 2. 1997, p. 3, OJ C 112, 10. 4. 1997, p. 9, 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 and OJ C 170, 14.6.2001, p. 5.

- (7) Since the parties listed in Article 2 failed to meet the criteria for exemption, the suspension of payment of the extended anti-dumping duty should be lifted and the extended anti-dumping duty should be collected as from the date of receipt of their requests.
- (8) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the C series of the *Official Journal of the European Communities* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

#### Article 1

The parties listed below are hereby exempted from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

#### Exempted parties

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Tecno Bike sas di Tontini Donatella	Via del Lavoro s.n. I-61030 Canavaccio di Urbino (PU)	Italy	Article 7	13.1.1999	8612
SIMPLON Fahrrad GmbH	Oberer Achdamm 22 A-6971 Hard	Austria	Article 7	29.9.1999	A045
Intersens Bikes & Parts BV	Bedrijvenpark Twente 170 7602 KE Almelo Nederland	Netherlands	Article 7	10.12.1999	A090
VICINI di Vicini Ottavio e Figli snc	Via dell'Artigianato, 284 I-47023 Cesena (FO)	Italy	Article 7	1.1.2000	A233
A & J Europe Bicycle Manufacturing Ltd	Unit G, Mochdre, Enterprise Park Newtown Powys SY16 4LE United Kingdom	United Kingdom	Article 7	7.3.2000	A126
Speedcross di Torretta P. e C. snc	Corso Italia 20 I-20020 Vanzaghello (MI)	Italy	Article 7	30.3.2000	A163
Lenardon Lida/Cicli Bandiziol	Via Provinciale, 5 I-33096 San Martino al Tagliamento (PN)	Italy	Article 7	3.5.2000	A172
CARRARO SpA Industria Cicli	Via Alcide de Gasperi, 15 I-35030 Saccolongo (PD)	Italy	Article 7	8.5.2000	A173
Børge Kildemoes Cykelfabrik A/S	Nr. Lyndelse DK-5792 Årslev	Denmark	Article 7	12.5.2000	A166
CHERRI di Cherri Mario & C. snc	Via Cagliari, 39 I-09016 Iglesias (CA)	Italy	Article 7	19.5.2000	A168
Snc Cicli Olympia di Pasquale e Antonio Fontana & C.	Via Carrarese, 62 I-35028 Piove di Sacco (PD)	Italy	Article 7	30.5.2000	A167
J. Recker & Co. GmbH	Am Wiesenpfad 21 D-53340 Meckenheim	Germany	Article 7	19.6.2000	A200
Kokotis A. Bros SA	5 <sup>th</sup> klm of Larissa-Falani GR-41001 Larissa	Greece	Article 7	3.7.2000	A201

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Aurelia Dino SpA	Via Cuneo 11 I-12011 Borgo San Dalmazzo (CN)	Italy	Article 7	18.7.2000	A202
IKO Sportartikel Handels GmbH	Kufsteinerstraße 72 D-83064 Raubling	Germany	Article 7	7.9.2000	A227
Cicli Olimpica srl	Via Pietro Maroncelli 4 I-35010 Vigonza (PD)	Italy	Article 7	9.10.2000	A229
Cycle Citi Corporation Ltd	Unit 13, Llandegai Ind. Estate Bangor UK-Gwynedd LL57 4YH United Kingdom	United Kingdom	Article 7	20.10.2000	A230
VELOMARCHE di Giunta Giancarlo & C. snc	Via dell'Industria, 3 I-61020 Montecchio (PS)	Italy	Article 7	13.12.2000	A231

### Article 2

The requests for exemption from the extended anti-dumping duty made in accordance with Article 3 of Regulation (EC) No 88/97 by the parties listed below are hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

### Parties for which the suspension is lifted

Name	City	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Veronese Luigi snc di Veronese Paolo e Elisabetta (Cicli Roveco)	Via Umberto I, 508 I-45023 Costa di Rovigo	Italy	Article 5	13.12.1999	A068
Ciclo Meccanica srl	Via delle Industrie, 14 I-20050 Sulbiate (MI)	Italy	Article 5	4.5.2000	A170
Euro Cycles Ltd	Unit 1B, Pear Mill Industrial Estate Stockport Road West Stockport SK6 2BP United Kingdom	United Kingdom	Article 5	15.5.2000	A171
Artar snc di Ferrari Veber & C.	Via 4 Novembre, 42 I-46024 Moglia (MN)	Italy	Article 5	21.6.2000	A203
Sprint Bike srl	Via Padana Superiore 91/93 I-25045 Castegnato (BS)	Italy	Article 5	26.6.2000	A199

### Article 3

This Decision is addressed to the Member States and to the parties listed hereunder:

Tecno Bike s.a.s. di Tontini Donatella, Via del Lavoro s.n., I-61030 Canavaccio di Urbino (PU);

SIMPLON Fahrrad GmbH, Oberer Achdamm 22, A-6971 Hard;

Intersens Bikes & Parts B.V., Bedrijvenpark Twente 170, 7602 KE Almelo, Netherlands;

VICINI di Vicini Ottavio e Figli s.n.c., Via dell'Artigianato, 284, I-47023 Cesena (FO);

A & J Europe Bicycle Manufacturing Ltd, Unit G, Mochdre Enterprise Park, Newtown, Powys SY16 4LE, United Kingdom;

Speedcross di Torretta P. e C. s.n.c., Corso Italia 20, I-20020 Vanzaghella (MI);

Lenardon Lida/Cicli Bandiziol, Via Provinciale, 5, I-33096 San Martino al Tagliamento (PN);

CARRARO SpA Industria Cicli, Via Alcide de Gasperi, 15, I-35030 Saccolongo (PD);

Børge Kildemoes Cykelfabrik A/S, Nr. Lyndelse, DK-5792 Årslev;  
CHERRI di Cherri Mario & C. s.n.c. Via Cagliari, 39, I-09016 Iglesias (CA);  
S.n.c. Cicli Olympia di Pasquale e Antonio Fontana & C., Via Carrarese, 62, I-35028 Piove di Sacco (PD);  
J. Recker & Co. GmbH, Am Wiesenpfad 21, D-53340 Meckenheim;  
Kokotis A. Bros S.A., 5<sup>th</sup> klm of Larissa-Falari, GR-41001 Larissa;  
Aurelia Dino SpA, Via Cuneo 11, I-12011 Borgo San Dalmazzo (CN);  
IKO Sportartikel Handels GmbH, Kufsteinerstraße 72, D-83064 Raubling;  
Cicli Olimpica s.r.l., Via Pietro Maroncelli 4, I-35010 Vigonza (PD);  
Cycle Citi Corporation Ltd, Unit 13, Llandegai Ind. Estate, Bangor, Gwynedd LL57 4YH, United Kingdom;  
VELOMARCHE di Giunta Giancarlo & C. s.n.c., Via dell'Industria, 3, I-61020 Montecchio (PS);  
Veronese Luigi s.n.c. di Veronese Paolo e Elisabetta (Cicli Roveco), Via Umberto I, 508, I-45023 Costa di Rovigo;  
Ciclo Meccanica s.r.l., Via delle Industrie, 14, I-20050 Sulbiate (MI);  
Euro Cycles Ltd, Unit 1B, Pear Mill Industrial Estate, Stockport Road West, Stockport SK6 2BP, United Kingdom;  
Artar s.n.c. di Ferrari Veber & C., Via 4 Novembre, 42, I-46024 Moglia (MN);  
Sprint Bike s.r.l., Via Padana Superiore 91/93, I-25045 Castegnato (BS).

Done at Brussels, 11 February 2002.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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