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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 18 March 2008

granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, last maintained and amended by Regulation (EC) No 1095/2005, 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(2008) 1044)

(2008/260/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾ (the 'basic Regulation'),

Having regard to Council Regulation (EC) No 71/97 ⁽²⁾ (the 'extending Regulation'), extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 ⁽³⁾ 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,

Having regard to Commission Regulation (EC) No 88/97 ⁽⁴⁾ (the 'exemption Regulation') 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 in particular Article 7 thereof,

After consulting the Advisory Committee,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 228, 9.9.1993, p. 1. Regulation as maintained by Regulation (EC) No 1524/2000 (OJ L 175, 14.7.2000, p. 39) and amended by Regulation (EC) No 1095/2005 (OJ L 183, 14.7.2005, p. 1).

⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from 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 successive lists of bicycle assemblers ⁽¹⁾ for which the payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of the exemption Regulation.
- (2) Following the last publication of the list of parties under examination ⁽²⁾, a period of examination has been selected. Due to the accession of Bulgaria and Romania it was decided to determine an examination period from 1 January 2006 until 30 June 2007 so that in the same procedure also requests for exemptions submitted by Bulgarian and Romanian bicycle assemblers could be analysed. A questionnaire was sent to all parties under examination, requesting information on the assembly operations conducted during the relevant period of examination.

A. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS PREVIOUSLY GRANTED

A.1. Acceptable requests for exemption

- (3) The Commission received from the parties listed in table 1 below all the information required for the determination of the admissibility of their requests. These parties received their suspension after this date. The information provided was examined and verified, where necessary, at the premises of the parties concerned. Based on this information, the Commission found that the requests submitted by the parties listed in table 1 below are admissible pursuant to Article 4(1) of the exemption Regulation.

Table 1

Name	Address	Country	TARIC additional code
Alubike — Bicicletas S.A.	Zona Industrial de Oia, Lote C-10, 3770-059 Oliveira do Bairro	Portugal	A730
Balkanvelo AD	1 Mizia Blvd., 5500 Lovech	Bulgaria	A811
Bonaventure BVBA	Stoomtuigstraat 16, 8830 Hooglede	Belgium	A732
CROSS Ltd.	1 Hadji Dimitar Street, 3400 Montana	Bulgaria	A810
SC Eurosport DHS SA	Santuhalm Street 35A, Deva, dept. Hunedoara	Romania	A817
F.lli Schiano S.R.L.	Via Carmelo Pezzullo 20, 80027 Frattamaggiore (NA)	Italy	A824
Goldbike — Industria de Bicicletas Lda	R. Flores, 3780 594 Poutena-Vilarinho do Bairro	Portugal	A777
Helkama Velox Oy	Santalantie 22, 10960 Hanko Pohjoinen	Finland	A825
Ing. Jaromír Březina	Foglarova 2896/11, 787 01 Šumperk	Czech Republic	A776
KHE Fahrradhandels GmbH	Gablonzer Strasse 10, 76185 Karlsruhe	Germany	A794
Koga BV.	Tinweg 9, 8445 PD Heerenveen	The Netherlands	A773
Rijwielen en Bromfietsenfabriek L'Avenir NV	Posthoomstraat 1, 2500 Lier	Belgium	A826
Leader — 96 Ltd.	19 Sedianka Str., 4003 Plovdiv	Bulgaria	A813

⁽¹⁾ 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.

⁽²⁾ OJ L 313, 14.11.2006, p. 5.

Name	Address	Country	TARIC additional code
Look Cycle International S.A.	27, rue du Dr. Léveillé, 58000 Nevers	France	A781
Maxcom Ltd.	13 Peshtersko shousse Str., 4000 Plovdiv	Bulgaria	A812
Prestige Rijwielen NV	Zuiderdijk 25, 9230 Wetteren	Belgium	A737
Puky GmbH & Co. KG	Fortunastrasse 11, 42489 Wülfrath	Germany	A778
Robifir Bike Ltd.	3A Kosta Bosilkov Street, 2700 Blagoevgrad	Bulgaria	A815
Skeppshultcykeln AB	Storgatan 78, 333 03 Skeppshult	Sweden	A745
Stevens Vertriebs GmbH	Asbrookdamm 35, 22115 Hamburg	Germany	A774
Trenga DE Vertriebs GmbH	Grossmoordamm 63—67, 21079 Hamburg	Germany	A746
Velomania Ltd.	Dimitar Nestorov Street bl. 120, 1612 Sofia	Bulgaria	A814

- (4) The facts as finally ascertained by the Commission show that for 22 of these 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, and they, therefore, fall outside the scope of Article 13(2) of the basic Regulation.
- (5) For this reason, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in the above table should be exempted from the extended anti-dumping duty.
- (6) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in table 1 from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition, their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.
- (7) It is to be noted that the following party listed in table 1 informed the Commission services of a change in its registered seat during the examination period:
- Leader-96 Ltd. transferred its registered office from 3 Mostova Str., 4002 Plovdiv, Bulgaria to 19 Sedianka Str., 4003 Plovdiv, Bulgaria.
- (8) It has been established that this change in the address of the registered office did not affect the assembly operation with regard to the stipulations of the exemption Regulation and therefore the Commission does not consider that this change should affect the exemption from the extended anti-dumping duty.

A.2. Unacceptable requests for exemption and withdrawals

- (9) The parties listed in table 2 below also submitted requests for exemption from the extended anti-dumping duty.

Table 2

Name	Address	Country	TARIC additional code
Isaac International Ltd.	4 Axis Park, P014 1FD Fareham Hants, Hampshire	United Kingdom	A816
Loris Cycles di Perinel Lori	Via delle Industrie 8, 30022 Ceggia (VE)	Italy	A731
ROG Kolesa d.d. (formerly ELAN Bikes d.d)	Letališka 29, 1000 Ljubljana	Slovenia	A538

- (10) Two parties withdrew their request for exemption and informed the Commission accordingly.
- (11) Another party went bankrupt and consequently ceased the assembly activities.
- (12) Since the parties listed in table 2 failed to meet the criteria for exemption set by Article 6(2) of the exemption Regulation, the Commission has to reject their requests for exemptions, in accordance with Article 7(3) of the Regulation. In the light of this, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty must be collected as from the date of receipt of the requests submitted by these parties.

B. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS NOT PREVIOUSLY GRANTED

B.1. Inadmissible requests for exemption

- (13) The parties listed in table 3 also submitted requests for exemption from the payment of the extended anti-dumping duty:

Table 3

Name	Address	Country
BBC International Biria Bike Company International GmbH	Mannheimer Strasse 80, 68535 Edingen-Neckarhausen	Germany
Ets. TH Brasseur SA	Rue des Steppes 13, 4000 Liège	Belgium
Individual Bike s.r.o.	Kmochova 2430, 431 11 Chomutov	Czech Republic
Shrapnell NV	Groendreef 7, 9500 Geraardsbergen	Belgium

- (14) With regard to these parties, it should be noted that their requests did not meet the admissibility criteria set out in Article 4(1) of the exemption Regulation as all these applicants use essential bicycle parts for the production or assembly of bicycles in quantities below 300 units per type on a monthly basis.
- (15) These parties were informed accordingly and were given an opportunity to comment. For two parties no comments were received, the remaining two parties withdrew their request. As a consequence, no suspension was granted to these parties.

B.2. Admissible requests for exemption for which suspension should be granted

- (16) Interested parties are hereby informed of the receipt of further requests for exemption, pursuant to Article 3 of the exemption Regulation, from parties listed in table 4. The suspension from the extended duty, following these requests, should take effect as shown in the column headed 'Date of effect':

Table 4

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Blue Ocean Hungary Ltd.	Sukorói u. 8, 8097 Nadap	Hungary	Article 5	30.1.2008	A858
Canyon Bicycles GmbH	Koblenzer Strasse 236, 56073 Koblenz	Germany	Article 5	4.12.2007	A856
Euro-Bike-Products	Ul. Starołęcka 18, 61-361 Poznań	Poland	Article 5	6.8.2007	A849

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
EUSA Mart European Sales & Marketing GmbH & Co. KG	An der Welle 4, 60322 Frankfurt am Main	Germany	Article 5	7.1.2008	A857
KOVL spol. S.r.o.	Choceradská 3042/20, 141 00 Praha 4	Czech Republic	Article 5	29.3.2007	A838
MICPOL	Ul. Myśluborska 93A m. 62, 03-185 Warszawa	Poland	Article 5	17.4.2007	A839
N&W Cycle GmbH	Mühlenhof 5, 51598 Friesenhagen	Germany	Article 5	11.10.2007	A852
Radsportvertrieb Dietmar Bayer GmbH	Zum Acker 1, 56244 Freirachdorf	Germany	Article 5	25.6.2007	A850
Special Bike — Societa Cooperativa	Via Nizza 20, 71042 Cerignola (FG)	Italy	Article 5	22.1.2008	A533

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below in table 1 are hereby exempted from the extension to imports of certain bicycle parts from the People's Republic of China 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, as maintained by Regulation (EC) No 1524/2000 and amended by Regulation (EC) No 1095/2005.

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

Table 1

List of parties to be exempted

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Alubike — Bicicletas S.A.	Zona Industrial de Oia, Lote C-10, 3770-059 Oliveira do Bairro	Portugal	Article 7	12.12.2005	A730
Balkanvelo AD	1 Mizia Blvd., 5500 Lovech	Bulgaria	Article 7	1.1.2007	A811
Bonaventure BVBA	Stoomtuigstraat 16, 8830 Hooglede	Belgium	Article 7	19.1.2006	A732
CROSS Ltd.	1 Hadji Dimitar Street, 3400 Montana	Bulgaria	Article 7	1.1.2007	A810
SC Eurosport DHS SA	Santuhalm Street 35A, Deva, dept. Hunedoara	Romania	Article 7	1.1.2007	A817
Flli Schiano S.R.L.	Via Carmelo Pezzullo 20, 80027 Frattamaggiore (NA)	Italy	Article 7	31.1.2007	A824
Goldbike — Industria de Bicicletas Lda	R. Flores, 3780 594 Poutena-Vilarinho do Bairro	Portugal	Article 7	9.8.2006	A777
Helkama Velox Oy	Santalantie 22, 10960 Hanko Pohjoinen	Finland	Article 7	29.1.2007	A825

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Ing. Jaromír Březina	Foglarova 2896/11, 787 01 Šumperk	Czech Republic	Article 7	20.7.2006	A776
KHE Fahrradhandels GmbH	Gablonzer Strasse 10, 76185 Karlsruhe	Germany	Article 7	6.11.2006	A794
Koga BV.	Tinweg 9, 8445 PD Heerenveen	The Netherlands	Article 7	19.6.2006	A773
Rijwielen en Bromfietsenfabriek L'Avenir NV	Posthoornstraat 1, 2500 Lier	Belgium	Article 7	21.3.2007	A826
Leader — 96 Ltd.	19 Sedianka Str., 4003 Plovdiv	Bulgaria	Article 7	1.1.2007	A813
Look Cycle International S.A.	27, rue du Dr. Léveillé, 58000 Nevers	France	Article 7	14.9.2006	A781
Maxcom Ltd.	13 Peshtersko shousse Str., 4000 Plovdiv	Bulgaria	Article 7	1.1.2007	A812
Prestige Rijwielen NV	Zuiderdijk 25, 9230 Wetteren	Belgium	Article 7	16.2.2006	A737
Puky GmbH & Co. KG	Fortunastrasse 11, 42489 Wülfrath	Germany	Article 7	21.8.2006	A778
Robifir Bike Ltd.	3A Kosta Bosilkov Street, 2700 Blagoevgrad	Bulgaria	Article 7	1.1.2007	A815
Skeppshultcykeln AB	Storgatan 78, 333 03 Skeppshult	Sweden	Article 7	29.3.2006	A745
Stevens Vertriebs GmbH	Asbrookdamm 35, 22115 Hamburg	Germany	Article 7	3.7.2006	A774
Trenga DE Vertriebs GmbH	Grossmoordamm 63—67, 21079 Hamburg	Germany	Article 7	10.5.2006	A746
Velomania Ltd.	Dimitar Nestorov Street bl. 120, 1612 Sofia	Bulgaria	Article 7	1.1.2007	A814

Article 2

The requests for exemption from the extended anti-dumping duty submitted pursuant to Article 3 of Commission Regulation (EC) No 88/97 by the parties listed below in table 2 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'.

Table 2

List of parties for which the suspension is to be lifted

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Isaac International Ltd.	4 Axis Park, P014 1FD Fareham Hants, Hampshire	United Kingdom	Article 5	13.12.2006	A816
Loris Cycles di Perinel Lori	Via delle Industrie 8, 30022 Ceggia (VE)	Italy	Article 5	13.12.2005	A731
ROG Kolesa d.d. (former ELAN Bikes, d.d.)	Letališka 29, 1000 Ljubljana	Slovenia	Article 5	1.5.2004	A538

Article 3

The parties listed in table 3 below constitute the updated list of parties under examination pursuant to Article 3 of Regulation (EC) No 88/97. The suspension from the extended duty, following these requests, took effect from the relevant date in the column headed 'Date of effect' in Table 3.

Table 3

List of parties under examination

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Blue Ocean Hungary Ltd.	Sukorói u. 8, 8097 Nadap	Hungary	Article 5	30.1.2008	A858
Canyon Bicycles GmbH	Koblenzer Strasse 236, 56073 Koblenz	Germany	Article 5	4.12.2007	A856
Euro-Bike-Products	Ul. Starołęcka 18, 61-361 Poznań	Poland	Article 5	6.8.2007	A849
EUSA Mart European Sales & Marketing GmbH & Co. KG	An der Welle 4, 60322 Frankfurt am Main	Germany	Article 5	7.1.2008	A857
KOVL spol. S.r.o.	Choceradská 3042/20, 141 00 Praha 4	Czech Republic	Article 5	29.3.2007	A838
MICPOL	Ul. Myśliborska 93A m. 62, 03-185 Warszawa	Poland	Article 5	17.4.2007	A839
N&W Cycle GmbH	Mühlenhof 5, 51598 Friesenhagen	Germany	Article 5	11.10.2007	A852
Radsportvertrieb Dietmar Bayer GmbH	Zum Acker 1, 56244 Freirachdorf	Germany	Article 5	25.6.2007	A850
Special Bike — Societa Cooperativa	Via Nizza 20, 71042 Cerignola (FG)	Italy	Article 5	22.1.2008	A533

Article 4

The requests for exemption from the extended anti-dumping duty made by the parties listed below in table 4 are hereby rejected.

Table 4

List of parties for which the request for exemption is rejected

Name	Address	Country
BBC International Biria Bike Company International GmbH	Mannheimer Strasse 80, 68535 Edingen-Neckarhausen	Germany
Ets. TH Brasseur SA	Rue des Steppes 13, 4000 Liège	Belgium
Individual Bike s.r.o.	Kmochova 2430, 431 11 Chomutov	Czech Republic
Shrapnell NV	Groendreef 7, 9500 Geraardsbergen	Belgium

Article 5

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 18 March 2008.

For the Commission
Peter MANDELSON
Member of the Commission
