

## COMMISSION DECISION

of 16 July 2002

**granting certain parties an exemption from the extension to certain essential bicycle parts, by Council Regulation (EC) No 71/97, of the anti-dumping duty on bicycles originating in the People's Republic of China, imposed by Council Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000 and revoking the exemption from 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) 2638)

(2002/606/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 <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 Council 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 suspended pursuant to Article 5(1) of Regulation (EC) No 88/97.
- (2) The Commission requested and received the necessary information from the parties listed in Article 1 of the present 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 listed in Article 1 of the present Decision, 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.

<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, OJ C 170, 14.6.2001, p. 5 and OJ C 103, 30.4.2002, p. 2.

- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in Article 1 of the present Decision 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 of the present Decision from the extended anti-dumping duty should take effect 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) Some parties, listed in Article 2 of the present Decision, have ceased to exist or have stopped assembling bicycles. Consequently, the exemption for these parties should be revoked. The Commission informed the parties concerned, wherever possible, that it intended to revoke their exemption and gave them the opportunity to comment.
- (7) Since the Commission did not receive any comments within the given deadline, the exemption for the parties concerned should be revoked.
- (8) Following the adoption of the present 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 Council Regulation (EEC) No 2474/93, and maintained by Council 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 exemption shall take effect for each party from the respective date shown in the column headed 'Date of effect' for that party.

#### Exempted Parties

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
AT Zweirad GmbH	Boschstraße 18 D-48341 Altenberge	Germany	Article 7	15.1.2001	A247
Bicicletas Monty, SA	C/ El Pla 106 E-08980 Sant Feliu de Llobregat	Spain	Article 7	10.3.2000	A165
Checker Pig GmbH	Venusberger Straße 42 D-09430 Drebach	Germany	Article 7	9.1.2002	A322
Cicli Adriatica srl Uninominale	Via Toscana, 13 I-61100 Pesaro	Italy	Article 7	14.12.1999	A088
Cicli Casadei srl	Via dei Mestieri, 23 I-44020 S. Giuseppe di Comacchio	Italy	Article 7	1.1.2002	A326
Cicli Douglas di Battistello Albano & C. SNC	Via Copernico, 3-Z.I. I-35028 Piove di Sacco (PD)	Italy	Article 7	4.5.2000	A169

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
Cicli Lombardo di Gaspare Lombardo & C. Snc	Via Roma, 233 I-91012 Buseto Palizzolo	Italy	Article 7	23.5.2001	A271
Cobran snc di Perrino Agostino & C.	Via Zingarina, 6 I-47900 Rimini	Italy	Article 7	11.1.2001	A246
Cycles Eddie Kœpler/ Eddie Kœpler International SARL	ZI No 2 de Rouvignies — Rue Louis Dacquin — Batterie 900 F-59309 Valenciennes Cedex	France	Article 7	15.6.2001	A177
Diamant Fahrradwerke GmbH	Schönaicher Straße 1 D-09232 Hartmannsdorf	Germany	Article 7	1.9.2001	A346
Dino Bikes SpA	Via Cuneo 11 I-12011 Borgo San Dalmazzo	Italy	Article 7	1.1.2002	A327
Dutch Bicycle Group BV	Adrieaan Banckertstraat 7 3115 JE Schiedam Nederland	The Netherlands	Article 7	1.9.2001	A287
F.lli Zanoni srl	Via C. Castiglioni, 27 I-20010 Arluno	Italy	Article 7	7.3.2000	A162
Fabrica Biciclette Trubbiani e C. SNC	Santa Maria in Selva Via Arno, 1 I-62010 Treia	Italy	Article 7	3.1.2001	A232
Family Bike Srl	Via Serenissima, 6 I-36041 Montebelluna Maggiore	Italy	Article 7	15.3.2001	A254
FARAM srl	Zona Industriale — Traversa della Meccanica I-02010 Santa Rufina di Cittaducale	Italy	Article 7	22.2.2001	A249
Forza A/S	Industrivej 20 DK-5750 Ringe	Denmark	Article 7	11.9.2001	A289
Gatsoulis	Vitinis 26 GR-14342 New Philadelphia, Athens	Greece	Article 7	4.3.2002	A350
GTA My Bicycle SAS	Viale Stazione, 55 I-35029 Pontelongo	Italy	Article 7	5.12.2001	A221
Kynast GmbH	Artlandstraße 55 D-49610 Quakenbrück	Germany	Article 7	1.11.2000	A284
Love Bike Srl	Strada Valle Maira 135/3 I-12020 Roccabruna	Italy	Article 7	8.3.2001	A251
Paul Lange & Co.	Hofener Straße 114 D-70732 Stuttgart	Germany	Article 7	27.4.2000	A288
PRO-FIT Sportprodukte GmbH	Biaser Straße 29 D-39261 Zerbst	Germany	Article 7	1.3.2001	A349

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC-additional code
Rex Industri AB	Box 303 S-30 108 Halmstad	Sweden	Article 7	1.11.2001	A311
SBB srl	Via Cuneo, 121A I-12020 Cervasca	Italy	Article 7	25.2.2000	A164
SPDAD Lda	Rua do Pinhal — lote 9-12 P-4470 Maia	Portugal	Article 7	22.5.2001	A320
Shivati Bicycles BV	Straelseweg 27a 5911 CL Venlo Nederland	The Netherlands	Article 7	2.1.2002	A321
Shock Blaze Srl	Via Vittorio Veneto 29/31 I-31020 S. Martino di Colle Umberto	Italy	Article 7	5.3.2001	A250
Teikotec Bike-Trading GmbH	Robert-Bosch-Straße 6 D-56727 Mayen	Germany	Article 7	1.1.2002	A328
United Bicycles Assembly NV	Oude Bunders 2030 B-3630 Maasmechelen	Belgium	Article 7	15.2.2002	A347
VILAR Indústrias Metalúrgicas SA	Rua Central do Ribeiro 512 P-4745 Alvarelhos	Portugal	Article 7	5.2.2001	A248

#### Article 2

The exemptions 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 are hereby revoked for the parties listed below from the date following that of the publication of the present Decision in the *Official Journal of the European Communities*.

#### Parties for which the exemption is revoked

Name	City	Country	TARIC additional code
Starway	BP 26-ZI Route de Pernay F-37320 Luynes	France	8055
TRIX SAS	Via Montesuello, 45 I-25015 Desenzano del Garda	Italy	8601

#### Article 3

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

AT Zweirad GmbH, Boschstrasse 18, D-48341 Altenberge, Germany;

Bicicletas Monty SA, C/El Pla 106, E-08980 Sant Feliu de Llobregat, Spain;

Checker Pig GmbH, Venusberger Straße 42, D-09430 Drebach, Germany;

Cicli Adriatica srl Uninominale, Via Toscana 13, I-61100 Pesaro, Italy;

Cicli Casadei srl, Via dei Mestieri 23, I-44020 S. Guiseppe di Commacchio, Italy;

Cicli Douglas di Battistello Albano & C. snc, Via Copernico 3-Z.I., I-35028 Piove di Sacco (PD), Italy;

Cicli Lombardo di Gaspare Lombardo & C snc, Via Roma 233, I-91012 Buseto Palizzolo, Italy;

Cobran snc di Perrino Agostino & C., Via Zingarina 6, I-47900 Rimini, Italy;

Cycles Eddie Koepler/Eddie Koepler International SARL, — Rue Louis Dacquin — Batterie 900, 59309 Valenciennes Cedex, France;

Diamant Fahrradwerke GmbH, Schönaicher Straße 1, D-09232 Hartmannsdorf, Germany;

Dino Bikes SpA, Via Cuneo 11, I-12011 Borgo San Dalmazzo, Italy;

Dutch Bicycle Group BV, Adrieaan Banckertstraat 7, NL-3115 JE Schiedam, The Netherlands;

F.lli Zanoni srl, Via C. Castiglioni 27, I-20010 Arluno, Italy;

Fabrica Biciclette Trubbiani e C. snc, Santa Maria in Selva Via Arno, 1, I-62010 Treia, Italy;

Family Bike srl, Via Serenissima 6, I-36041 Montecchio Maggiore, Italy;

FARAM srl, Zona Industriale-Traversa della Meccanica, I-02010 Santa Rufina di Cittaducale, Italy;

Forza A/S, Industrivej 20, DK-5750 Ringe, Denmark;

Gatsoulis, Vitinis 26, GR-14342 New Philadelphia, Athens, Greece;

GTA My Bicycle S.A.S., Viale Stazione 55, I-35029 Pontelongo, Italy;

Kynast GmbH, Artlandstr. 55, D-49610 Quakenbrück, Germany;

Love Bike Srl, Strada Valle Maira 135/3, I-12020 Roccabruna, Italy;

Paul Lange & Co., Hofener Straße 114, D-70372 Stuttgart, Germany;

PRO-FIT Sportprodukte GmbH, Biaser Str. 29, D-39261 Zerbst, Germany;

Rex Industri AB, Box 303, S-301 08 Halmstad, Sweden;

SBB srl, Via Cuneo 121A, I-12020 Cervasca, Italy;

SPDAD Lda, Rua do Pinhal — lote 9-12, P-4470 Maia, Portugal;

Shivati Bicycles BV, Straelseweg 27a, NL-5911 CL Venlo, The Netherlands;

Shock Blaze Srl, Via Vittorio Veneto 29/31, I-31020 S. Martino di Colle Umberto, Italy;

Starway, c/o Madame Nadine Breion, Mandataire Judiciaire auprès des Tribunaux de la Cour d'Appel d'Orléans, 25, rue Nationale, 37000 Tours, France;

Teikotec Bike-Trading GmbH, Robert-Bosch-Str. 6, D-56727 Mayen, Germany;

TRIX SAS, Via Montesuello, 45, I-25015 Desenzano del Garda, Italy;

United Bicycles Assembly NV, Oude Bunders 2030, B-3630 Maasmechelen, Belgium;

VILAR Indústrias Metalúrgicas SA, Rua Central do Ribeiro 512, P-4745 Alvarelhos, Portugal.

Done at Brussels, 16 July 2002.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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