



2024/2206

6.9.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2206

of 5 September 2024

amending Implementing Regulation (EU) 2019/73 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of electric bicycles originating in the People's Republic of China following acceptance of a request for new exporting producer treatment

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 the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 9 thereof,

Having regard to Commission Implementing Regulation (EU) 2019/73 of 17 January 2019 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of electric bicycles originating in the People's Republic of China ⁽²⁾, and, in particular, Article 1(6) thereof,

Whereas,

A. MEASURES IN FORCE

- (1) On 17 January 2019, the Commission imposed a definitive anti-dumping duty on imports into the Union of electric bicycles originating in the People's Republic of China ('the product concerned') by Implementing Regulation (EU) 2019/73 ('the original Regulation').
- (2) In the investigation leading to the imposition of definitive anti-dumping duties ('original investigation'), sampling was applied for investigating the exporting producers in the People's Republic of China ('PRC') in accordance with Article 17 of Regulation (EU) 2016/1036.
- (3) The Commission imposed individual anti-dumping duty rates ranging from 10,3% to 62,1% on imports of electric bicycles for the sampled exporting producers from the PRC. For the cooperating exporting producers that were not included in the sample (with the exception of the companies subject to the countervailing duty rate for all other companies imposed by Commission Implementing Regulation (EU) 2019/72 ⁽³⁾ on the product concerned) a weighted average duty of 24,2% was imposed. These cooperating exporting producers not included in the sample are listed in Annex I to the original Regulation. A weighted average duty of 16,2% was imposed on other cooperating companies not included in the sample (and subject to the countervailing duty rate for all other companies imposed by Commission Implementing Regulation (EU) 2019/72 on the product concerned). These are listed in Annex II to the original Regulation. Furthermore, a country-wide duty rate of 70,1% was imposed on electric bicycles from companies in the PRC which did not cooperate with the anti-dumping investigation but cooperated in the anti-subsidy investigation concerning imports of the product concerned (listed in Annex III to the original Regulation). A duty rate of 62,1% was imposed on all other companies.
- (4) Pursuant to Article 1(6) of the original Regulation, paragraph 2 of that Article may be amended by adding a new exporting producer to the appropriate annex with the cooperating companies not included in the sample and thus subject to the appropriate weighted average anti-dumping duty rate, where that new exporting producer in the PRC provides sufficient evidence to the Commission of the following:

⁽¹⁾ OJ L 176, 30.6.2016, p. 21, ELI: <http://data.europa.eu/eli/reg/2016/1036/oj>

⁽²⁾ OJ L 16, 18.1.2019, p. 108, ELI: http://data.europa.eu/eli/reg_impl/2019/73/oj

⁽³⁾ OJ L 16, 18.1.2019, p. 5, ELI: http://data.europa.eu/eli/reg_impl/2019/72/oj

- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 October 2016 to 30 September 2017 ('the original investigation period') ('the first NEPT condition');
- (b) it is not related to any of the exporters or producers in the PRC that are subject to the anti-dumping measures imposed by the original Regulation and that has or could have cooperated in the original investigation ('the second NEPT condition'); and
- (c) it has actually exported to the Union the product concerned after the end of the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity of the product concerned to the Union ('the third NEPT condition').

B. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

- (5) On 8 January 2024, Zhetai Vehicle (Jiangsu) Co., Ltd. ('the applicant'), a Chinese producer of electric bicycles applied to the Commission to be granted new exporting producer treatment ('NEPT') and hence to be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, subject to the parallel countervailing duty rate for all other companies, i.e. 16,2%, claiming that it met all three conditions set out in Article 1(6) of the original Regulation ('the request').
- (6) To determine whether the applicant fulfilled the three NEPT conditions, the Commission sent a questionnaire to the applicant and requested evidence showing that it met the NEPT conditions. The applicant provided a reply to the questionnaire.
- (7) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicant. The applicant owns a valid business license to produce electric bicycles which was registered in January 2024 at the Registration office of the Lianshui County Market Supervision and Administration Bureau. In parallel, the Commission informed the Union industry about the applicant's request and invited the Union industry to provide comments, if needed. The Union industry replied that the applicant was related to a German trader, ZT GmbH, which was officially registered in April 2015.

C. ANALYSIS OF THE REQUEST

- (8) With regard to the first NEPT condition that the applicant did not export the product concerned to the Union during the investigation period on which the measures are based (1 October 2016 to 30 September 2017), the Commission established that the applicant did not export electric bicycles to the Union because it was established after that period.
- (9) With regard to the second NEPT condition, that the applicant is not related to any exporters or producers which are subject to the anti-dumping measures imposed by the original Regulation, the Commission established that the applicant is not related to any of the producers in the PRC that are subject to the anti-dumping measures imposed by the original Regulation, and who exported the product concerned to the Union during the original investigation period.
- (10) With regard to the third NEPT condition, that the applicant has actually exported the product concerned to the Union after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, the Commission established that, based on the documentary evidence provided, the applicant had exported electric bicycles to the Union following the original investigation period. The applicant provided relevant sales and customs documents for an export transaction to the Netherlands through its related trader in Germany in November 2023.
- (11) Based on the above, the Commission concluded that the applicant complied with the NEPT condition and that it should be made subject to an anti-dumping duty of 16,2% for cooperating companies not included in the sample of the original investigation (and subject to the countervailing duty rate for all other companies imposed by Commission Implementing Regulation (EU) 2019/72 on the product concerned).

(12) Implementing Regulation (EU) 2019/73 should therefore be amended accordingly.

D. DISCLOSURE

- (13) The applicant and the Union industry were informed of the essential facts and considerations based on which it was deemed appropriate to grant the anti-dumping duty rate applicable to the cooperating companies not included in the sample of the original investigation to the applicant.
- (14) The applicant and the Union industry were granted the possibility to submit comments. No comments were received.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Implementing Regulation (EU) 2019/73, the following row is inserted after the row for Zhejiang Luyuan Electric Vehicle Co., Ltd.:

Company Name	Province	TARIC additional code
'Zhetai Vehicle (Jiangsu) Co., Ltd.	Jiangsu	89CD'

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 September 2024.

For the Commission
The President
Ursula VON DER LEYEN