

Commission Implementing Regulation (EU) 2019/1379 of 28 August 2019 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China as extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka, Tunisia, Cambodia, Pakistan and the Philippines, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) No 2016/1036

Article 1 (1) A definitive anti-dumping duty is hereby imposed on imports...

Article 2 This Regulation shall enter into force on the day following...
Signature

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (1) [OJ L 176, 30.6.2016, p. 21.](#)
- (2) 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](#)).
- (3) 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 ([OJ L 16, 18.1.1997, p. 55](#)).
- (4) Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorization 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 ([OJ L 17, 21.1.1997, p. 17](#)).
- (5) Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 ([OJ L 153, 5.6.2013, p. 17](#)).
- (6) Council Implementing Regulation (EU) No 501/2013 of 29 May 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not ([OJ L 153, 5.6.2013, p. 1](#)).
- (7) Commission Implementing Regulation (EU) 2015/776 of 18 May 2015 extending the definitive anti-dumping duty imposed by Council Regulation (EU) No 502/2013 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not ([OJ L 122, 19.5.2015, p. 4](#)).
- (8) Judgment of the Court of Justice of the European Union of 14 December 2017 in Case C-61/16 P, *EBMA v Giant (China)*, ECLI:EU:C:2017:968.
- (9) Commission Implementing Regulation (EU) 2018/49 of 11 January 2018 amending Council Implementing Regulation (EU) No 501/2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from, inter alia, Tunisia, whether declared as originating in, inter alia, Tunisia or not, following a 'new exporter' review pursuant to Article 11(4) and 13(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council ([OJ L 7, 12.1.2018, p. 31](#)).
- (10) [OJ C 294, 5.9.2017, p. 3.](#)
- (11) [OJ C 189, 4.6.2018, p. 18.](#)
- (12) Commission Staff Working Document on Significant Distortions in the Economy of the People's Republic of China for the purposes of Trade Defence Investigations, 20 December 2017, SWD(2017) 483 final/2.
- (13) Report – Chapter 2, p. 6-7.
- (14) Report – Chapter 2, p. 10.
- (15) <http://en.pkulaw.cn/display.aspx?cgid=311950&lib=law> .
- (16) Report – Chapter 2, p. 20-21.
- (17) Report – Chapter 3, p. 41, 73-74.
- (18) Report – Chapter 6, p. 120-121.
- (19) Report – Chapter 6. p. 122 -135.
- (20) Report – Chapter 7, p. 167-168.
- (21) Report – Chapter 8, p. 169-170, 200-201.
- (22) Report – Chapter 2, p. 15-16, Report – Chapter 4, p. 50, p. 84, Report – Chapter 5, p. 108-9.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (23) CBA website: <http://www.china-bicycle.com/information/?cid=11> (accessed on 26 March 2019).
- (24) See CBA Articles of Association: <http://www.china-bicycle.com/information/?cid=33> (accessed on 27 March 2019).
- (25) See Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China, recitals (136)-(138).
- (26) Report – Chapter 5, p. 100-1.
- (27) The Report – Chapter 2, p. 26.
- (28) Report – Chapter 2, p. 31-2.
- (29) See <https://www.reuters.com/article/us-china-congress-companies-idUSKCN1B40JU> .
- (30) http://money.finance.sina.com.cn/corp/view/vCI_CorpManagerInfo.php?stockid=600679&Name=%D6%DC%CE%C0%D6%D0
- (31) <http://www.600818.cn/about.asp?id=5> and http://money.finance.sina.com.cn/corp/view/vCI_CorpManagerInfo.php?stockid=600818&Name=%B9%CB%BE%F5%D0%C2.
- (32) Report – Chapters 14.1 to 14.3.
- (33) Report – Chapter 4, p. 41-42, 83.
- (34) See Report Chapter 14 on steel, Chapter 15 on aluminium, Chapter 16 on the chemical sector (covering partly rubber) and Chapter 12 on raw materials (providing additional information on rubber).
- (35) The full text of the plan is available on the MIIT website: <http://www.miit.gov.cn/n1146295/n1652858/n1652930/n3757016/c5353943/content.html>.
- (36) Introduction to The Plan for Adjusting and Upgrading the Steel Industry.
- (37) The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016-2020), <http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf>.
- (38) Report – Chapter 14, p. 349.
- (39) Report – Chapter 14, p. 352.
- (40) Catalogue for Guiding Industry Restructuring (2011 Version) (2013 Amendment) issued by Order No 9 of the National Development and Reform Commission on 27 March 2011, and amended in accordance with the Decision of the National Development and Reform Commission on Amending the Relevant Clauses of the Catalogue for Guiding Industry Restructuring (2011 Version) issued by Order No 21 of the National Development and Reform Commission on 16 February 2013.
- (41) See Recital (56) of Commission Implementing Regulation (EU) 2017/969 of 8 June 2017 imposing definitive countervailing duties on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2017/649 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China, OJ [2017] L 146/17.
- (42) Australian Anti-Dumping Commission, *Aluminium Extrusions from China*, REP 248, p. 79 (13 July 2015).
- (43) Taube, M. (2017). *Analysis of Market Distortions in the Chinese Non-Ferrous Metals Industry*, Think!Desk, 24 April 2017, p. 51.
- (44) See for example a report concerning Shandong provincial government's failure to curb aluminium capacity expansion: https://mp.weixin.qq.com/s?__biz=MzI2OTUyMzA0Nw==&mid=2247494318&idx=1&sn=9690ca50845c19f38eaff659516817a&chksm=eaddaba (accessed on 22 February 2019).
- (45) The Report – Chapter 15, p. 387-388.
- (46) The Report – Chapter 12, p. 275 - 282
- (47) The Report – Chapter 15, p. 378–382, 390.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (48) The Report – Chapter 15, p. 386.
- (49) The Report – Chapter 15, pp. 377- 387.
- (50) Report – Chapter 6, p. 138-149.
- (51) Report – Chapter 9, p. 216.
- (52) Report – Chapter 9, p. 213-215.
- (53) Report – Chapter 9, p. 209-211.
- (54) See recitals 503-515 of Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China (OJ L 16, 18.1.2019, p. 5) (C/2019/43).
- (55) See recitals 478-493 of Commission Implementing Regulation (EU) 2018/1690 of 9 November 2018 imposing definitive countervailing duties on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries and with a load index exceeding 121 originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2018/1579 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China and repealing Implementing Regulation (EU) 2018/163 (OJ L 283, 12.11.2018, p. 1) (C/2018/7349).
- (56) Report – Chapter 13, p. 332-337.
- (57) Report – Chapter 13, p. 336.
- (58) Report – Chapter 13, p. 337-341.
- (59) Report – Chapter 6, p. 114-117.
- (60) Report – Chapter 6, p. 119.
- (61) Report – Chapter 6, p. 120.
- (62) Report – Chapter 6, p. 121-122, 126-128, 133-135.
- (63) Report, *ibid.*
- (64) Report – Chapter 14, p. 362-3, listing EU trade defence investigations (concerning certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and concerning certain organic coated steel products originating in the People's Republic of China), as well as trade defence investigation conducted by the Australian, Canadian, Indian or US authorities.
- (65) Report – Chapter 6, p. 127, in particular with respect to the IMF estimate.
- (66) See paras 175-346 of Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China (OJ L 16, 18.1.2019, p. 5) (C/2019/43).
- (67) See paras 347-367, *ibid.*
- (68) See paras 551-557, *ibid.*
- (69) See paras 562-575, *ibid.*
- (70) Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China.
- (71) See Judgement of the Court of 28 February 2018 in Case C-301/16 P.
- (72) World Bank Open Data – Upper Middle Income, <https://data.worldbank.org/income-level/upper-middle-income> .
- (73) If there is no production of the product under review in any country with a similar level of development, production of a product in the same general category and/or sector of the product under review may be considered.
- (74) Source: Orbis database, provided by Bureau Van Dijk (<https://orbis.bvdinfo.com/version-2019228/home.serv?product=OrbisNeo>).

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (75) Global Trade Atlas – GTA (https://www.gtis.com/gta/secure/htscty_wta.cfm).
- (76) Thailand was removed from the list of GSP beneficiary countries listed in Annex II to Regulation (EU) No 978/2012 with effect from 1 January 2015 in accordance with Commission Delegated Regulation (EU) No 1421/2013.
- (77) Source: Orbis database, provided by Bureau Van Dick (<https://orbis.bvdinfo.com/version-2019228/home.serv?product=OrbisNeo>).
- (78) Source: Orbis database, provided by Bureau Van Dick (<https://orbis.bvdinfo.com/version-2019228/home.serv?product=OrbisNeo>).
- (79) http://comext.eurostat.ec.europa.eu/ANALYTICAL_S10_V17_ECAS/Analytical.html.
- (80) <https://ec.europa.eu/eurostat/web/energy/data/main-tables>.
- (81) <https://www.bloomberg.com/>.
- (82) At 4 July 2018, the company Yong Yi had not yet withdrawn its cooperation from the investigation and information provided in Annex III was therefore used as source.
- (83) <https://ec.europa.eu/eurostat/web/energy/data/database>.
- (84) Source: Orbis database, provided by Bureau Van Dick (<https://orbis.bvdinfo.com/version-2019228/home.serv?product=OrbisNeo>).
- (85) Computed as average of operating revenue, less operating profit, less financial profit, less cost of goods sold (material costs, costs of employees, depreciation and amortisation).
- (86) Computed as the profit before taxes over the cost of goods sold (material costs, costs of employees, depreciation and amortisation).
- (87) Regulation (EU) 2017/2321 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union ([OJ L 338 of 19.12.2017, p. 1](#)).
- (88) This was computed by extrapolation, assuming that the total production of 80 million units represents 68 % of the total capacity, which would therefore be equal to 117 million units.
- (89) Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 ([OJ L 153, 5.6.2013, p. 17](#)).
- (90) Source: Global Trade Atlas – GTA (https://www.gtis.com/gta/secure/htscty_wta.cfm), statistical data available at the HS code level 8712 00 (Product concern: CN code 8712 00 30 & 8712 00 70).
- (91) <https://www.usitc.gov/tata/hts/index.htm>, United States International Trade Commission - Official Harmonized Tariff Schedule 2019.
- (92) <https://www.federalregister.gov/documents/2019/05/09/2019-09681/notice-of-modification-of-section-301-action-chinas-acts-policies-and-practices-related-to>.
- (93) Source: Global Trade Atlas – GTA.
- (94) <https://www.federalregister.gov/documents/2019/05/09/2019-09681/notice-of-modification-of-section-301-action-chinas-acts-policies-and-practices-related-to>.
- (95) 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 ([OJ L 16, 18.1.2019, p. 108](#)).
- (96) Source: statistics based on the data reported to the Commission by the Member States in accordance with Article 14(6) of the basic Regulation.
- (97) https://ec.europa.eu/eurostat/en/web/products-datasets/-/EARN_MW_CUR.
- (98) EBMA's submission of 1st May 2019.
- (99) <http://www.china-bicycle.com/information/?cid=11>.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (100) Commission Implementing Regulation (EU) 2019/72 of 17 January 2019 imposing a definitive countervailing duty on imports of electric bicycles originating in the People's Republic of China ([OJ L 16, 18.1.2019, p. 5](#)).
- (101) 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 ([OJ L 16, 18.1.2019, p. 108](#)).
- (102) 'European bicycle market - Employment and Investment figures in 2018', updated March 2019, p. 5.
- (103) European Commission, Directorate-General for Trade, Directorate H, B-1049 Brussels, Belgium.
- (104) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ([OJ L 193, 30.7.2018, p. 1](#)).

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1379. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Recital 37 replacement by [EUR 2020/45](#) Regulation