

Information about the Request for NEPT 20-01

On 18 January 2019, the Commission imposed a definitive anti-dumping duty on imports into the Union of cycles, with pedal assistance, with an auxiliary electric motor, originating in the People's Republic of China ('PRC') ('the product concerned') by Commission Implementing Regulation (EU) No 2019/73,¹ last amended Corrigendum to Commission Implementing Regulation (EU) 2019/73 of 17 January 2019². ('the original Regulation').

In the original investigation, sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of the Basic Regulation.

The Commission imposed individual anti-dumping duty rates ranging from 10.3% to 70.1% on imports of electronic bikes for the sampled exporting producers from the PRC. For exporting producers cooperating with the anti-dumping investigation only that were not included in the sample, a duty rate of 16.2% was imposed. These exporting producers are listed in Annex II to the original Regulation. Furthermore, exporting producers cooperating with both anti-dumping and anti-subsidy investigations listed in Annex I received a 24.2% anti-dumping duty rate, while for exporting producers cooperating only with the anti-subsidy investigation, listed in Annex III, the anti-dumping duty rate was set at 70.1%. The countrywide duty rate, applicable to companies in the PRC which either did not make themselves known or did not cooperate with the investigation, was set at 62.1%.

Article 1(6) of the original Regulation stipulates that where any new exporting producer in the PRC provides sufficient evidence that:

- (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');
- (b). it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by the original Regulation; and,
- (c). it has actually exported to the Union the product concerned after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union,

the new exporting producer may be granted the same anti-dumping duty rate applicable to exporting producers not included in the sample but cooperating with the anti-dumping investigation.

On 16 May 2019, Jinhua Holiday E-Tech Co., Ltd ('the applicant') submitted a request to the Commission to be granted new exporting producer treatment ('NEPT').

The Commission is currently examining the request in order to determine whether the applicant fulfils the criteria for being granted NEPT, as set out in Article 1(6) of the original Regulation.

Importers/exporters, Union industry, can register as interested parties and have the possibility to provide comments concerning the request for NEPT or request hearings. Only interested

¹ 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 16/108

² Corrigendum 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 OJ L 16 I/1

parties have access to the non-confidential file of the case. ¶All written submissions provided by interested parties for which confidential treatment is requested must be labelled '*Limited*'³ and accompanied by a non-confidential summary '*For inspection by interested parties*' pursuant to Article 19(2) of the basic Regulation. Parties providing confidential information must show good cause for a confidential treatment request.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://webgate.ec.europa.eu/tron/TDI>) including scanned powers of attorney and certification sheets.

In order to have access to TRON.tdi, interested parties need an EU Login account. Full instructions on how to register and use TRON.tdi are available on <https://webgate.ec.europa.eu/tron/resources/documents/gettingStarted.pdf>.

By using TRON.tdi or e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document "CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES" published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf

Interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions including principles that apply to submissions via TRON.tdi and by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

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The hearing officer acts as an interface between the interested parties and the Commission investigation services. The hearing officer may, upon request by any interested party organise a hearing and mediate to ensure the full exercise of the interested parties' rights of defence. The hearing officer also reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests of third persons to be heard.

³ A '*Limited*' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

For more information go to the hearing officer's web site accessible through this link:
<http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>