

*Defendant:* European Commission

### **Form of order sought**

The applicants claim that the Court should:

- Declare the action admissible;
- Annul the Commission Implementing Regulation (EU) No 2021/1930 of 8 November 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of birch plywood originating in Russia <sup>(1)</sup> (the ‘Contested Regulation’), as far as it applies to the applicants; and
- Order the defendant to pay the costs incurred by the applicants in relation to these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicants rely on six pleas in law.

1. First plea in law, alleging that the defendant committed manifest errors of assessment and acted in breach of Article 2 (10)(i) of Regulation (EU) 2016/1036 <sup>(2)</sup> (‘basic Regulation’), by failing to consider that the applicants and Sveza-Les form a single economic entity and by adjusting the export price for the amount of commissions paid to Sveza-Les or, in the alternative, the defendant committed manifest errors of assessment and acted in breach of Articles 2(10) and 2(10)(i) of the basic Regulation by failing to adjust the normal value for the mark-up received by Sveza-Les on domestic sales.
2. Second plea in law, alleging that the defendant committed manifest errors of assessment and acted in breach of Article 2 (6) of the basic Regulation by disregarding the dividend received by Sveza-Les from Sveza Uralskiy when determining SGA for the construction of normal value.
3. Third plea in law, alleging that the defendant committed manifest errors of assessment and acted in breach of Article 2(6) of the basic Regulation, by allocating costs incurred by Sveza-Les in relation to management services to the production and sale of Plywood, when determining SGA for the construction of normal value.
4. Fourth plea in law, alleging that the defendant committed manifest errors of assessment, failed to state reasons and violated the right to sound administration by including square-shaped Plywood in the scope of the product concerned or, in the alternative, committed manifest errors of assessment, failed to state reasons, violated the right to sound administration and acted in breach of Articles 3(2) and 3(6) of the basic Regulation by failing to assess separately square-shaped Plywood for injury and causality purposes.
5. Fifth plea in law, alleging that the defendant committed manifest errors of assessment, acted in breach of Article 3(2) of the basic Regulation and violated the right to sound administration by determining import figures based on unreliable data.
6. Sixth plea in law, alleging that the defendant committed manifest errors of assessment, acted in breach of Articles 3(6) and 3(7) of the basic Regulation and violated the right to sound administration by failing to consider, in its causality assessment, the existence of different market segments, as well as the impact of other known factors causing injury.

<sup>(1)</sup> OJ 2021, L 394, p. 7.

<sup>(2)</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ 2016, L 176, p. 21).

---

**Action brought on 4 January 2022 — ZHPLK/Commission**

**(Case T-3/22)**

(2022/C 84/67)

*Language of the case: English*

### **Parties**

*Applicant:* Zheshartsky LPK OOO (Zheshart, Russia) (represented by: P. Vander Schueren and E. Gergondet, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- Declare the action admissible;
- Annul the Commission Implementing Regulation (EU) No 2021/1930 of 8 November 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of birch plywood originating in Russia <sup>(1)</sup> (the ‘Contested Regulation’), as far as it applies to the applicant; and
- Order the defendant to pay the costs incurred by the applicant in relation to these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging that the defendant committed manifest errors of assessment and acted in breach of Articles 2 (10) and 2(10)(i) of Regulation (EU) 2016/1036 <sup>(2)</sup> (‘basic Regulation’), by adjusting the applicant’s export price for commissions paid to Trade House on domestic sales, instead of adjusting the normal value for the full amount of these commissions.
2. Second plea in law, alleging that the defendant committed manifest errors of assessment and acted in breach of Article 2 (10)(e) or, in the alternative, Article 2(10)(k) of the basic Regulation, by failing to take into account reimbursements of transport costs when adjusting the export price.
3. Third plea in law, alleging in the alternative, that the defendant committed manifest errors of assessment, acted in breach of Article 2(6) of the basic Regulation and failed to state reasons by not taking into account reimbursements of transport costs when determining the applicant’s selling, general and administrative expenses on the domestic market.
4. Fourth plea in law, alleging that the defendant committed manifest errors of assessment, failed to state reasons and violated the right to sound administration by including square-shaped Plywood in the scope of the product concerned or, in the alternative, committed manifest errors of assessment, failed to state reasons, violated the right to sound administration and acted in breach of Articles 3(2) and 3(6) of the basic Regulation by failing to assess separately square-shaped Plywood for injury and causality purposes.
5. Fifth plea in law, alleging that the defendant committed manifest errors of assessment, acted in breach of Article 3(2) of the basic Regulation and violated the right to sound administration by determining import figures based on unreliable data.
6. Sixth plea in law, alleging that the defendant committed manifest errors of assessment, acted in breach of Articles 3(6) and 3(7) of the basic Regulation and violated the right to sound administration by failing to consider, in its causality assessment, the existence of different market segments, as well as the impact of other known factors causing injury.

---

<sup>(1)</sup> OJ 2021, L 394, p. 7.

<sup>(2)</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ 2016, L 176, p. 21).