

Pleas in law and main arguments

The applicant, who is a Chinese producer and exporter of leather footwear, seeks the annulment of Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam ⁽¹⁾.

In support of its application, the applicant invokes nine pleas in law of which the first five relate to the lack of competence, infringement of essential procedural requirements laid down in the Basic Regulation ⁽²⁾ and infringement of the principles of legitimate expectations, rights of defence and equal treatment.

Furthermore, the applicant submits that there has been an erroneous and discriminatory calculation of the dumping margin applied to the applicant and that the contested regulation is vitiated by a manifest error of assessment in respect of the extent and duration of the injury relied on to justify the imposition of duties on the applicant.

Moreover, the applicant contends that the Commission has infringed Article 20 of the Basic Regulation in failing to give proper disclosure to the applicant in respect of the radical change of the definitive measures proposed by the Commission between 7 July and 28 July 2006.

Finally, the applicant alleges that the contested regulation infringes Article 2(10) of the Basic Regulation in respect of the need to make a 'fair comparison' between the export price and the normal value when assessing the dumping margin.

⁽¹⁾ OJ 2006 L 275, p. 1.

⁽²⁾ Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1).

Action brought on 21 December 2006 — Wenzhou Taima Shoes v Council**(Case T-408/06)**

(2007/C 42/68)

*Language of the case: English***Parties**

Applicant: Wenzhou Taima Shoes Co., Ltd (Yang Yi, China) (represented by: I. MacVay, solicitor, R. Thompson, QC, and K. Beal, barrister)

Defendant: Council of the European Union

Form of order sought

- The contested regulation be annulled in so far as it applies to the applicant;
- the defendant meet the applicant's costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments relied on by the applicant are identical to those relied on in Case T-407/06 *Zhejiang Aokang Shoes v Council*.

Action brought on 21 December 2006 — Sun Sang Kong Yuen Shoes Factory v Council**(Case T-409/06)**

(2007/C 42/69)

*Language of the case: English***Parties**

Applicant: Sun Sang Kong Yuen Shoes Factory (Hui Yang) Co., Ltd (Xin Xu, China) (represented by: I. MacVay, solicitor, R. Thompson, QC, and K. Beal, barrister)

Defendant: Council of the European Union

Form of order sought

- The contested regulation be annulled in so far as it applies to the applicant;
- the defendant meet the applicant's costs of these proceedings.

Pleas in law and main arguments

The applicant, who is a Chinese producer and exporter of leather footwear, seeks the annulment of Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam ⁽¹⁾.

In support of its application, the applicant invokes six pleas in law claiming that:

- the contested regulation is vitiated by a manifest error of assessment or infringes essential procedural requirements and the principle of equal treatment in failing to conclude that the applicant operated under market economy conditions ⁽²⁾;