

- by refusing the applicant market economy treatment, the Commission breached Article 3 of the Basic Regulation and made a manifest error of assessment in failing to take account of relevant information concerning the structure of the market and in particular the important role played by independent intermediaries in the supply of products manufactured by the applicant;
- the Commission acted outside the scope of Article 18(1) of the Basic Regulation and breached the applicant's rights of defence;
- the Commission 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;
- 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; and
- 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⁾ See Article 2(7)(b) and (c) of 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 — Foshan City Nanhai Golden Step Industrial v Council

(Case T-410/06)

(2007/C 42/70)

Language of the case: English

Parties

Applicant: Foshan City Nanhai Golden Step Industrial Co. Ltd (Hong Kong, China) (represented by: I. MacVay, solicitor, R. Thompson, QC and K. Beal, barrister)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 1472/2006 insofar as it applies to the applicant;

- order the Council to meet the applicant's costs of these proceedings.

Pleas in law and main arguments

By the present application, the applicant seeks annulment, pursuant to Article 230 EC, of the contested regulation to the extent that it imposes definitive anti-dumping duties on its exports to the European Union.

The applicant advances four pleas in law in support of its claims:

- The applicant submits that the Commission's calculation of the profit margin to be used for the constructed value of the applicant's normal value is vitiated by a manifest error and/or infringes its rights of defence.
- Furthermore, the applicant claims that the Commission allegedly breached the requirements of Article 3 of the Basic Regulation and/or made a manifest error of assessment in failing to take account of relevant information concerning the structure of the market, and in particular the important role played by independent intermediaries in the supply of products manufactured by the applicant.
- According to the applicant, the Commission has further infringed Article 20 of the Basic Regulation and/or essential procedural requirements and/or its rights of defence in failing to give proper disclosure in respect of the radical amendment of the definitive measures proposed by the Commission between 7 July and 28 July 2006.
- Finally, the applicant contends that the contested regulation is further vitiated by a manifest error of assessment in respect of the extent and duration of the injury relied on to justify a determination of material injury and the imposition of duties on the applicant.

Action brought on 22 December 2006 — SO.GE.L.M.A. v EAR

(Case T-411/06)

(2007/C 42/71)

Language of the case: Italian

Parties

Applicant: SO.GE.L.M.A. (Scandicci, Italy) (represented by: E. Cappelli, P. De Caterini, A. Bandini and A. Gironi, avvocati)

Defendant: European Agency for Reconstruction