

**Judgment of the Court of First Instance of 10 June 2009 —  
Poland v Commission**

(Case T-257/04) <sup>(1)</sup>

*(Agriculture — Common organisation of the markets — Transitional measures to be adopted by reason of the accession of new Member States — Regulation (EC) No 1972/2003 laying down measures in respect of trade in agricultural products — Action for annulment — Period within which proceedings must be commenced — Point from which time starts to run — Delay — Amendment of a provision of a regulation — Re-opening of the action against that provision and against all provisions forming a body of rules with it — Partial admissibility — Proportionality — Principle of non-discrimination — Legitimate expectations — Statement of reasons)*

(2009/C 180/76)

Language of the case: Polish

**Parties**

*Applicant:* Republic of Poland (represented: initially by J. Pietras, and subsequently by E. Ośniecka-Tamecka, T. Nowakowski, M. Dowgielewicz and B. Majczyna, acting as Agents, assisted by M. Szpunar, lawyer)

*Defendant:* Commission of the European Communities (represented: initially by A. Stobiecka-Kuik, L. Visaggio and T. van Rijn, and subsequently by T. van Rijn, H. Tserepa-Lacombe and A. Szmytkowska, acting as Agents)

**Re:**

Action for annulment of Article 3, Article 4(3) and the eighth indent of Article 4(5) of Commission Regulation (EC) No 1972/2003 of 10 November 2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ 2003 L 293, p. 3), as amended by Commission Regulation (EC) No 230/2004 of 10 February 2004 (OJ 2004 L 39, p. 13) and Commission Regulation (EC) No 735/2004 of 20 April 2004 (OJ 2004 L 114, p. 13).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the Republic of Poland to bear its own costs and to pay those of the Commission.

<sup>(1)</sup> OJ C 251, 9.10.2004.

**Judgment of the Court of First Instance (Fourth Chamber)  
of 17 June 2009 — Zhejiang Xinan Chemical Industrial  
Group v Council**

(Case T-498/04) <sup>(1)</sup>

*(Dumping — Imports of glyphosate originating in China — Status of undertaking operating under market economy conditions — Article 2(7)(b) and (c) of Regulation (EC) No 384/96)*

(2009/C 180/77)

Language of the case: English

**Parties**

*Applicant:* Zhejiang Xinan Chemical Industrial Group Co. Ltd (Jiande City, China) (represented by: initially D. Horovitz, lawyer, and B. Hartnett, Barrister, and subsequently D. Horovitz)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrisch, lawyer)

*Intervener in support of the applicant:* Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace) (represented by: J. Flynn QC, and D. Scannell, Barrister)

*Intervener in support of the defendant:* Commission of the European Communities (represented by: E. Righini and K. Talabér-Ritz, acting as Agents)

**Re:**

Application for the annulment of Article 1 of Council Regulation (EC) No 1683/2004 of 24 September 2004 imposing a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China (OJ 2004 L 303, p. 1), in so far as it concerns the applicant.

**Operative part of the judgment**

*The Court:*

1. Annuls, in so far as it concerns Zhejiang Xinan Chemical Industrial Group Co. Ltd, Article 1 of Council Regulation (EC) No 1683/2004 of 24 September 2004 imposing a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China;
2. Orders the Council to bear its own costs and to pay those of Zhejiang Xinan Chemical Industrial Group Co. Ltd and of the Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace);