

GENERAL COURT

Judgment of the General Court of 4 March 2010 — Brosmann Footwear (HK) and Others v Council

(Case T-401/06) ⁽¹⁾

(Dumping — Imports of footwear with uppers of leather originating in China and Vietnam — Market economy treatment — Individual treatment — Sampling — Support of the complaint by the Community industry — Definition of the product concerned — Equal treatment — Injury — Legitimate expectations — Obligation to state the reasons on which the decision is based)

(2010/C 113/57)

Language of the case: English

Parties

Applicants: Brosmann Footwear (HK) Ltd (Kowloon, China); Seasonable Footwear (Zhongshan) Ltd (Zhongshan, China); Lung Pao Footwear (Guangzhou) Ltd (Guangzhou, China); and Risen Footwear (HK) Co., Ltd (Kowloon, China) (represented by: L. Ruessmann and A. Willems, lawyers)

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

Interveners in support of the defendant: European Commission (represented by: H. van Vliet and T. Scharf, acting as Agents) and Confédération européenne de l'industrie de la chaussure (CEC) (Brussels, Belgium) (represented: initially by P. Vlaemminck, G. Zonnekeyn and S. Verhulst and subsequently by P. Vlaemminck and A. Hubert, lawyers)

Re:

Application for partial 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 (OJ 2006 L 275, p. 1), in so far as it concerns the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd and Risen Footwear (HK) Co., Ltd to bear their own costs as well as those incurred by the Council of the European Union;

3. Orders the European Commission and the Confédération européenne de l'industrie de la chaussure (CEC) to bear their own costs.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the General Court of 4 March 2010 — Zhejiang Aokang Shoes and Wenzhou Taima Shoes v Council

(Joined Cases T-407/06 and T-408/06) ⁽¹⁾

(Dumping — Imports of footwear with uppers of leather originating in China and Vietnam — Market economy treatment — Individual treatment — Sampling — Rights of the defence — Equal treatment — Injury — Legitimate expectations — Obligation to state the reasons on which the decision is based)

(2010/C 113/58)

Language of the case: English

Parties

Applicants: Zhejiang Aokang Shoes Co., Ltd (Yongjia, China) (Case T-407/06) and Wenzhou Taima Shoes Co., Ltd (Wenzhou, China) (Case T-408/06) (represented by: I. MacVay, Solicitor, R. Thompson QC, and K. Beal, Barrister)

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

Interveners in support of the defendant: European Commission (represented by: H. van Vliet and T. Scharf, acting as Agents); Confédération européenne de l'industrie de la chaussure (CEC) (Brussels, Belgium) (represented: initially by P. Vlaemminck, G. Zonnekeyn and S. Verhulst and subsequently by P. Vlaemminck and A. Hubert, lawyers); B.A.L.A. di Lanciotti Vittorio & C. Sas (Monte Urano, Italy) and the 16 other interveners listed in the Annex (represented by: G. Celona, P. Tabellini and C. Cavaliere, lawyers)