

GENERAL COURT

Judgment of the General Court (Second Chamber) of 25 October 2011 — CHEMK and KF v Council(Case T-190/08) ⁽¹⁾*(Dumping — Imports of ferro-silicon originating in the former Yugoslav Republic of Macedonia, China, Egypt, Kazakhstan and Russia — Calculation of the export price — Profit margin — Price undertaking — Injury — Causal link — Complaint — Rights of the defence — Obligation to state reasons)*

(2011/C 355/21)

Language of the case: English

Parties

Applicants: Chelyabinsk Electrometallurgical Integrated Plant OAO (CHEMK) (Chelyabinsk, Russia); and Kuznechie Ferrosplavy OAO (KF) (Novokuznetsk, Russia) (represented by P. Vander Schueren, lawyer)

Defendant: Council of the European Union (represented initially by J. P. Hix, and subsequently by J.-P. Hix and B. Driessen, Agents, assisted initially by G. Berrisch and G. Wolf, and subsequently by G. Berrisch, lawyers)

Intervener in support of the defendant: European Commission (represented initially by H. van Vliet and K. Talabér-Ritz, and subsequently by H. van Vliet and M. França, Agents)

Re:

Application for partial annulment of Council Regulation (EC) No 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ferro-silicon originating in the People's Republic of China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia (OJ 2008 L 55, p. 6), in so far as it affects the applicants.

Operative part of the judgment*The Court:*

1. Dismisses the action.
2. Orders Chelyabinsk Electrometallurgical Integrated Plant OAO (CHEMK) and Kuznechie Ferrosplavy OAO (KF) to bear their own costs as well as those incurred by the Council of the European Union.
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 197, 2.8.2008.**Judgment of the General Court of 25 October 2011 — Transnational Company 'Kazchrome' and ENRC Marketing v Council**(Case T-192/08) ⁽¹⁾*(Dumping — Imports of ferro-silicon originating in the former Yugoslav Republic of Macedonia, China, Egypt, Kazakhstan and Russia — Causal link — Community interest — Lack of cooperation — Facts available — Market economy treatment — Rights of the defence — Obligation to state reasons)*

(2011/C 355/22)

Language of the case: English

Parties

Applicants: Transnational Company 'Kazchrome' AO (Aktobe, Kazakhstan) and ENRC Marketing AG (Kloten, Switzerland) (represented by: initially L. Ruessmann and A. Willems, and subsequently by A. Willems and S. de Knop, lawyers)

Defendant: Council of the European Union (represented by: initially J.-P. Hix and subsequently by J.-P. Hix and B. Driessen, Agents, assisted initially by G. Berrisch and G. Wolf, and subsequently by G. Berrisch, lawyers)

Interveners in support of the defendant: European Commission (represented by H. van Vliet and K. Talabér-Ritz, Agents), and Euroalliages (Brussels, Belgium) (represented by J. Bourgeois, Y. van Gerven and N. McNelis, lawyers)

Re:

APPLICATION for partial annulment of Council Regulation (EC) No 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ferro-silicon originating in the People's Republic of China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia (OJ 2008 L 55, p. 6), in so far as it applies to the applicants.

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders Transnational Company 'Kazchrome' AO and ENRC Marketing AG to bear their own costs as well as those incurred by the Council of the European Union and by Euroalliages;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 197, 2.8.2008.