

Defendant: Council of the European Union (represented by: B. Driessen, acting as Agent, B. O'Connor, Solicitor, and S. Gubel, lawyer)

Intervener in support of the defendant: European Commission (represented initially by J.-F. Brakeland, T. Maxian Rusche, and A. Stobiecka-Kuik, and subsequently by J.-F. Brakeland, T. Maxian Rusche, and A. Demeneix, acting as Agents)

Re:

Application under Article 263 TFEU for the annulment of Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 66), in so far as it applies to the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders JingAo Solar Co. Ltd, and the other applicants whose names appear in the annex to bear their own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 159, 26.5.2014.

**Judgment of the General Court of 28 February 2017 — Yingli Energy (China) and Others v Council
(Case T-160/14) ⁽¹⁾**

(Dumping — Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — Definitive anti-dumping duty — Undertakings — Action for annulment — Interest in bringing proceedings — Admissibility — Exporting country — Scope of the investigation — Sampling — Normal value — Definition of the product concerned — Time limit for the adoption of a decision on a market economy treatment claim — Temporal application of new provisions — Injury — Causal link — Rights of the defence — Calculation of the injury margin)

(2017/C 121/33)

Language of the case: English

Parties

Applicants: Yingli Energy (China) Co. Ltd (Baoding, China) and the 14 other applicants whose names appear in the annex to the judgment (represented initially by A. Willems, S. De Knop and J. Charles, and subsequently by A. Willems and S. De Knop, lawyers)

Defendant: Council of the European Union (represented by: B. Driessen, acting as Agent, B. O'Connor, Solicitor, and S. Gubel, lawyer)

Intervener in support of the defendant: European Commission (represented initially by J.-F. Brakeland, T. Maxian Rusche, and A. Stobiecka-Kuik, and subsequently by J.-F. Brakeland, T. Maxian Rusche, and A. Demeneix, acting as Agents)

Re:

Application under Article 263 TFEU for the annulment of Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 1), in so far as it applies to the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Yingli Energy (China) Co. Ltd, and the other applicants whose names appear in the annex to bear their own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 142, 12.5.2014.

Judgment of the General Court of 28 February 2017 — Canadian Solar Emea and Others v Council
(Case T-162/14) ⁽¹⁾

(Dumping — Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — Definitive anti-dumping duty — Undertakings — Action for annulment — Interest in bringing proceedings — Admissibility — Exporting country — Scope of the investigation — Sampling — Normal value — Definition of the product concerned — Time limit for the adoption of a decision on a market economy treatment claim — Temporal application of new provisions — Injury — Causal link)

(2017/C 121/34)

Language of the case: English

Parties

Applicants: Canadian Solar Emea GmbH (Munich, Germany), Canadian Solar Manufacturing (Changshu), Inc. (Changshu, China), Canadian Solar Manufacturing (Luoyang), Inc. (Luoyang, China) Csi Cells Co. Ltd (Suzhou, China) Csi Solar Power (China), Inc. (Suzhou) (represented initially by: A. Willems, S. De Knop and J. Charles, and subsequently by A. Willems and S. De Knop, lawyers)

Defendant: Council of the European Union (represented initially by J.-F. Brakeland, T. Maxian Rusche, and A. Stobiecka-Kuik, and subsequently by J.-F. Brakeland, T. Maxian Rusche, and A. Demeneix, acting as Agents)

Intervener in support of the defendant: European Commission, represented initially by J.-F. Brakeland, T. Maxian Rusche, and A. Stobiecka-Kuik, and subsequently by J.-F. Brakeland, T. Maxian Rusche, and A. Demeneix, acting as Agents

Re:

Application under Article 263 TFEU for the annulment of Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 1), in so far as it applies to the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Canadian Solar Emea GmbH, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., Csi Cells Co. Ltd and Csi Solar Power (China), Inc. to bear their own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 135, 5.5.2014.