

GENERAL COURT

Judgment of the General Court of 1 June 2017 — Changmao Biochemical Engineering v Council

(Case T-442/12) ⁽¹⁾

(Dumping — Imports of tartaric acid originating in China — Modification of the definitive anti-dumping duty — Partial interim review — Market economy treatment — Costs of major inputs substantially reflecting market values — Change in circumstances — Obligation to state reasons — Period for adopting a decision on market economy treatment — Rights of the defence — Article 20(2) of Regulation (EC) No 1225/2009)

(2017/C 239/53)

Language of the case: English

Parties

Applicant: Changmao Biochemical Engineering Co. Ltd (Changzhou, China) (represented by: E. Vermulst, S. van Cutsem, F. Graafsma and J. Cornelis, lawyers)

Defendant: Council of the European Union (represented by: S. Boelaert, acting as Agent, assisted initially by G. Berrisch, lawyer, and N. Chesaites, Barrister, and subsequently by G. Berrisch)

Interveners in support of the defendant: European Commission (represented initially by M. França and A. Stobiecka-Kuik, and subsequently by M. França and J.-F. Brakeland, acting as Agents) and Distillerie Bonollo SpA (Formigine, Italy), Industria Chimica Valenzana SpA (Borgoricco, Italy), Distillerie Mazzari SpA (Sant'Agata sul Santerno, Italy), Caviro Distillerie Srl (Faenza, Italy) and Comercial Química Sarasa, SL (Madrid, Spain) (represented by: R. MacLean, Solicitor)

Re:

Application under Article 263 TFEU for the annulment of Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China (OJ 2012 L 182, p. 1), in so far as it applies to the applicant.

Operative part of the judgment

The Court:

1. Annuls Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Council Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China in so far as that regulation applies to Changmao Biochemical Engineering Co. Ltd.;
2. Orders the Council of the European Union to pay half of the costs incurred by Changmao Biochemical Engineering and to bear its own costs;
3. Orders Changmao Biochemical Engineering to bear half of its own costs;
4. Orders the European Commission to bear its own costs;
5. Orders Distillerie Bonollo SpA, Industria Chimica Valenzana SpA, Distillerie Mazzari SpA, Caviro Distillerie Srl and Comercial Química Sarasa, SL to bear their own costs.

⁽¹⁾ OJ C 366, 24.11.2012.