

**Appeal brought on 18 December 2017 by the European Commission against the judgment of the General Court (Seventh Chamber) delivered on 10 October 2017 in Case T-435/15: Kolachi Raj Industrial (Private) Ltd v European Commission**

**(Case C-709/17 P)**

(2018/C 112/21)

*Language of the case: English*

**Parties**

*Appellant:* European Commission (represented by: J.-F. Brakeland, A. Demeneix, M. França, Agents)

*Other parties to the proceedings:* Kolachi Raj Industrial (Private) Ltd, European Bicycle Manufacturers Association

**Form of order sought**

The appellant claims that the Court should:

— set aside the judgment of the General Court of 10 October 2017 in Case T-435/15 Kolachi Raj Industrial (Private) Ltd v Commission, reject the application at first instance, and order the applicant to pay the costs;

or, alternatively,

— refer back the case to the General Court for reconsideration; reserve the costs of the proceedings at first instance and on appeal.

**Pleas in law and main arguments**

The appeal brought by the Commission concerns the judgment of the General Court of 10 October 2017 in Case T-435/15. In that judgment, the General Court annulled, to the extent that it concerns Kolachi Raj, Commission Implementing Regulation (EU) 2015/776 <sup>(1)</sup> of 18 May 2015 extending the definitive anti-dumping duty imposed by Council Regulation (EU) No 502/2013 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not.

The Commission relies, in support of its appeal, on one single ground of appeal.

The Commission considers that the General Court misinterpreted Article 1 3(2)(b) of the basic anti-dumping regulation. First, in the contested judgment, the General Court incorrectly imported rules of origin in the application of Article 13 of the Basic Regulation and in the interpretation of the term 'from' used in its Article 13(2)(b). Second, the General Court incorrectly restricted the type of evidence that the Commission may use to demonstrate that parts come 'from' the country subject to anti-dumping measures. The Commission considers that the interpretation adopted by the General Court is not in line with the text, the context and the purpose of Article 13 of the Basic Regulation, nor with the case-law of the Court of Justice on anti-circumvention measures.

<sup>(1)</sup> OJ 2015, L 122, p. 4.

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 18 December 2017 — CCC — Consorzio Cooperative Costruzioni Soc. Cooperativa v Comune di Tarvisio**

**(Case C-710/17)**

(2018/C 112/22)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato