

The second ground of appeal alleges an error of law in the General Court's interpretation of Article 10 of Annex X, in so far as it constitutes a provision lacking clarity and precision to such an extent that it lends itself to arbitrary application making the adoption of GIPs necessary (paragraphs 28 and 29 of the judgment under appeal). The appellant takes the view that Article 10 of Annex X provides a sufficiently detailed legal framework, placing precise limits on the appointing authority's discretionary power.

Appeal brought on 2 July 2018 by Shanxi Taigang Stainless Steel Co. Ltd against the judgment of the General Court (Second Chamber) delivered on 23 April 2018 in Case T-675/15: Shanxi Taigang Stainless Steel v European Commission

(Case C-436/18 P)

(2018/C 341/08)

Language of the case: English

Parties

Appellant: Shanxi Taigang Stainless Steel Co. Ltd (represented by: E. Vermulst, J. Cornelis, advocaten)

Other parties to the proceedings: European Commission, Eurofer, Association Européenne de l'Acier, ASBL

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 23 April 2018 in Case T-675/15, Shanxi Taigang Stainless Steel Co. Ltd. v European Commission;
- annul Commission Implementing Regulation (EU) 2015/1429⁽¹⁾ of 26 August 2015 imposing a definitive anti-dumping duty on imports of stainless steel cold-rolled flat products originating in the People's Republic of China insofar as it concerns the appellant; and
- order the European Commission to pay the appellant's costs of this appeal as well as those of the proceedings before the General Court in Case T-675/15.

Alternatively,

- refer the case back to the General Court; and
- reserve the costs of the proceeding before the General Court and on appeal.

Pleas in law and main arguments

In support of the appeal, the appellant relies on two grounds of appeal.

First, the contested judgment illegally interpreted the second sentence of the second paragraph of Article 2(7)(a) of Council Regulation (EC) No 1225/2009⁽²⁾ of 30 November 2009 on protection against dumped imports from countries not members of the European Community by reading into that provision a condition that is not in the text of that provision when selecting the analogue country.

Second, by holding that adjustments to the normal value are in principle not possible when applying Article 2(7)(a) Council Regulation (EC) No 1225/2009, the contested judgment violated this provision.

⁽¹⁾ OJ 2015, L 224, p. 10.

⁽²⁾ OJ 2009, L 343, p. 51.