Reference for a preliminary ruling from the Augstākās tiesas Senāta (Republic of Latvia) lodged on 4 January 2012 — Nadežda Riežniece v Zemkopības ministrija (Republic of Latvia), Lauku atbalsta dienests

(Case C-7/12)

(2012/C 65/17)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāta

Parties to the main proceedings

Applicant: Nadežda Riežniece

Defendants: Zemkopības ministrija (Republic of Latvia), Lauku atbalsta dienests

Questions referred

1. Must the provisions of Directive 2002/73/EC [1] of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and of the Framework Agreement on Parental Leave included in annex to Council Directive 96/34/EC [2] of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC be interpreted as meaning that an employer is precluded from undertaking any action (in particular, the assessment of an employee while absent) which might result in a female employee on parental leave losing her post after returning to work?

2. Does the answer to the previous question differ if the reason for such action is the fact that, due to the economic recession in a Member State, in all the administrations of the State the number of civil servants has been optimised and posts abolished?

3. Must the assessment of an applicant's work and merits which takes into account his latest annual performance appraisal as a civil servant and his results before parental leave be regarded as indirect discrimination when compared to the fact that the work and merits of other civil servants who have continued in active employment (taking the opportunity, moreover, to achieve further merit) are assessed according to fresh criteria?

[1] OJ 2002 L 269, p. 15.
[2] OJ 1996 L 145, p. 4.

Appeal brought on 5 January 2012 by Transnational Company 'Kazchrome' AO, ENRC Marketing AG against the judgment of the General Court (Second Chamber) delivered on 25 October 2011 in Case T-192/08: Transnational Company 'Kazchrome' AO, ENRC Marketing AG v Council of the European Union

(Case C-10/12 P)

(2012/C 65/18)

Language of the case: English

Parties

Appellants: Transnational Company 'Kazchrome' AO, ENRC Marketing AG (represented by: A. Willems, avocat, S. De Knop, advocate)

Other parties to the proceedings: Council of the European Union, European Commission, Euroalliages

Form of order sought

The appellants claim that the Court should:

— set aside the judgement of the General Court of 25 October 2011 insofar as the General Court did not annul the Contested Regulation and insofar as it ordered the Appellants to bear the costs incurred for the procedure before the General Court;

— adopt a definitive ruling and annul the Contested Regulation;

— order the Council to pay the costs of the appeal and of the procedure before the General Court;

— order any intervener(s) to pay the costs of the Appeal and of the procedure before the General Court.

Pleas in law and main arguments

The Appellants submit that the General Court:

— Erred in law in holding that the Institutions' violations of Article 3(7) of the Basic Regulation [1] were insufficient to annul the Contested Regulation [2];

— Erred in law in holding that the Institutions were not required to conduct a collective analysis of the injurious effects caused by factors other than the dumped imports;

— Erred in ordering the Appellants to pay the costs of the Council and of Euroalliages.

(1) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community
OJ L 56, p. 1

(2) 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 L 55, p. 6

Appeal brought on 10 January 2012 by Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) against the judgment of the General Court (Second Chamber) delivered on 25 October 2011 in Case T-190/08: Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) v Council of the European Union

(Case C-13/12 P)

(2012/C 65/19)

Language of the case: English

Parties

Appellants: Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) (represented by: P. Vander Schueren, advocate, N. Mizulin, solicitor)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The appellants claim that the Court should:

— Declare the appeal well-founded and set aside the Contested Judgment in its entirety, including the order on costs;

— Give in itself the final judgment on the matter, pursuant to Article 61 of the Statute of the Court of Justice, and annul the Contested Regulation (1) insofar as it affects the Appellants; and

— Order the Council to bear the costs incurred by the Appellants both at first instance and in connection with the present proceedings.

Pleas in law and main arguments

The Appellants in support of their appeal before the Court of Justice put forward the following arguments:

The Appellants submit that the General Court (i) distorted the clear sense of the relevant evidence and in any event did not adequately state reasons insofar as the construction of the export price by using a notional profit margin is concerned.

The Appellants also submit that the General Court (ii) erred in law when it found that the

Stabilization and Association Agreement between the EU and the FYROM provides grounds for lawful discrimination against the Appellants; (iii) erred in law in its assessment of the obligations stemming from Articles 6(7) and 8(4) of the Basic Anti-dumping Regulation (2) and in the assessment of the principle of rights of defence; (iv) erred in its assessment of the significance of procedural guarantees and of the relevant duties of the Institutions in the context of administrative proceedings in antidumping cases and (v) distorted the clear sense of the facts in relation to the undertaking offered by the Appellants and that offered by another producer, thus reaching a wrongful conclusion in this regard that affects the validity of the Contested Judgment.

Finally the Appellants submit that the General Court (vi) erred in its interpretation of Article 3(6) of the Basic Regulation and the methodology in determining the material injury of the Union Industry in antidumping cases; (vii) erred in its interpretation of causal link pursuant to Article 3(5) of the Basic Regulation and (viii) erred in its appreciation of the obligation imposed on the Institutions to state reasons insofar as the injury determination in antidumping cases is concerned.

(1) 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 L 55, p. 6

(2) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community
OJ L 56, p. 1

Appeal on 17 January 2012 by Gino Trevisanato against the Order of the General Court (Seventh Chamber) of 13 December 2011 in Case T-510/11 Gino Trevisanato v European Commission

(Case C-25/12 P)

(2012/C 65/20)

Language of the case: Italian

Parties

Applicant: Gino Trevisanato (represented by L. Sulfaro, lawyer)

Other party to the proceedings: European Commission