

the courts of the exclusive distributor, irrespective of where the grantor of the exclusive distribution rights has its registered office.

### Operative part of the judgment

1. Article 2 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, where the defendant is domiciled in a Member State other than that in which the court seised is situated, it precludes the application of a national rule of jurisdiction such as that provided for in Article 4 of Law of 27 July 1961 on Unilateral Termination of Exclusive Distribution Agreements of Indefinite Duration, as amended by the Law of 13 April 1971 on Unilateral termination of distribution agreements.
2. Article 5(1)(b) of Regulation No 44/2001 must be interpreted as meaning that the rule of jurisdiction laid down in the second indent of that provision for disputes relating to contracts for the supply of services is applicable in the case of a legal action by which a plaintiff established in one Member State claims, against a defendant established in another Member State, rights arising from an exclusive distribution agreement, which requires the contract binding the parties to contain specific terms concerning the distribution by the distributor of goods sold by the grantor. It is for the national court to ascertain whether that is the case in the before it.

(<sup>1</sup>) OJ C 73, 10.3.2012.

### Judgment of the Court (Second Chamber) of 19 December 2013 — Transnational Company ‘Kazchrome’ AO, ENRC Marketing AG v Council of the European Union, European Commission, Euroalliages

(Case C-10/12 P) (<sup>1</sup>)

*(Appeal — Dumping — Regulation (EC) No 172/2008 — Imports of ferro-silicon originating in China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia — Partial interim review — Regulation (EC) No 384/96 — Article 3(7) — Known factors — Injury to European Union industry — Causal link)*

(2014/C 52/10)

Language of the case: English

#### Parties

Appellants: Transnational Company ‘Kazchrome’ AO, ENRC Marketing AG (represented by: A. Willems and S. De Knop, avocats)

Other party to the proceedings: Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrish, Rechtsanwalt)

*Interveners in support of the defendant:* European Commission (represented by: H. van Vliet and S. Thomas, acting as Agents), Euroalliages (represented by: J. Bourgeois, Y. van Gerven and N. McNelis, avocats)

#### Re:

Appeal brought against the judgment of the General Court (Second Chamber) of 25 October 2011 in Case T-192/08 *Transnational Company ‘Kazchrome’ and ENRC Marketing v Council*, by which the General Court dismissed an action seeking partial annulment of Council Regulation (EC) No 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duties 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 2008 L 55, p. 6).

### Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Transnational Company ‘Kazchrome’ AO and ENRC Marketing AG to pay the costs of the present proceedings;
3. Orders the European Commission to bear its own costs;
4. Orders Euroalliages to bear its own costs.

(<sup>1</sup>) OJ C 65, 3.3.2012.

### Judgment of the Court (Grand Chamber) of 19 December 2013 (request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany)) — Rahmanian Koushaki v Bundesrepublik Deutschland

(Case C-84/12) (<sup>1</sup>)

*(Area of freedom, security and justice — Regulation (EC) No 810/2009 — Articles 21(1), 32(1) and 35(6) — Procedures and conditions for issuing uniform visas — Obligation to issue a visa — Assessment of the risk of illegal immigration — Intention of the applicant to leave the territory of the Member States before the expiry of the visa applied for — Reasonable doubt — Discretion of the competent authorities)*

(2014/C 52/11)

Language of the case: German

#### Referring court

Verwaltungsgericht Berlin

#### Parties to the main proceedings

Applicant: Rahmanian Koushaki