

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

- (<sup>1</sup>) 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
- (<sup>2</sup>) 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 (<sup>1</sup>) 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 (<sup>2</sup>) 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.

- (<sup>1</sup>) 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
- (<sup>2</sup>) 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