

Judgment of the Court (Ninth Chamber) of 30 June 2016 (request for a preliminary ruling from the Curtea de Apel București — Romania) — Selena România SRL v Direcția Generală Regională a Finanțelor Publice (DGRFP) București

(Case C-416/15) ⁽¹⁾

(Reference for a preliminary ruling — Commercial policy — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Council Implementing Regulation (EU) No 791/2011 — Open mesh fabrics of glass fibres originating in the People's Republic of China — Anti-dumping duties — Council Implementing Regulation (EU) No 437/2012 — Consignment from Taiwan — Initiation of an investigation — Implementing Regulation (EU) No 21/2013 — Extension of the anti-dumping duty — Temporal scope — Principle of non-retroactivity — Community Customs Code — Post-clearance recovery of import or export duties)

(2016/C 335/32)

Language of the case: Romanian

Referring court

Curtea de Apel București

Parties to the main proceedings

Applicant: Selena România SRL

Defendant: Direcția Generală Regională a Finanțelor Publice (DGRFP) București

Operative part of the judgment

Article 1(1) of Council Implementing Regulation (EU) No 21/2013 of 10 January 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of those same goods consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not, is to be interpreted as meaning that the definitive anti-dumping duty extended by that provision is not applicable retroactively to goods consigned from Taiwan, released for free circulation in the Union after the date of entry into force of Council Implementing Regulation (EU) No 791/2011 of 3 August 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China, but before that of Commission Regulation (EU) No 437/2012 of 23 May 2012 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Implementing Regulation No 791/2011, and making such imports subject to registration. Nevertheless, the anti-dumping duty imposed by Article 1(1) of Regulation No 791/2011 applies to imports of such goods, if it is established that, despite being consigned from Taiwan and declared as originating in that country, those goods in fact originate in the People's Republic of China.

⁽¹⁾ OJ C 346, 19.10.2015.