



## Reports of Cases

**Judgment of the Court (Eighth Chamber) of 2 June 2016 —**

**Photo USA Electronic Graphic v Council**

**(Case C-31/15 P)<sup>1</sup>**

(Appeal — Dumping — Implementing Regulation (EU) No 412/2013 — Imports of ceramic tableware and kitchenware originating in China — Definitive anti-dumping duty)

1. *Common commercial policy — Protection against dumping — Investigation — Definition of the product concerned — Factors capable of being taken into account — Judicial review — Manifest error of assessment — Burden of proof (see paras 38-46)*
2. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see paras 50-52)*
3. *Common commercial policy — Protection against dumping — Injury/damage — Establishing a causal link — Obligations of the institutions — Taking into account of matters extraneous to the dumping — Discretion — Judicial review — Limits (Council Regulation No 1225/2009, Arts 3(2) and 7) (see paras 61-66)*
4. *Appeal — Grounds — No distortion of the clear sense of the evidence (see para. 74)*
5. *Common commercial policy — Protection against dumping — Injury — Establishing a causal link — Obligations of the institutions — Taking into account of matters extraneous to the dumping — Impact of such factors on the establishment of a causal link — Judicial review — Manifest error of assessment — Burden of proof (Council Regulations No 1225/2009, Art. 3(7) and No 412/2013) (see paras 79-82)*

<sup>1</sup> — OJ C 89, 16.3.2015.

**Operative part**

The Court:

1. Dismisses the appeal;
2. Orders Photo USA Electronic Graphic Inc. to pay the costs.