

5. Can the requests for counter-analyses which are provided for by Article 16(2) and (5) of Regulation No 543/2008 in respect of the results of slaughterhouse checks be extended to checks carried out at the stage of marketing of export products, in the presence of the parties, pursuant to, inter alia, Article 41 of the Charter of Fundamental Rights of the European Union?

⁽¹⁾ Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (OJ 2008 L 157, p. 46).

⁽²⁾ Commission Regulation (EC) No 612/2009 of 7 July 2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ 2009 L 186, p. 1).

Appeal brought on 24 March 2015 by SolarWorld AG against the order of the General Court (Fifth Chamber) delivered on 14 January 2015 in Case T-507/13: SolarWorld AG and others v European Commission

(Case C-142/15 P)

(2015/C 190/05)

Language of the case: English

Parties

Appellant: SolarWorld AG (represented by: L. Ruessmann, avocat, J. Beck, Solicitor)

Other parties to the proceedings: European Commission,

Brandoni solare SpA,

Global Sun Ltd,

Silicio Solar, SAU,

Solaria Energia y Medio Ambiente, SA

Form of order sought

The Appellant claims that the Court should:

- Declare the Appeal admissible and well-founded;
- Set aside the General Court's Order in Case T-507/13;
- Declare the Application for annulment in Case T-507/13 admissible; and
- Refer the case back to the General Court for a decision on the substance of the Application for annulment.

Pleas in law and main arguments

In support of the appeal, the Appellant put forward the following arguments:

The General Court erred by finding that the Appellant is not directly concerned by Commission Decision 2013/423/EU ⁽¹⁾ because that Decision would not directly affect the legal situation of the Appellant and was subject to implementing measures.

- The General Court erred by finding that the Appellant is not directly affected by Commission Decision 2013/423/EU because it was implemented by Regulation 748/2013 ⁽²⁾. Regulation 748/2013 is a confirmatory act in relation to Decision 2013/423/EU. The Appellant had therefore standing to appeal Decision 2013/423/EU directly.

- The General Court's finding that the Decision 2013/423/EU entails implementing measures was erroneous as the General Court did not analyse whether the Commission had any discretion when adopting Regulation 748/2013 or whether the implementation of Decision 2013/423/EU was merely automatic with regard to the Appellant, which in fact was the case.

- (¹) Commission Decision of 2 August 2013 accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China, OJ L 209, p. 26.
- (²) Commission Regulation of 2 August 2013 amending Regulation (EU) No 513/2013 imposing a provisional anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China, OJ L 209, p. 1.

Appeal brought on 30 March 2015 by Naftiran Intertrade Co. (NICO) Sàrl against the order of the General Court (Seventh Chamber) delivered on 20 January 2015 in Case T-6/13: Naftiran Intertrade Co. (NICO) Sàrl v Council of the European Union

(Case C-153/15 P)

(2015/C 190/06)

Language of the case: English

Parties

Appellant: Naftiran Intertrade Co. (NICO) Sàrl (represented by: J. Grayston, Solicitor, P. Gjørtler, advokat, G. Pandey, Advocaat, D. Rovetta, avocat, M. Gambardella, avvocato)

Other party to the proceedings: Council of the European Union

Form of order sought

The Appellant claims that the Court should:

- Set aside the order of the General Court of 20 January 2015 in Case T-6/13, Naftiran Intertrade Co. (NICO) Sàrl v Council of the European Union, and declare the action for annulment to be admissible;
- Refer the case back to the General Court;
- Order the Council to bear the costs of the present appeal proceedings.

Pleas in law and main arguments

The Appellant submits two grounds of challenge, whereby the General Court has based the contested order on manifest errors of assessment and errors in law.

The Appellant finds that the General Court has committed manifest errors of assessment by holding first that a complete individual notification took place on 19 October 2012, and second that this notification occurred prior to the publication of a general notice of notification in the C series of the Official Journal of the European Union on 16 October 2012.

Further, the Appellant finds that the General Court committed errors in law firstly by failing to take into account the requirement that a notification must include a statement of reasons, secondly by holding that an individual notification could have the effect of shortening the time limit for a judicial challenge to a legal act of the European Union, thirdly by disregarding the legal consequences of the choices made by the Council in relation to the notification procedure, and fourthly by failing to take into account the legitimate understanding of the law at the time of the Application.
