

2. If there is no presumption, what exercise should be conducted to determine whether there is a significant distortion of competition within the meaning of the second indent of Article 13 of Council Directive 2006/112/EC?

<sup>(1)</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax OJ L 347, p. 1.

**Appeal brought on 7 July 2015 by Chelyabinsk electrometallurgical integrated plant OAO (CHEMK) and Kuzneckie ferrosplavy OAO (KF) against the judgment of the General Court (Second Chamber) delivered on 28 April 2015 in Case T-169/12: Chelyabinsk electrometallurgical integrated plant OAO (CHEMK) and Kuzneckie ferrosplavy OAO (KF) v Council of the European Union**

**(Case C-345/15 P)**

(2015/C 311/38)

*Language of the case: English*

**Parties**

*Appellants:* Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) (represented by: B. Evtimov, lawyer, D. O'Keeffe, Solicitor)

*Other parties to the proceedings:* Council of the European Union, European Commission, Euroalliages

**Form of order sought**

The appellants claim that the Court should:

- Set aside the Judgment of the General Court;
- Give a final judgment on the matter where the stage of the procedure so permits;
- In the alternative, refer the case for reconsideration to the General Court;
- Order the Council of the European Union to pay the costs;
- Order the interveners to bear their own costs.

**Pleas in law and main arguments**

The appellants submit that the General Court infringed EU law in its appraisal of the appellants' pleas in law in its judgment as follows:

- In their first plea in law on appeal, the appellants contend that the General Court erred in its interpretation of Article 11 (3) of Council Regulation (EC) No 1225/2009 <sup>(1)</sup> ('the Basic Anti-dumping Regulation') and erred in its legal appraisal when it rejected the plea at first instance that Article 11(9) of the Basic Anti-dumping Regulation and its reference to Article 2 of the Basic Anti-dumping Regulation require the institutions to calculate a dumping margin in all interim reviews of dumping, thereby also infringing the legal principles of good administration, transparency and legal certainty;

- In their second plea in law on appeal, the appellants contend that the General Court erred in its interpretation of the reasoning of the General Court in its judgment in Case T-143/06 MTZ Polyfilms v Council of the European Union.

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<sup>(1)</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community OJ L 343, p. 51.

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**Request a preliminary ruling from the Tribunale di Santa Maria Capua Vetere (Italy) of 10 July 2015 — Criminal proceedings against Luciano Baldetti**

**(Case C-350/15)**

(2015/C 311/39)

*Language of the case: Italian*

**Referring court**

Tribunale di Santa Maria Capua Vetere

**Party to the main proceedings**

Luciano Baldetti

**Question referred for a preliminary ruling**

On a proper construction of Article 4 of [Protocol No 7 to the European Convention on the Protection of Human Rights and Fundamental Freedoms] and Article 50 [of the Charter of Fundamental Rights of the European Union], is the provision made under Article 10b of Legislative Decree No 74/00 consistent with Community law, in so far as it permits the criminal liability of a person to whom a final assessment by the tax authorities of the State has already been issued imposing an administrative penalty in the sum of 30 % of the unpaid amount to be assessed in respect of the same act or omission (non-payment of VAT)?

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**Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 14 July 2015 — Ilves Jakelu Oy**

**(Case C-368/15)**

(2015/C 311/40)

*Language of the case: Finnish*

**Referring court**

Korkein hallinto-oikeus

**Parties to the main proceedings**

*Appellant:* Ilves Jakelu Oy

*Other party:* Ministry of Transport and Communications