

**Form of order sought**

The appellants claim that the Court should:

- 1) set aside the judgment of the General Court in Joined Cases T-558/12 and T-559/12 Changshu City Standard Parts Factory and Ningbo Jinding Fastener Co. Ltd v Council of the European Union;
- 2) grant the form of order sought by the Appellants in their application made to the General Court and annul Council Implementing Regulation (EU) No 924/2012 of 4 October 2012 amending Regulation EC No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China <sup>(1)</sup>, insofar as it relates to the Appellants;
- 3) order the Council to bear the costs of the proceedings before the General Court and the Court of Justice, including those of the Appellants;
- 4) order the intervening parties to bear their own costs.

**Pleas in law and main arguments**

The Appellants argue that the General Court, in particular as regards the notion of 'all [comparable] export transactions' and the relationship between the provisions concerned, erred in law by misconstruing Articles 2(10) and 2(11) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(2)</sup> and Articles 2.4 and 2.4.2 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994; and imposed an unreasonable burden of proof on the Appellants.

The Appellants further argue that the General Court erred in law by misconstruing Articles 2(10) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community and Article 2.4 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, failed to address certain claims of the Appellants and erred in law when assessing the requirement to state reasons under Article 296 TFEU.

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<sup>(1)</sup> OJ L 275, p. 1.

<sup>(2)</sup> OJ L 343, p. 51.

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**Request for a preliminary ruling from the Tribunale di Taranto (Italy) lodged on 10 August 2015 —  
Criminal proceedings against Davide Durante**

**(Case C-438/15)**

(2015/C 381/16)

*Language of the case: Italian*

**Referring court**

Tribunale di Taranto

**Party to the main proceedings**

Davide Durante

### Question referred

Must Articles 43, 49 and 56 et seq. TFEU be interpreted as precluding national legislation in the field of betting and gambling which, for the purposes of the launching of a fresh call for tenders for the award of licences as provided for by Article [10](9 g) of Law No 44 of 26 April 2012, regards as grounds for exclusion from the tendering procedure a tenderer's failure to demonstrate economic and financial capacity, without providing, for the purpose of that demonstration, when references are supplied by one bank only, for appropriate criteria other than the stipulated requirement of two different references given by two different banking institutions?

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Veneto (Italy)  
lodged on 17 August 2015 — Associazione Italia Nostra Onlus v Comune di Venezia and Others**

(Case C-444/15)

(2015/C 381/17)

*Language of the case: Italian*

### Referring court

Tribunale Amministrativo Regionale per il Veneto

### Parties to the main proceedings

*Applicant:* Associazione Italia Nostra Onlus

*Defendants:* Comune di Venezia, Ministero per i beni e le attività culturali, Regione del Veneto, Ministero delle Infrastrutture e dei Trasporti, Ministero della Difesa Capitaneria di Porto di Venezia, Agenzia del Demanio

### Questions referred

1. Is Article 3(3) of Directive 2001/42/EC <sup>(1)</sup>, in so far as it also concerns the situation referred to in Article 3(2)(b), valid, in the light of the environmental rules laid down by the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights, to the extent that it removes the systematic requirement to perform a Strategic Environmental Assessment in respect of plans and programmes which were deemed to require an implications assessment pursuant to Articles 6 and 7 of Directive 92/43/EEC <sup>(2)</sup>?
2. In the event that the Court finds that the above measure is valid, must Article 3(2) and (3) of Directive 2001/42/EC, read in conjunction with recital 10 of that Directive, which states that 'all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment' be interpreted as precluding legislation, such as the national legislation in question, which, in defining 'small areas at local level' in Article 3(3) of Directive 2001/42/EC, only refers to quantitative criteria?