

Appeal brought on 4 February 2016 by European Bicycle Manufacturers Association against the judgment of the General Court (Seventh Chamber) delivered on 26 November 2015 in Case T-425/13: Giant (China) Co. Ltd v Council of the European Union

(Case C-61/16 P)

(2016/C 106/30)

Language of the case: English

Parties

Appellant: European Bicycle Manufacturers Association (represented by: L. Ruessmann, avocat, J. Beck, solicitor)

Other parties to the proceedings: Giant (China) Co. Ltd, Council of the European Union, European Commission

Form of order sought

The appellant claims that the Court should:

- declare the Appeal admissible and well-founded;
- set aside the General Court's judgment;
- rule on the substance and dismiss the Application for Annulment or refer the case back to the General Court for a decision on the substance of the Application for Annulment; and
- order the Applicant before the General Court to pay the Appellant's costs for the Appeal and the Intervention before the General Court.

Pleas in law and main arguments

- First ground of appeal: The General Court committed an error of law by applying an incorrect legal analysis of the Council's application of Article 18 of the Basic Regulation. Contrary to the General Court's findings, Regulation 502/2013 ⁽¹⁾ applied Article 18(1) globally to the Giant group because the Institutions lacked complete and comprehensive information about the related companies, and not only to information related to the export price of the group.
- Second ground of appeal: The General Court committed an error of law in finding that the Council could not consider Giant's failure to provide basic threshold information as non-cooperation within the meaning of Article 18(1) of the Basic Regulation. The information required was basic threshold information necessary to permit the Institutions to obtain a complete and accurate picture of the Giant group and not providing this information constituted therefore a lack of cooperation that cast doubt on the reliability of the information that was provided by Giant.
- Third ground of appeal: The General Court committed an error of law in finding that there would be no risk of circumvention if Giant were granted an individual anti-dumping duty but Jinshan would not. The Institutions' concerns regarding circumvention by related companies in the present case are justified and constitute a valid additional ground for the rejection of the request for an individual antidumping duty by Giant.

⁽¹⁾ Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 OJ L 153, p. 17