

Action brought on 28 October 2016 — Stemcor London and Samac Steel Supplies v Commission**(Case T-749/16)**

(2017/C 006/51)

*Language of the case: English***Parties**

Applicants: Stemcor London Ltd (London, United Kingdom), Samac Steel Supplies Ltd (London) (represented by: F. Di Gianni and C. Van Hemelrijck, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Implementing Regulation (EU) 2016/1329 of 29 July 2016 levying the definitive anti-dumping duty on the registered imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation (OJ 2016, L 210, p. 27), and
- order the Commission to bear the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the interpretation and application of the 'importer's awareness' condition laid down in Article 10(4)(c) of the Basic Anti-dumping Regulation (EU) 2016/1036 is wrong and unlawful.
 - First limb: the interpretation contained in the Regulation (EU) 2016/1329 (the 'Contested Regulation') about the importer's awareness condition laid down in Article 10(4)(c) of the Basic Anti-dumping Regulation (EU) 2016/1036 is wrong and unlawful.
 - Second limb: an interpretation of Article 10(4)(c) of the Basic Anti-dumping Regulation (EU) 2016/1036 in light of the well-established means of interpretation of EU law and of the WTO AD Agreement shows that, in order to determine whether such condition is satisfied, the Commission must assess the actual knowledge of the importer.
2. Second plea in law, alleging that the assessment of the 'substantial rise in imports' condition was wrongfully based on a period starting in the first full month after publication of the initiation of the investigation in the Official Journal and ending in the last full month preceding the imposition of provisional measures.
3. Third plea in law, alleging that the interpretation relied upon in the Contested Regulation about the 'seriously undermining of the remedial effect' condition laid down in Article 10(4)(d) of the Basic Anti-dumping Regulation (EU) 2016/1036 is wrong and unlawful.
 - First limb: the Commission wrongfully carried out a global assessment of the 'seriously undermining of the remedial effect' condition laid down in Article 10(4)(b) of the Basic regulation, while it should have carried out an individual analysis of the conduct of each importer to determine whether its imports did contribute to the alleged serious undermining of the remedial effects of the duties.
 - Second limb: the Contested Regulation is flawed insofar as it concludes that the retrospective application of duties on imports occurred during the registration period would avoid the remedial effect of the duties from being seriously undermined.