

3. order the Commission, and any intervener who may be allowed to support the Commission in the course of the proceedings, to bear the costs of these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on one plea in law:

The Commission breached Article 8(1), (9) & (10) and Article 10(5) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union<sup>(1)</sup>, and Article 13(1), (9) & (10) and Article 16(5) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union<sup>(2)</sup>, when it invalidated undertaking invoices and then directed customs to collect duties, as if no valid undertaking invoices had been issued and communicated to customs at the time the goods were declared for release in free circulation.

This plea in law is based on a plea of illegality of Article 3(2) of Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China<sup>(3)</sup>, and Article 2(2) of Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China<sup>(4)</sup>, which give to the Commission the power to declare undertaking invoices invalid.

<sup>(1)</sup> OJ 2013 L 176, p. 21.

<sup>(2)</sup> OJ 2016 L 176, p. 55.

<sup>(3)</sup> OJ 2013 L 325, p. 1.

<sup>(4)</sup> OJ 2013 L 325, p. 66.

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## **Action brought on 30 November 2017 — Wuxi Saijing Solar v Commission**

**(Case T-782/17)**

(2018/C 042/47)

*Language of the case: English*

### **Parties**

*Applicant*): Wuxi Saijing Solar Co. Ltd (Yixing, Chine) (represented by: Y. Melin, lawyer)

*Defendant*: European Commission

### **Form of order sought**

The applicant claims that the Court should:

1. invalidate

- Article 3(2) of Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China, and
- Article 2(2) of Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China;

2. annul

- Article 2 of Commission Implementing Regulation (EU) 2017/1524 of 5 September 2017 withdrawing the acceptance of the undertaking for two exporting producers under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures, as far as it applies to the applicant; and

3. order the Commission, and any intervener who may be allowed to support the Commission in the course of the proceedings, to bear the costs of these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on one plea in law:

The Commission breached Article 8(1), (9) & (10) and Article 10(5) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union<sup>(1)</sup>, and Article 13(1), (9) & (10) and Article 16(5) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union<sup>(2)</sup>, when it invalidated undertaking invoices and then directed customs to collect duties, as if no valid undertaking invoices had been issued and communicated to customs at the time the goods were declared for release in free circulation.

This plea in law is based on a plea of illegality of Article 3(2) of Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China<sup>(3)</sup>, and Article 2(2) of Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China<sup>(4)</sup>, which give to the Commission the power to declare undertaking invoices invalid.

<sup>(1)</sup> OJ 2013 L 176, p. 21.

<sup>(2)</sup> OJ 2016 L 176, p. 55.

<sup>(3)</sup> OJ 2013 L 325, p. 1.

<sup>(4)</sup> OJ 2013 L 325, p. 66.

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## **Action brought on 1 December 2017 — GE Healthcare v Commission**

**(Case T-783/17)**

(2018/C 042/48)

*Language of the case: English*

### **Parties**

*Applicant:* GE Healthcare A/S (Oslo, Norway) (represented by: D. Scannell, Barrister, G. Castle and S. Oryszczuk, Solicitors)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the European Commission's decision C(2017) 7941 final of 23 November 2017 suspending the applicant's marketing authorisations for Omniscan (INN gadodiamide);
- order the defendant to pay the applicant's legal and other costs and expenses in relation to the present matter.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging that the contested decision infringes Article 116 of Directive 2001/83/EC<sup>(1)</sup>
2. Second plea in law, alleging that the contested decision infringes the precautionary principle.