

**Appeal brought on 4 December 2019 by GMB Glasmanufaktur Brandenburg GmbH against the judgment of the General Court (Fifth Chamber) delivered on 24 September 2019 in Case T-586/14 RENV, Xinyi PV Products (Anhui) Holdings v Commission**

**(Case C-888/19 P)**

(2020/C 45/29)

*Language of the case: English*

**Parties**

*Appellant:* GMB Glasmanufaktur Brandenburg GmbH (represented by: R. MacLean, Solicitor)

*Other parties to the proceedings:* Xinyi PV Products (Anhui) Holdings Ltd, European Commission

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment under appeal;
- reject the second limb of the first plea of the application at first instance, as re-stated in the contested judgment as unfounded;
- rule itself on the merits of the second limb of the first plea of the application at first instance, as re-stated in the contested judgment;
- refer the case back to the General Court so that it can decide upon the applicant's remaining pleas on infringements in law; and
- order the applicant to pay the appellant's legal costs and expenses of this procedure as well as the legal costs and expenses of the proceedings at first instance and on appeal.

**Pleas in law and main arguments**

The appellant maintains that the judgment under appeal should be set aside on the basis of three separate grounds of appeal.

First ground: The General Court committed an error in law in the contested judgment in the interpretation and application of the related concepts of 'significant distortions' and 'financial situation' under Article 2(7)(c), third indent of the Basic Anti-Dumping Regulation <sup>(1)</sup> and the consequential shifting of the burden of proof for Market Economy Treatment (MET) from the applicant to the Commission.

Second Ground: The General Court did not respect the limits of the margin of appreciation enjoyed by the Commission in the assessment of MET claims and substituted its own assessment of the exporting producer's circumstances for that of the Commission.

Third Ground: The appellant seeks the annulment of the first paragraph of the operative part of the contested judgment on the grounds that the General Court, in making this determination, ruled *ultra petita*.

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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 2009, L 343, p. 51).

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