



Reports of Cases

Judgment of the General Court (Second Chamber) of 20 November 2024 – Zhejiang Sunflower Light Energy Science & Technology and Sunowe Solar v Commission

(Case T-733/19)¹

(Dumping – Subsidies – Imports of crystalline silicon photovoltaic modules and cells originating in or consigned from China – Definitive anti-dumping and countervailing duties – Undertaking – Invalidation of undertaking invoices – Legal basis – Article 8(9) of Regulation (EU) 2016/1036 – Article 13(9) of Regulation (EU) 2016/1037 – Related company – First independent customer – Article 3(1)(a) of Implementing Regulation (EU) No 1238/2013 – Article 2(1)(a) of Implementing Regulation (EU) No 1239/2013 – Implementing Regulations (EU) 2017/367 and 2017/366)

1. *Common commercial policy – Protection against dumping – Price undertaking – Commission's withdrawal of acceptance of the undertaking – Provisions of implementing regulations providing for the possibility of invalidation of undertaking invoices and the incurrance of a customs debt – Adoption of a regulation withdrawing the acceptance of the undertaking for the exporting producers offered in connection with anti-dumping and anti-subsidy proceedings – Admissibility having regard to the basic regulations*

(European Parliament and Council Regulations 2016/1036, Arts 8(7) and (9), 9(4) and 14(7), and 2016/1037, Arts 13(9), 14(4) and 24(7); Commission Regulations No 1238/2013, Art. 3(2)(b), No 1239/2013, Art. 2(2)(b), 2017/366, Art. 2(2)(b), 2017/367, Art. 2(2)(b), and 2019/1329, Art. 1)

(see paragraphs 25-28)

2. *Common commercial policy – Protection against dumping – Price undertaking – Circumvention by operator – Concept – Re-sales by related companies – Included*

(European Parliament and Council Regulations 2016/1036, Art. 8(9), and 2016/1037, Art. 13(9); Commission Regulation 2019/1329)

(see paragraphs 37-57)

¹ OJ C 432, 23.12.2019.

Operative part

The Court:

1. Dismisses the action;
2. Orders Zhejiang Sunflower Light Energy Science & Technology Ltd and Sunowe Solar GmbH to bear their own costs and to pay those incurred by the European Commission;
3. Orders the Council of the European Union to bear its own costs.