

- set aside the General Court's judgment;
- rule on the substance and annul the Regulation 397/2004 ⁽¹⁾ or refer the case back to the General Court for a decision on the substance of the Application for Annulment; and
- order the Council to pay the Appellant's costs for the Appeal and the General Court proceedings.

Pleas in law and main arguments

In support of the appeal, the Appellant puts forward the following arguments:

- The General Court committed an error in law by holding that the Appellant no longer has an interest in the second and third pleas in law. When deciding whether the Appellant has a continued interest in the case, the Court must take into account all evidence and information before it and look at the overall context. The errors in the Council's dumping margin calculations are methodological and liable of recurring in the future.
- The General Court committed an error of law in finding without properly addressing (in some cases, not addressing at all) the Appellant's arguments that the EU industry's shifting of production to the high-value segment of the EU bed linen market and the increasing EU imports of bed linen from Turkish producers related to the EU industry did not break the causal link between the alleged dumping and the alleged material injury of the EU industry. Furthermore, the findings of the General Court are based on distortions of the facts as presented in Regulation 397/2004 and incorrect legal characterisations of the facts.

⁽¹⁾ Council Regulation (EC) No 397/2004 of 2 March 2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan (OJ 2004, L 66, p. 1).

Request for a preliminary ruling from the Curtea de Apel Pitești (Romania) lodged on 27 February 2017 — SC Cali Esprou SRL v Administrația Fondului pentru Mediu

(Case C-104/17)

(2017/C 168/29)

Language of the case: Romanian

Referring court

Curtea de Apel Pitești

Parties to the main proceedings

Appellant: SC Cali Esprou SRL

Respondent: Administrația Fondului pentru Mediu

Question referred

Can Article 15 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste ⁽¹⁾ be interpreted as precluding the adoption, in a Member State of the European Union, of legislation that imposes a *contribution* payable by the economic operator which places packaged goods and packaging on the market, without in any way altering the goods or packaging, and sells them in the same form to an economic operator which, in turn, sells them on to the final consumer, the amount of the contribution being fixed per kilogram (kg), on the basis of the difference between, on the one hand, the quantities of packaging waste corresponding to the minimum targets for recovery or incineration in waste incineration plants with energy recovery and waste recycling facilities, and, on the other, the quantities of packaging waste actually recovered or incinerated in waste incineration plants with energy recovery and waste recycling facilities?

⁽¹⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ 1994 L 365, p. 10).