

— Order the intervener Fertilizers Europe to bear its own costs in the proceedings before the General Court, as well as its own costs in the event of its possible intervention in the proceedings before the Court of Justice, and to bear all the costs of the Appellants incurred in connection with its intervention(s).

Pleas in law and main arguments

The Appellants submit that the General Court:

- Misinterpreted the first sentence of Article 2(5) of the Basic Anti-Dumping Regulation, first subparagraph, and thereby the corresponding provision of Article 2.2.1.1, first subparagraph of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the Agreement Establishing the World Trade Organisation ('ADA');
- Upheld an erroneous legal interpretation and upheld a breach of Article 2(3) of the Basic Anti-Dumping Regulation and thereby of the corresponding provision of Article 2.2 ADA;
- Failed to make a correct legal assessment of the relationship between Article 2(5), second sentence, on the one hand, and Article 2(7)(b) of the Basic Anti-Dumping Regulation, on the other hand, and as a result upheld an erroneous legal interpretation of Recitals 3 and 4 of the preamble to Regulation (EC) 1972/2002 and therefore of the second sentence of Article 2(5), first subparagraph, and did not ensure the consistency of the latter interpretation/provision with the ADA

(¹) OJ L 75, p. 1

Appeal brought on 23 April 2013 by Acron OAO against the judgment of the General Court (Eighth Chamber) delivered on 7 February 2013 in Case T-118/10: Acron OAO v Council of the European Union

(Case C-216/13 P)

(2013/C 171/47)

Language of the case: English

Parties

Appellant: Acron OAO (represented by: B. Evtimov, E. Borovikov, avocats, D. O'Keeffe, Solicitor)

Other parties to the proceedings: Council of the European Union, European Commission, Fertilizers Europe

Form of order sought

The appellant claims that the Court should:

- Set aside the judgment of the General Court of 7 February 2013 in Case T-118/10 Acron OAO v Council of the European Union;
- Give a final judgment on the merits of the dispute, and annul Council Implementing Regulation (EU) No 1251/2009 of 18 December 2009 amending Regulation (EC) No 1911/2006 imposing a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating, inter alia, in Russia (¹), insofar as it affects the Appellant;
- Order the Council to pay the costs of the proceedings before the Court of Justice as well as the costs of the proceedings before the General Court, including the costs of the Appellant at both instances;
- Order the intervener Fertilizers Europe to bear its own costs in the proceedings before the General Court, as well as its own costs in the event of its possible intervention in the proceedings before the Court of Justice, and to bear all the costs of the Appellant incurred in connection with its intervention(s).

Pleas in law and main arguments

The Appellant submits that the General Court:

- Misinterpreted the first sentence of Article 2(5) of the Basic Anti-Dumping Regulation, first subparagraph, and thereby the corresponding provision of Article 2.2.1.1, first subparagraph of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the Agreement Establishing the World Trade Organization ('ADA');
- Upheld an erroneous legal interpretation and upheld a breach of Article 2(3) of the Basic Anti-Dumping Regulation and thereby of the corresponding provision of Article 2.2 ADA;
- Failed to make a correct legal assessment of the relationship between Article 2(5), second sentence, on the one hand, and Article 2(7)(b) of the Basic Anti-Dumping Regulation, on the other hand, and as a result upheld an erroneous legal interpretation of Recitals 3 and 4 of the preamble to Regulation (EC) 1972/2002 (²) and therefore of the second sentence of Article 2(5), first subparagraph, and did not ensure the consistency of the latter interpretation/provision with the ADA;
- Upheld a breach of Article 2(6)(c) of the Basic Anti-Dumping Regulation and a manifest error of assessment.

(¹) OJ L 338, p. 5

(²) Council Regulation (EC) No 1972/2002 of 5 November 2002 amending Regulation (EC) No 384/96 on the protection against dumped imports from countries not members of the European Union OJ L 305, p. 1