



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 28 February 2017 — *JingAo Solar and Others v Council*

(Joined Cases T-158/14, T-161/14 and T-163/14)

(Subsidies — Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — Definitive countervailing duty — Undertakings — Action for annulment — Interest in bringing proceedings — Admissibility — Scope of the investigation — Sampling — Definition of the product concerned)

1. *Actions for annulment — Natural or legal persons — Admissibility criteria — Regulation establishing a definitive countervailing duty — Action by an undertaking whose undertakings accepted — Admissibility*

(Art. 263, fourth para., TFEU; Council Regulation No 597/2009, Arts 13(1) and (6), and 15(1))

(see paras 38-41, 43)

2. *Actions for annulment — Natural or legal persons — Interest in bringing proceedings — Interest in making a plea — Need for an actual and current interest — Assessment at the time when the action was lodged — Plea capable of procuring a benefit for the applicant — None — Inadmissibility*

(Art. 263, fourth para., TFEU)

(see paras 61-71)

3. *Common commercial policy — Protection against subsidisation practices of non-Member States — Course of the investigation — Definition of the product concerned — Factors capable of being taken into account — Application of criteria adopted by the institutions — Judicial review — No manifest error of assessment*

(Council Regulation No 597/2009, Art. 2(c))

(see paras 84-114)

Re:

APPLICATION under Article 263 TFEU for the annulment 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 (OJ 2013 L 325, p. 66), in so far as it applies to the applicants.

Operative part:

The Court:

1. Dismisses the action;
2. Orders JingAo Solar Co. Ltd, and the other applicants whose names appear in the annex to bear their own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.