

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 19 July 2012 — Council of the European Union v Zhejiang Xinan Chemical Industrial Group Co. Ltd, European Commission, Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace)

(Case C-337/09 P) ⁽¹⁾

(Appeal — Commercial policy — Dumping — Imports of glyphosate originating in China — Regulation (EC) No 384/96 — Article 2(7)(b) and (c) — Status of an undertaking operating under market economy conditions — Concept of 'significant State interference' within the meaning of the first indent of Article 2(7)(c) — State shareholder controlling de facto the general meeting of the producer's shareholders — Equating such control to 'significant interference' — Assessment of an export contract stamping mechanism — Limits of judicial review — Assessment of the evidence submitted)

(2012/C 295/02)

Language of the case: English

Parties

Appellant: Council of the European Union (represented by: J.-P. Hix, acting as Agent, and by G. Berrisch, Rechtsanwalt)

Other parties to the proceedings: Zhejiang Xinan Chemical Industrial Group Co. Ltd (represented initially by D. Horovitz, avocat, and subsequently by F. Graafisma, J. Cornelis and A. Woolich, advocaten, K. Adamantopoulos, dikigoros, and D. Moulis, Barrister), European Commission (represented by: T. Scharf, N. Khan and K. Talabér-Ritz, acting as Agents), Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace) (represented by: J. Flynn QC)

Re:

Appeal against the judgment of 17 June 2009 of the Court of First Instance (Fourth Chamber) in Case T-498/04 *Zhejiang Xinan Chemical Industrial Group v Council* [2009] ECR II-1969, annulling, in so far as it concerns Zhejiang Xinan Chemical Industrial Group Co. Ltd., Article 1 of Council Regulation (EC) No 1683/2004 of 24 September 2004 imposing a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China (OJ 2004 L 303, p. 1) — Interpretation of Article 2(7)(c) of Council Regulation

(EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1) — Market economy treatment

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Council of the European Union to pay the costs, including those relating to the proceedings for interim relief;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 282, 21.11.2009.

Judgment of the Court (Grand Chamber) of 19 July 2012 — European Parliament v Council of the European Union

(Case C-130/10) ⁽¹⁾

(Common foreign and security policy — Regulation (EC) No 881/2002 — Regulation (EU) No 1286/2009 — Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Freezing of funds and economic resources — Choice of legal basis — Articles 75 TFEU and 215 TFEU — Entry into force of the Treaty of Lisbon — Transitional provisions — CFSP common positions and decisions — Joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and from the Commission)

(2012/C 295/03)

Language of the case: English

Parties

Applicant: European Parliament (represented initially by E. Perillo and K. Bradley, and subsequently by A. Auersperger Matić and U. Rösslein, acting as Agents)