

**Judgment of the General Court of 10 October 2012 —  
Ningbo Yonghong Fasteners v Council**

(Case T-150/09) <sup>(1)</sup>

*(Dumping — Imports of certain iron or steel fasteners originating in China — Market economy treatment — Time-limit for adopting the decision on that treatment — Manifest error of assessment — Burden of proof — Adjustment to costs — Article 2(5) and (7)(b) and (c) of Regulation (EC) No 384/96 (now Article 2(5) and (7)(b) and (c) of Regulation (EC) No 1225/2009))*

(2012/C 366/54)

Language of the case: English

**Parties**

*Applicant:* Ningbo Yonghong Fasteners Co. Ltd (Zhouhan, China) (represented by: F. Graafsma and J. Cornelis, lawyers)

*Defendant:* Council of the European Union (represented: initially by J.-P. Hix, acting as Agent, assisted by G. Berrisch and G. Wolf, lawyers, and subsequently by J.-P. Hix and B. Driessen, acting as Agents, assisted by Berrisch)

*Interveners in support of the defendant:* European Commission (represented by: H. van Vliet and C. Clyne, acting as Agents); and European Industrial Fasteners Institute AISBL (EIFI) (Brussels, Belgium) (represented: initially by J. Bourgeois, Y. van Gerven and E. Wåktare, and subsequently by Bourgeois, lawyers)

**Re:**

Application for annulment of Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ 2009 L 29, p. 1).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Ningbo Yonghong Fasteners Co. Ltd to bear its own costs and to pay those of the Council of the European Union and of the European Industrial Fasteners Institute AISBL;
3. Orders the European Commission to bear its own costs.

<sup>(1)</sup> OJ C 141, 20.6.2009.

**Judgment of the General Court of 10 October 2012 —  
Greece v Commission**

(Case T-158/09) <sup>(1)</sup>

*(EAGGF — ‘Guarantee’ section — Expenditure excluded from financing — Clearance of accounts of the paying agencies of Member States concerning expenditure financed by the EAGGF — Negligence of the Member State in the recovery of sums wrongly paid — Liability of the Member State for the financial consequences of failure to recover)*

(2012/C 366/55)

Language of the case: Greek

**Parties**

*Applicant:* Hellenic Republic (represented by: I. Chalkias, S. Papaioannou and V. Karra, agents)

*Defendant:* European Commission (represented by: F. Jimeno Fernández and E. Tserepa-Lacombe, agents, and N. Korogianakis, lawyer)

**Re:**

Action for annulment or variation of Commission Decision C(2009) 810 final of 13 February 2009 on the financial treatment to be applied, in the context of clearance of accounts in respect of expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), ‘Guarantee’ Section, in certain cases of irregularity by operators, in so far as that decision excludes from Community funding, and imposes on the Hellenic Republic liability for, a sum of EUR 13 348 979,02

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision C(2009) 810 final of 13 February 2009 on the financial treatment to be applied, in the context of clearance of expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF) ‘Guarantee’ Section, in certain cases of irregularity by operators, in so far as it closes the files EL/1993/01 and EL/1994/031 and in that regard imposes on the Hellenic Republic liability for the sums of EUR 519 907 and EUR 300 914,99;
2. Dismisses the action for the remainder;
3. Orders the Hellenic Republic to bear four fifths of its own costs and to pay four fifths of the costs of the European Commission.
4. orders the Commission to bear one fifth of its costs and one fifth of the costs of the Hellenic Republic.

<sup>(1)</sup> OJ C 153, 4.7.2009.