

**Judgment of the General Court of 10 October 2012 —  
Shanghai Biaowu High-Tensile Fasteners and Shanghai  
Prime Machinery v Council**

(Case T-170/09) <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 — Principle of sound administration — Burden of proof — Obligation to state the reasons on which the decision is based — Article 2(7)(b) and (c) and (10) of Regulation (EC) No 384/96 (now Article 2(7)(b) and (c) and (10) of Regulation (EC) No 1225/2009))*

(2012/C 366/56)

Language of the case: English

**Parties**

*Applicants:* Shanghai Biaowu High-Tensile Fasteners Co. Ltd (Baoshan, China) and Shanghai Prime Machinery Co. Ltd (Shanghai, China) (represented: initially by K. Adamantopoulos and Y. Melin, and subsequently by Melin, V. Akritidis and F. Crespo, 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, lawyer)

*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 the partial 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 Shanghai Biaowu High-Tensile Fasteners Co. Ltd and Shanghai Prime Machinery Co. Ltd to bear their 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 153, 4.7.2009.

**Judgment of the General Court of 10 October 2012 —  
Gem-Year and Jinn-Well Auto-Parts (Zhejiang) v Council**

(Case T-172/09) <sup>(1)</sup>

*(Dumping — Imports of certain iron or steel fasteners originating in China — Support of the complaint by the Community industry — Definition of the product concerned — Injury — Market economy treatment — Costs of major inputs substantially reflecting market values — Article 2(7)(b) and (c) of Regulation (EC) No 384/96 (now Article 2(7)(b) and (c) of Regulation (EC) No 1225/2009))*

(2012/C 366/57)

Language of the case: English

**Parties**

*Applicants:* Gem-Year Industrial Co. Ltd (Zhejiang, China) and Jinn-Well Auto-Parts (Zhejiang) Co. Ltd (Zhejiang) (represented: initially by K. Adamantopoulos and Y. Melin, and subsequently by Melin, V. Akritidis and F. Crespo, 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 Hix and B. Driessen, acting as Agents, assisted by G. 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 J. Bourgeois, lawyers)

**Re:**

Application for the 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 Gem-Year Industrial Co. Ltd and Jinn-Well Auto-Parts (Zhejiang) Co. Ltd to bear their 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 153, 4.7.2009.