

## COURT OF FIRST INSTANCE

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 17 March 2005

**in Case T-192/98 Comité des industries du coton and des fibres connexes de l'Union européenne (Eurocoton) v Council of the European Union <sup>(1)</sup>**

**(Dumping — Failure by the Council to adopt a Commission proposal for a regulation imposing a definitive anti-dumping duty — Absence of simple majority necessary for the adoption of a regulation — Obligation to state reasons)**

(2005/C 132/40)

(Language of the case: English)

In Case T-192/98: Comité des industries du coton and des fibres connexes de l'Union européenne (Eurocoton), established in Brussels (Belgium), represented by C. Stanbrook, QC, and A. Dashwood, Barrister, against Council of the European Union (Agent: S. Marquardt, assisted by G.M. Berrisch, lawyer), supported by United Kingdom of Great Britain and Northern Ireland, (Agent: initially M. Ewing, subsequently K. Manji) — action for annulment of the Council's decision of 5 October 1998 to reject the proposal for a Council Regulation (EC) imposing definitive anti-dumping duties on imports of certain unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia and Pakistan, definitively collecting the provisional duty imposed by Commission Regulation (EC) No 773/98 of 7 April 1998 (OJ 1998 L 111, p. 19) and terminating the anti-dumping proceeding in respect of imports of these fabrics originating in Turkey, submitted by the Commission of the European Communities on 21 September 1998 (document COM (98) 540 final) — the Court of First Instance (Fourth Chamber, Extended Composition), composed of H. Legal, President, P. Lindh, P. Mengozzi, I. Wiszniewska-Białecka and V. Vadapalas, Judges; H. Jung, Registrar, gave a judgment on 17 March 2005, in which it:

1. Annuls the Council's decision of 5 October 1998 to reject the Commission's proposal for a Council Regulation (EC) imposing definitive anti-dumping duties on imports of certain unbleached cotton fabrics originating in the People's Republic of China, Egypt,

India, Indonesia and Pakistan, definitively collecting the provisional duty imposed by Regulation (EC) No 773/98 (OJ 1998 L 111, p. 19) and terminating the anti-dumping proceeding in respect of imports of these fabrics originating in Turkey, submitted by the Commission of the European Communities on 21 September 1998 (document COM (98) 540 final).

2. Orders the Council of the European Union to pay the costs.
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

<sup>(1)</sup> OJ C 160 of 5.6.1999.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 17 March 2005

**in Case T-195/98 Ettlin Gesellschaft für Spinnerei und Weberei AG and Others v Council of the European Union <sup>(1)</sup>**

**(Dumping — Failure by the Council to adopt a Commission proposal for a regulation imposing a definitive anti-dumping duty — Absence of simple majority necessary for the adoption of a regulation — Obligation to state reasons)**

(2005/C 132/41)

(Language of the case: English)

In Case T-195/98: Ettlin Gesellschaft für Spinnerei und Weberei AG and Others, established in Ettlingen (Germany), Textil Hof Weberei GmbH & Co. KG, established in Hof (Germany), Spinnweberei Uhingen GmbH, established in Uhingen (Germany), F. A. Kumpers GmbH & Co., established in Rheine

(Germany), Tenthorey SA, established in Eloyes (France), Les tissages des héritiers de G. Perrin — Groupe Alain Thirion (HGP-GAT Tissages), established in Thiéfosse (France), Établissements des fils de Victor Perrin SARL, established in Thiéfosse (France), Filatures & tissages de Saulxures-sur-Moselotte, established in Saulxures-sur-Moselotte (France), Tissage Mouline Thillot, established in Le Thillot (France), Filature Niggeler & Küpfer SpA, established in Capriolo (Italy), Standardtela SpA, established in Milan (Italy), Verlener Textilwerk, Grimmelt, Wevers & Co. GmbH, established in Velen (Germany), represented by C. Stanbrook, QC, and A. Dashwood, Barrister, against Council of the European Union (Agent: S. Marquardt, assisted by G.M. Berrisch, lawyer) supported by United Kingdom of Great Britain and Northern Ireland (Agent: initially M. Ewing, subsequently K. Manji) — action for annulment of the Council's decision of 5 October 1998 to reject the Commission's proposal for a Council Regulation (EC) imposing definitive anti-dumping duties on imports of certain unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia and Pakistan, definitively collecting the provisional duty imposed by Commission Regulation (EC) No 773/98 of 7 April 1998 (OJ 1998 L 111, p. 19) and terminating the anti-dumping proceeding in respect of imports of these fabrics originating in Turkey, submitted by the Commission of the European Communities on 21 September 1998 (document COM (98) 540 final) — the Court of First Instance (Fourth Chamber, Extended Composition), composed of H. Legal, President, P. Lindh, P. Mengozzi, I. Wiszniewska-Białecka and V. Vadapalas, Judges; H. Jung, Registrar, gave a judgment on 17 March 2005, in which it:

1. Annuls the Council's decision of 5 October 1998 to reject the Commission's proposal for a Council Regulation (EC) imposing definitive anti-dumping duties on imports of certain unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia and Pakistan, definitively collecting the provisional duty imposed by Regulation (EC) No 773/98 (OJ 1998 L 111, p. 19) and terminating the anti-dumping proceeding in respect of imports of these fabrics originating in Turkey, submitted by the Commission of the European Communities on 21 September 1998 (document COM (98) 540 final).
2. Orders the Council of the European Union to pay the costs.
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(<sup>1</sup>) OJ C 160 of 5.6.1999.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 17 March 2005

in Case T-177/00, **Koninklijke Philips Electronics NV v Council of the European Union** (<sup>1</sup>)

**(Dumping — Failure by the Council to adopt a Commission proposal for a regulation imposing a definitive anti-dumping duty — Absence of simple majority necessary for the adoption of a regulation — Obligation to state reasons)**

(2005/C 132/42)

(Language of the case: English)

In Case T-177/00, Koninklijke Philips Electronics NV, established in Eindhoven (Netherlands), represented by C. Stanbrook, QC, and F. Ragolle, lawyer, against Council of the European Union (Agent: S. Marquardt, assisted by G.M. Berrisch, lawyer) — action for annulment of the Council's decision of 8 May 2000 to reject the proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan, submitted by the Commission of the European Communities on 7 April 2000 (document COM (2000) 195 final) — the Court of First Instance (Fourth Chamber, Extended Composition), composed of H. Legal, President, P. Lindh, P. Mengozzi, I. Wiszniewska-Białecka and V. Vadapalas, Judges; H. Jung, Registrar, gave a judgment on 17 March 2005, in which it:

1. Annuls the Council's decision of 8 May 2000 to reject the proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan, submitted by the Commission of the European Communities on 7 April 2000 (document COM (2000) 195 final).
2. Orders the Council of the European Union to pay the costs.

(<sup>1</sup>) OJ C 273 of 23.9.2000.