INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Second Chamber) of 21 March 2012 — Marine Harvest Norway and Alsaker Fjordbruk v Council

(Case T-113/06)

(Dumping — Imports of salmon originating in Norway — Definition of the Community industry — Like product — Composition of the sample of Community producers)

1. *Actions for annulment — Natural or legal persons — Entity absorbed by another legal person — Disappearance of that entity — Substitution of the legal successor in the legal actions of its predecessor (Art. 230, fourth para., EC) (see paras 27-28)*

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation imposing anti-dumping duties — Different duties imposed on different undertakings — Admissibility limited for each undertaking to the provisions concerning it in particular (Art. 230, fourth para., EC; Council Regulation No 384/96) (see paras 34-37)*

3. *Common commercial policy — Protection against dumping — Injury — Assessment of the impact of the imports on Community production — Error in the definition of similar products — Sample of Community producers not representative — Infringement of Articles 3 and 4 of Regulation No 384/96 (Council Regulation No 384/96, Arts 3(1) and (2), 4 and 21) (see paras 46-48, 52-53, 58-63, 71-74)*

Re:

APPLICATION for annulment of Council Regulation (EC) No 85/2006 of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway (OJ 2006 L 15, p. 1).

Operative part

The Court:

1. Annuls Council Regulation (EC) No 85/2006 of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway in so far as it concerns Marine Harvest Norway AS, legal successor to Fjord Seafood Norway AS, for the anti-dumping duties applied to imports originating from the latter until 18 September 2007, and Alsaker Fjordbruk AS;

2. Dismisses the action as to the remainder;

3. Orders the Council of the European Union to bear its own costs and to pay those of Marine Harvest Norway, legal successor to Fjord Seafood Norway, and Alsaker Fjordbruk;

4. Orders the European Commission to bear its own costs.