

ECJ Preliminary Ruling Request (Customs): *Openbaar Ministerie and Federale Overheidsdienst Financiën* (Case C-719/22) – *Hof van beroep te Antwerpen* Submits Referral on Validity of Anti-Dumping Regulations Related to Spheroidal Graphite Cast Iron

30 May 2023

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On 30 May 2023, a preliminary ruling request, lodged on 24 November 2022, was published in the Official Journal of the European Union. By this, the *Hof van Beroep te Antwerpen* (Court of Appeal, Antwerp, Belgium) made reference to the Court of Justice of the European Union (ECJ) for a preliminary ruling in the case *Openbaar Ministerie, Federale Overheidsdienst Financiën v. Profit Europe NV, Gosselin Forwarding Services NV* (Case C-719/22) on whether [Regulation \(EU\) No 1071/2012](#) and [Regulation \(EU\) No 430/2013](#) are compatible with [Basic Regulation 1225/2009](#) (the basic anti-dumping regulation) in the context of an anti-dumping proceeding concerning imports of certain cast iron products.

In terms of background, the European Commission initiated an anti-dumping proceeding regarding imports into the European Union of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China, Thailand and Indonesia. It was unclear if the term 'malleable cast iron' could encompass also 'spheroidal graphite cast iron'. The European Commission did not investigate the fittings of spheroidal graphite cast iron. Therefore, the European Commission did not have numerical evidence to investigate whether tube or pipe cast fittings of spheroidal graphite cast iron were being imported into the European Union at dumped prices, whether that dumping was causing injury and whether it was in the European Union's interest to subject those imports to anti-dumping measures.

In this context, the *Hof van Beroep te Antwerpen* requested the ECJ to answer the following question:

"Do [Regulation \(EU\) No 1071/2012](#) and [Regulation \(EU\) No 430/2013](#) violate Articles 1, 5, 6 and 9 of [Basic Regulation 1225/2009](#), in so far as they subject imports of threaded tube or pipe cast fittings, of spheroidal graphite cast iron, originating in the People's Republic of China to anti-dumping duties upon import, when neither the complaint for the initiation of an anti-dumping proceeding nor the notice of initiation of the anti-dumping measure identified such goods as the product concerned, no evidence of dumping, injury and a causal link was produced and the European Commission did not in any way investigate their normal value, export price, possible margin of dumping, possible injury, the extent of the injury, the impact of other known factors on the injury, the causal link between dumping and injury and the need to subject those goods (threaded tube or pipe cast fittings) to anti-dumping duties in the interest of the Union?"

Belgium; European Union - ECJ Preliminary Ruling Request (Customs): Openbaar Ministerie and Federale Overheidsdienst Financiën (Case C-719/22) – Hof van beroep te Antwerpen Submits Referral on Validity of Anti-Dumping Regulations Related to Spheroidal Graphite Cast Iron (30 May 2023), News IBFD.

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