



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 December 2012

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COMER 254**

INFORMATION NOTE

from : Council Legal Service

to : COREPER (2nd part)

Subject : **Case before the General Court of the European Union**
– **Case T-432/12 (Volzskij trubnyi zavod OAO (VTZ OAO) and Others v Council)**

1. By an application notified to the Council on 24 October 2012, the above-mentioned companies have brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) Council Implementing Regulation (EU) No 585/2012 of 26 June 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009, and terminating the expiry review proceeding concerning imports of certain seamless pipes and tubes, of iron or steel, originating in Croatia(the "contested Regulation"),¹ insofar as it affects the applicants.
2. The applicants invoke the following grounds in support of their claim for annulment:
 - the Council manifestly erred in the appraisal of the facts, violated Article 3 (4) of the

¹ OJ, 4.7. 2012 L 174, p. 5

Basic Anti-dumping Regulation² and infringed the principle of equal treatment by cumulating imports from Russia with imports from Ukraine

- by concluding that the repeal of the measures is likely to lead to injury recurring the Council infringed the principle of equal treatment and manifestly erred in the appraisal of the facts and, therefore, infringed Article 11(2) of the Basic Anti-dumping Regulation
- the Council infringed Articles 9(4) and 21 of the Basic Regulation and the principle of equal treatment by committing a manifest error of assessment as concerns the analysis of the Union interest
- the Council infringed the principle of sound administration, the duty to state reasons and the rights of defence of the Applicants

3. In accordance with Article 46(1) of the Rules of Procedure of the General Court, the Council has to lodge its statement of defence within two months of receipt of the notification of the application. The Director-General of the Council Legal Service has appointed Ms. Sonja Boelaert, member of the Legal Service, as the Council's agent in this case. She will be assisted by Mr. Georg Berrisch and Ms Agnieszka Polcyn (Covington & Burling in Brussels).

² Council Regulation (EC) No 1225/2009 of 30 November 2009, OJ L 343 of 22.12.2009, p. 51