



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 December 2012

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INFORMATION NOTE

from : Council Legal Service
to : COREPER (2nd part)
Subject : **Case before the General Court of the European Union**
– Case T-442/12 (Changmao Biochemical Engineering Ltd. v. Council)

1. By an application notified to the Council on 23 October 2012, the above-mentioned company has brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China¹ (the "contested Regulation") insofar as it affects the applicant;
2. The applicant invokes the following grounds in support of its claim for annulment:
 - manifest error of appraisal and an infringement of Article 2(7)(c), first indent, of the Basic Anti-Dumping Regulation² by rejecting the market economy treatment claim of the applicant on the basis of alleged distortion of the price of the raw material benzene

¹ OJ 13.7.2012 L 182, p. 1.

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

- manifest error of appraisal and infringement of Article 11(3) of the Basic Anti-Dumping Regulation by deciding that the circumstances with regard to dumping have changed significantly and that these changes were of a lasting nature
- infringement of the duty to give reasons, Article 296 TFEU and Articles 6(7), 11(3), 14(2) and 18(4) of Council Regulation (EC) No 1225/2009 by failing to take into account and state the reasons for rejection of the comments and evidence provided by the applicant and by failing to unequivocally state its reasoning concerning the alleged distortion of the price of the raw material benzene
- infringement of the second subparagraph of Article 2(7)(c) of the Basic Anti-Dumping Regulation by failing to take a decision on market economy treatment within three months from the initiation of the investigation.
- infringement of Article 20(2) of the Basic Anti-Dumping Regulation and of the rights of the defence by refusing to provide disclosure of the details on the basis of which the normal value was calculated

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 Nicola Chesaites (Covington & Burling in Brussels).
