



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 December 2012**

**17234/12**

**JUR 620  
COMER 253**

**INFORMATION NOTE**

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from : Council Legal Service

to : COREPER (2nd part)

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Subject : **Case before the General Court of the European Union**

**– Case T-431/12 (Distillerie Bonollo SPA and Others v. Council)**

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1. By an application notified to the Council on 30 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 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 China<sup>1</sup> (the "contested Regulation") insofar as it affects the applicants;
  
2. The applicants invokes the following grounds in support of their claim for annulment:
  - manifest error of assessment by changing the methodology applied to establish analogue country normal value without sufficient justification to support changed circumstances in breach of Article 11(9) of the Basic Anti-Dumping Regulation.<sup>2</sup>

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<sup>1</sup> OJ 13.7.2012 L 182, p. 1.

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

- manifest error of assessment by disregarding actual domestic sales prices in the analogue country and wrongly resorting to constructed values in breach of Articles 2(1), 2(2), 2(7)(a) and 2(7)(b) of the Basic Anti-Dumping Regulation
- manifest error of assessment in constructing the normal value based on non-analogue country costs of production in breach of Article 2(3) of the Basic Anti-Dumping Regulation
- manifest errors of assessment caused by distorting the costs of production in the constructed normal value that was reached and by using costs for raw materials that were not equivalent, in breach of Article 2(3) of the Basic Anti-Dumping Regulation
- infringement of the applicants' rights of defence and the duty to state appropriate reasons to motivate essential aspects of the dumping calculations in the contested Regulation.

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).

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