



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 March 2013

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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-559/12 (Ningbo Jinding Fastener Co. Ltd. v. Council)

1. By an application notified to the Council on 9 January 2013, the above-mentioned company has brought an action for annulment, pursuant to Article 263 (ex Article 230 TEC) of the Treaty on the Functioning of the European Union for annulment of Council Implementing Regulation (EU) No 924/2012 of 4 October 2012 amending Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China, in so far as it relates to the Applicant.
2. The applicant invokes the following two grounds in support of its claim for annulment:
 - First plea in law, alleging that the exclusion from the dumping calculation of certain export transactions of the applicant violates Articles 2(11), 2(8), 2(9), 2(7)(a) and 9(5) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community, the principle of non-discrimination and Article 2.4.2 of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

- Second plea in law, alleging that the rejection of certain adjustments requested by the Applicant violates Article 2(10) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community and Article 2.4 of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994. In the alternative, the applicant considers that the Council violated Article 296 of the Treaty on the Functioning of the European Union.
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).
