



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 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-108/13 (Volzhsky Pipe Plant OAO and Others v. Council)**

1. By an application notified to the Council on 26 February 2013, the above-mentioned companies have brought an action for the partial annulment of Council Implementing Regulation (EU) No 1269 of 21 December 2012, amending 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, inter alia, Russia, following a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009.
2. The applicant invokes the following three grounds in support of its claim for annulment:
 - First plea: the Contested Regulation unlawfully relies upon criteria other than those set out in the wording of the relevant customs provisions to determine the classifications of the pipes sold to CMV;

- Second plea: the specific grounds relied on by the Contested Regulation to conclude that the pipes sold to CMV do not fall under CN code 7304 59 10 and are flawed;
 - Third plea: in the present case, the mere fact that the pipes sold to CMV were actually used in the manufacture of tubes and pipes with other cross-sections and wall-thickness proves that the pipes fall under CN code 7304 59 10.
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 Mr. Brian Byrne (Covington & Burling in Brussels).
