



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 July 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-351/13 (Crown Equipment (Suzhou) Co. Ltd and Crown
Gabelstapler GmbH & Co. KG v. Council)**

1. By an application notified to the Council on 11 July 2013, the above-mentioned companies have brought an action for the annulment, pursuant to Article 263 of the Treaty on the Functioning of the European Union, of the Council Regulation, No 372/2013 of 22 April 2013 imposing a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts originating in the People's Republic of China following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 in so far as it affects the Applicant;
2. The applicants invoke the following three grounds in support of their claim for annulment based on manifest errors of assessment:
 - First plea: infringement of Art. 2 (7) of the basic Regulation in as much as the Council determined the normal value of the imports of hand pallet trucks and their essential parts on the basis of data from Brazil or infringement of Art. 296 (2) TFEU for failure to provide reasons;

- Second plea: infringement of Art. 2 (7) of the basic Regulation in as much as the Council did not adjust the normal value of the imports of hand pallet trucks and their essential parts to account for the distorting effect of the 14 % import duty in the analogue country or infringement of Art. 296 (2) TFEU for failure to provide reasons;
- Third plea: infringement of Art. 9 (4) of the basic Regulation in as much as the Council did not correctly apply the "lesser duty rule".

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. Bernard O'Connor and Mr. Sébastien Gubel (NCTM O'Connor in Brussels).
