



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 1 October 2013**

**14283/13**

**JUR 506  
COMER 223**

**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-422/13 (Committee of Polyethylene Terephthalate (PET)  
Manufacturers in Europe (CPME) and Others v. Council)**

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1. By an application notified to the Council on 28 August 2013, the above-mentioned companies have brought an action for the annulment, pursuant to Article 263 and Article 268 of the Treaty on the Functioning of the European Union, of the Council Implementing Decision 2013/226/EU of 21 May 2013 rejecting the proposal for a Council Implementing regulation imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate ("PET") originating in India, Taiwan and Thailand following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 in so far as it affects the Applicants.
2. The Applicants submit three pleas in law in support of its application for the annulment of the Council Implementing Decision 2013/226/EU insofar as it rejects the proposal for a Council Implementing regulation imposing a definitive anti-dumping duty the Applicant.  
  
- By its first plea, the Applicants submit that the Council infringed Article 20(4) and (5) of the Basic AD Regulation and fundamental rights of the defence as it did not disclose to the Applicants the facts and considerations that led to the adoption of the Contested Decision, nor allow a reasonable time for comment.

- By its second plea, the Applicants submit that the Council committed a manifest error of assessment of the facts and violated Articles 11(2) and 21(1) of the Basic AD Regulation when adopting the Contested Decision, in particular when concluding in recitals 17 and 23 of the Contested Decision that material injury is unlikely to recur upon lapse of the measures, and in assessing that the continuation of the anti-dumping measures is clearly not in the EU interest.

- By its third plea, the Applicants submit that the Council manifestly and seriously violated its duties of care and of good administration as it did not disclose to the Applicants the facts and considerations that led to the adoption of the Contested Decision.

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 and Mr. Jan-Peter HIX, members of the Legal Service, as the Council's agents in this case. They will be assisted by Mr. Bernard O'Connor and Mr. Sébastien Gubel (NCTM O'Connor in Brussels).

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