



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 October 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-424/13 (Juan Meide Casting Co. Ltd v. Council)**

1. By an application notified to the Council on 2 September 2013, the above-mentioned company has 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 Regulation (EU) No 430/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia, in so far as it relates to the Applicant.

2. The Applicant submits five pleas in law in support of its application for the annulment of Regulation 430/2013 insofar as it imposes an antidumping duty on the Applicant.

- By its first plea, the Applicant submits that the EU Institutions violated the rights of defence of the Applicant and Articles 6(7), 20(2) and 20(4) of the Basic Regulation by failing to provide the Applicant access to/disclose information relevant to the normal value determination.

- By its second plea, the Applicant submits that, by rejecting certain adjustments requested by the Applicant, the EU Institutions violated Article 2(10) of the Basic Regulation, Article 2.4 of the WTO AD Agreement and Article 296 TFEU.

- By its third plea, the Applicant submits that the normal value determination for non-matching product types violates Articles 2(7)(a), 2(10) and 2(10)(a) of the Basic Regulation and Articles 2(11) *juncto* 2(8), 2(9), 2(7)(a) and 9(5) of the Basic Regulation and the principle of non-discrimination.

- By its fourth plea, the Applicant submits that the EU Institutions violated Article 2(7) of the Basic Regulation by only issuing the MET disclosure on 9 July 2012.

- By its fifth plea, the Applicant submits that the EU Institutions violated Articles 3(1), 3(2) and 3(3) of the Basic Regulation by relying on inaccurate import data for the injury determination.

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).
