



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 October 2013

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**JUR 508
COMER 225**

INFORMATION NOTE

from : Council Legal Service
to : COREPER (2nd part)
Subject : **Case before the General Court of the European Union
- Case T-425/13 (Giant (China) 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 Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009, in so far as it relates to the Applicant.
2. The Applicant submits eight pleas in law in support of its application for the annulment of Regulation 502/2013 insofar as it imposes an antidumping duty on the Applicant.

- By its first plea, the Applicant submits that the Council applied the wrong legal test to determine that Jinshan and the Applicant formed a single economic entity and thereby violated Article 9(5) of the basic regulation.

- By its second plea, the Applicant submits that the Council made a manifest error of assessment when concluding that the Applicant and the Jinshan group of companies have a close commercial and structural relationship.

- By its third plea, the Applicant submits that the Council violated Article 18 of the basic regulation by requesting the production of information that was not necessary and could not reasonably be expected to be provided by the Applicant.

- By its fourth plea, the Applicant submits that the Council made a manifest error of assessment in considering that the Applicant did not claim that obtaining the information relating to Jinshan was unreasonably burdensome.

- By its fifth plea, the Applicant submits that the Council made a manifest error of assessment in considering that the Applicant's statements could not be verified.

- By its sixth plea, the Applicant submits that the Council violated the rights of defence of the Applicant by requesting information it was unable to provide and by dismissing the evidence adduced.

- By its seventh plea, the Applicant submits that the Council made a manifest error of assessment in considering that the imposition of an individual duty on Giant China would have created a risk of circumvention.

- By its eighth plea, the Applicant submits that the Commission applied different criteria in assessing whether there was a risk of circumvention for Giant China than the criteria applied for other producers and thereby violated the principles of non-discrimination and proportionality.

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).
