



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 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-412/13 (Chin Haur Indonesia, PT v. Council)**

1. By an application notified to the Council on 16 September 2013, the above-mentioned company has brought an action for the annulment, pursuant to Article 263 of the Treaty on the Functioning of the European Union, of Articles 1(1) and 1(3) of the Implementing Regulation (EU) No 501/2013 of 29 May, adopted by the Council of the European Union following an investigation conducted by the European Commission, insofar as these articles extend to imports by Chin Haur into the EU the definitive anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China under Regulation (EU) No 990/2011; and deny Chin Haur an exemption from such duty;

2. The Applicant submits five pleas in law in support of its application for the annulment of the Implementing Regulation No 501/2013 insofar as it imposes an antidumping duty on the Applicant.
 - By its first plea, the Applicant submits that the Council failed to demonstrate circumvention with respect to Indonesian imports and thus committed an error of fact and a manifest error of assessment.

- By its second plea, the Applicant submits that the Council wrongly found that Chin Haur was non-cooperative and that such non-cooperation justified a denial of its exemption.
 - By its third plea, the Applicant submits that Chin Haur's due process rights have been violated in the investigation.
 - By its fourth plea, the Applicant submits that the denial to grant PT Chin Haur an exemption request violates the principle of equal treatment.
 - By its fifth plea, the Applicant submits that the Implementing Regulation findings on injury and dumping are based on errors of fact and inconsistent with the basic anti-dumping regulation.
3. The General Court has accepted the Applicant's request for an expedited procedure. In accordance with Article 76a(2) of the Rules of Procedure of the General Court, the Council has to lodge its statement of defence within one month 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. Rainer BIERWAGEN (BEITEN BURKHARDT Brussels).
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