



**COUNCIL OF
THE EUROPEAN UNION**

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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-596/11, Bricmate AB against Council**

1. By an application notified to the Council on 5 December 2011, the above-mentioned company has brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) No 917/2011 of 12.3.2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China ¹ (the "contested Regulation"), as far as the applicant is concerned.
2. The applicant invokes the following grounds in support of its claim for annulment:
 - The injury and causation analyses are vitiated by substantial errors of fact due to a material error in the Eurostat data concerning EU imports from China, and the institutions' appraisal of the facts are vitiated by manifest errors of assessment;
 - the institutions violated the principle of due care and Articles 3(2) and 3(6) of Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community ("Basic Regulation"); ²

¹ OJ L 238, 15.9.2011, p. 1.

² OJ L 343, 22.12.2009, p. 51.

- the institutions failed to state reasons and violated the applicant's rights of defence and Article 17 of the Basic Regulation.
3. In accordance with Article 46(1) of the Rules of Procedure of the 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 Mr. Jan-Peter Hix and Bart Driessen, members of the Legal Service, as the Council's agents in this case. They will be assisted by Mr. Georg Berrisch and Ms Agnieszka Polcyn (Covington & Burling in Brussels).
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