



**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-6/12, Godrej Industries Limited and VVT Limited against Council**

1. By an application notified to the Council on 13 January 2012, the above-mentioned companies have brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) No 1138/2011 of 8 November 2011¹, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain fatty alcohols and their blends originating in India, Indonesia and Malaysia (the "contested Regulation"), as far as the applicants are concerned.
2. The applicants invoke the following grounds in support of their claim for annulment:
 - by failing to grant the adjustment for currency conversion which the applicants claimed for sales made in Euro in view of the fact that there had been a sustained appreciation of the Indian Rupee against the Euro during an important part of the investigation period, the Council infringed Article 2(10) of Council Regulation (EC) n° 1225/2009 of 30 November 2009² on protection against dumped imports from countries not members of the European Community (Basic Anti-dumping Regulation"), as interpreted in accordance with Articles 2.4 and 2.4.1 of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "WTO ADA");

¹ OJ L 293, 11.11.2011, p. 1.

² OJ L 343, 22.12.2009, p. 51.

- by not excluding the sales of the product concerned to the Union industry for the purpose of the calculation of the injury margin and for the purpose of the injury and causality analysis, the Council infringed Article 3(2) (6) and (7) as well as Article 9(4) of the Basic Anti-Dumping Regulation;
- by failing to exclude sales to the Union industry for the purpose of the calculation of the dumping margin, the Council violated Articles 1(1) and 2(10) of the Basic Anti-Dumping Regulation, interpreted in accordance with the relevant provisions of Article 9(1) of the WTO ADA.

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, member of the Legal Service, as the Council's agent in this case. He will be assisted by Mr. Georg Berrisch and Ms Agnieszka Polcyn (Covington & Burling in Brussels).
