



**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-633/11 (Guangdong Kito Ceramics Co. Ltd. and others v. Council)

1. By an application notified to the Council on 12 January 2012, the above-mentioned companies have brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) No 917/2011 of 12 September 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramics tiles originating in the People's Republic of China¹ (the "contested Regulation"), as far as the applicants are concerned.
2. This application for partial annulment is based on the following three pleas:
 - The Council committed a manifest error in the interpretation and application of Article 18 of the basic anti-dumping Regulation,² because the applicants provided all necessary information and cooperated fully regarding all essential elements of the investigation;

¹ OJ L 238, 15.09.2011, p. 1.

² Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community, OJ L 343, 22.12.2009, p. 51.

- the contested Regulation is lacking sufficient reasoning with regard to the application of Article 18 of the basic anti-dumping Regulation, in violation of Article 296 TFEU, of Article 20(2) of the basic anti-dumping Regulation, and of recent WTO determinations;
 - the procedure leading to the adoption of the contested Regulation was not in compliance with the principles of sound administration, transparency, and the rights of defence, and violated Article 18(4) of the basic anti-dumping 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, member of the Legal Service, as the Council's agent in this case. He is assisted by Mr. Georg Berrisch and Ms Nicola Chesaites (Covington & Burling in Brussels).