



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 February 2012**

**6197/12**

**JUR 63  
COMER 25**

**INFORMATION NOTE**

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From : Legal Service

To : COREPER (2nd part)

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Subject : **Case before the Court of Justice**

Case C-10/12 P (Transnational Company "Kazchrome" AO and ENRC Marketing AG)

Appeal against the judgment of 25 October 2011 of the General Court in Case T-192/08

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1. Transnational Company "Kazchrome" AO and ENRC Marketing AG brought an appeal, pursuant to Article 56 of the Protocol on the Statute of the Court of Justice of the European Union and Article 111 of the Rules of Procedure of the Court of Justice, against the judgment of 25 October 2011 of the General Court in Case T-192/08.
2. In its judgment of 25 October 2011 the General Court dismissed the action<sup>1</sup> by which Transnational Company "Kazchrome" AO and ENRC Marketing AG had applied for annulment of Council Regulation (EC) N° 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ferro-silicon originating in the People's Republic of China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia<sup>2</sup> (the "Contested Regulation").

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<sup>1</sup> Cf. doc. 11135/08 of 25.6.2008.

<sup>2</sup> OJ L 55 of 28.02.2008, p. 6.

3. The appellants submit that the contested judgment should be set aside for the following reasons:
  - The General Court erred in law in holding that the institutions' violations of Article 3(7) of the Basic Regulation as established by the General Court were insufficient to annul the Contested Regulation;
  - The General Court erred in law in holding that the institutions were not required to conduct a collective analysis of the injurious effects caused by factors other than the dumped imports;
  - The General Court ordered the appellants to pay the costs of the Council and of the intervening association, thereby ignoring the exceptional circumstances that warranted that each party pay its own costs in this case.
  
4. The appellants further submit that the Court of Justice should annul Council Regulation (EC) N° 172/2008, and order the Council to bear the costs of the proceedings.
  
5. Under Article 115 of the Rules of Procedure of the Court of Justice, the Council may lodge a response within two months after service of the notice of appeal (which took place on 13 January 2012).
  
6. The Director General of the Legal Service of the Council has appointed Mr. Jan-Peter HIX, legal advisor in the Legal Service of the Council, as the Council's agent in Case C-10/12 P. He is assisted by Mr. Georg M. BERRISCH (COVINGTON & BURLING in Brussels).

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