



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 March 2012**

**7234/12**

**JUR 122  
COMER 44**

**INFORMATION NOTE**

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from : Council Legal Service  
to : COREPER (2nd part)  
Subject : **Case before the General Court of the European Union**  
**– Case T-28/12, PT Ecogreen Oleochemicals and others against Council**

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1. By an application notified to the Council on 1st February 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 2011, 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,<sup>1</sup> in so far as it relates to the applicants.
2. The applicants have also requested that the case is adjudicated under an expedited procedure pursuant to Article 76a of the Rules of Procedure of the General Court.

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<sup>1</sup> OJ L 293 of 11.11.2011, p. 1.

3. In support of their action the applicants argue that the contested Regulation infringes Article 2(10)(i) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ("the basic anti-dumping Regulation")<sup>1</sup>. The applicants' principal plea is that the Council committed a manifest error of assessment in rejecting the applicants' claim that they constituted a single economic entity and that an adjustment under Article 2(10)(i) of the basic anti-dumping Regulation was therefore not permissible. As an alternative plea, the applicants submit that the inclusion of a notional profit margin when making the adjustment pursuant to Article 2(10)(i) of the basic anti-dumping Regulation was not permissible because only the actual mark-up received by the trader could be deducted from the export price.
  
4. In accordance with Article 76a(2) of the Rules of Procedure of the 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 Mr. Jan-Peter Hix, member of the Legal Service, as the Council's agent in this case. He will be assisted by Mr. Georg M. Berrisch and Ms Nicola Chesaites (Covington & Burling in Brussels).

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<sup>1</sup> OJ L 343 of 22.12.2009, p. 51.