



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 March 2012

7927/12

**JUR 158
COMER 66**

INFORMATION NOTE

from : Council Legal Service

to : COREPER (2nd part)

Subject : **Case before the General Court of the European Union**
– Case T-26/12, PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musin Mas) v. Council

1. By an application notified to the Council on 1st March 2012, the above-mentioned company has 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,¹ in so far as it relates to the applicant.

¹ OJ L 293 of 11.11.2011, p. 1.

2. In support of his action the applicant argues that:

- The Council infringed Article 2(10)(i) of the Basic Anti-dumping Regulation² because it committed a manifest error in the appraisal of facts and misused its powers by denying the existence of a "single economic entity" between the applicant and its related sales subsidiary, and did not provide sufficient evidence that the conditions of Article 2(10)(i) were met.
- The Council infringed the first paragraph of Article 2(10) of the Basic Anti-dumping Regulation because it did not carry out a fair comparison between the export price and the normal value and applied a double deduction of profits from the export price.
- The Council infringed the principle of sound administration because it ignored information, evidence and arguments provided to the Commission during the investigation.
- The Council infringed the principles of equality and non-discrimination by applying an adjustment to the applicant's export price and by applying a double deduction from the export price.

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 M. Berrisch and Ms Nicola Chesaites (Covington & Burling in Brussels).

² Council Regulation (EC) No 1225/2009 of 30 November 2009, OJ L 343 of 22.12.2009, p. 51.