



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 April 2012**

**8502/12**

**JUR 202  
UD 103**

**INFORMATION NOTE**

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from : Legal Service

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to : COREPER I

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Subject : **Case before the General Court**

- **Case T-116/12** (Tioxide Europe Ltd and Others v. the Council of the European Union)
  - **Application** for annulment of the Council Regulation (EU) N° 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products and repealing Regulation (EC) N° 1255/96.
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1. By application notified to the Council on 21 March 2012, the Applicants have asked the General Court to annul Council Regulation (EU) N° 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products<sup>1</sup> and repealing Regulation (EC) N° 1255/96 insofar as it suspends the import duty levied on rutile titanium dioxide, under CN code 3206 11 00.

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<sup>1</sup> OJ L 163 of 30.6.2010, p. 4.

2. The Applicants, subsidiaries of the Huntsman Corporation, are the largest producers of titanium dioxide in the EU. The suspension of the customs tariff has lowered the import threshold for competing manufacturers established outside the EU, thus enabling customers that would normally source from the Applicants to import the same product from outside the Union. The Applicants therefore consider that the Regulation has a serious financial impact on them and that, as long as it will remain in force, their economic and financial situation will worsen.
3. The Applicants consider that they are entitled to institute proceedings against Regulation (EU) N° 1344/2011 in accordance with Article 263 TFEU.
4. In support of their action for annulment, the Applicants argue that the contested Regulation is not duly reasoned (Article 296 TFEU), and that it infringes Articles 31 and 32 TFEU and the principle of proportionality.
5. The Council is invited to submit a statement of defence, in accordance with Article 76a of the Rules of Procedure, within one month from the notification of the application.
6. The Director-General of the Council Legal Service has appointed Mr. Fernando FLORINDO GIJÓN and Ms Maria BALTA, legal advisers in the Council Legal Service, as the Council's agents in case T-116/12.