



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 May 2012

9628/12

**JUR 260
COMER 96**

INFORMATION NOTE

from : Council Legal Service
to : COREPER (2nd part)
Subject : **Case before the General Court of the European Union**
– **Case T-88/12, Charron Inox and Almet against Council**

1. By an application notified to the Council on 16 April 2012, the above-mentioned companies have brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) No 1331/2011 of 14 December 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China¹ (the "contested Regulation"), and for compensation for damage, pursuant to Article 268 and the second paragraph of Article 340 TFEU.
2. The applicants request that the Court:
 - principally, annul the contested Regulation as being based on inadequate economic findings;
 - in the alternative, annul Article 2 of the contested Regulation in so far as the definitive collection of the provisional anti-dumping duties already paid is inconsistent with the principle of legitimate expectations;

¹ OJ L 336, 20.12.2011, p. 6.

- in the further alternative, acknowledge the European Union's non-contractual liability, because the collection of the provisional anti-dumping duties ought to have been announced to the economic operators concerned within reasonable periods of time sufficient to enable them to anticipate their economic options;
- in any case, order the repayment to and/or indemnification of the applicant companies in the amounts further specified in the application, for damage suffered as a result of the payment of the anti-dumping duties and as a result of the companies being required to obtain supplies from Indian suppliers on less favourable terms.

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 Berrisch and Ms Agnieszka Polcyn (Covington & Burling in Brussels).
