



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 July 2012

13012/12

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COMER 178**

INFORMATION NOTE

from : Council Legal Service

to : COREPER (2nd part)

Subject : **Case before the General Court of the European Union**

– Case T-310/12 (Yuanping Changyuan Chemicals Co. Ltd against Council of the European Union)

1. By an application notified to the Council on 19 July 2012, the above-mentioned company has brought an action for annulment, pursuant to Article 263 TFEU, of Council Implementing Regulation (EU) No 325/2012 of 12 April 2012, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of oxalic acid originating in India and the People's Republic of China.¹

¹ OJ L 106 of 18.4.2012, p.1.

2. The applicant invokes the following grounds in support of its claim for annulment:
- the institutions erred in the Union industry definition, in breach of Article 4(1) and Article 3 of the basic Anti-dumping Regulation;²
 - the institutions committed a manifest error in the assessment of injury to the Union industry in breach of Article 3(2) and Article 3(5) of the basic Anti-dumping Regulation;
 - the institutions failed to make a proper assessment of the injury margin and failed to provide sufficient reasoning, in breach of Articles 9(4), Article 14(1), and Article 20 of the basic Anti-dumping Regulation.
 - The institutions failed to respect the applicant's rights to make proper representations, in breach of Article 20(5) of the basic Anti-dumping Regulation; discriminated against the applicant; and failed to apply the principle of sound administration
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 Nicola CHESAITES (Covington & Burling in Brussels).

² Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community, OJ L 343 of 22.12.2009, p. 51.