



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : the Legal Service
to : the Permanent Representatives Committee (Part 2)
Subject : Case before the Court of Justice of the European Union
- C-569/13 Bricmate AB v. Tullverket, Reference for a preliminary ruling from
the Förvaltningsrätten i Malmö (Sweden)

1. By decision of 4 November 2013, the Förvaltningsrätten i Malmö (Sweden) (Administrative Court, Malmö), lodged on 6 November 2013, requested the Court of Justice to give a preliminary ruling pursuant to Article 267 of the TFEU, concerning the validity of Council Implementing Regulation No 917/2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China (OJ 2011 L 238, p. 1).
2. The applicant, Bricmate AB submits that the Förvaltningsrätten should cancel the anti-dumping duty which Tullverket (the Swedish Customs Service) has imposed in respect of Bricmate's import of tiles from China on the ground that the Council Implementing Regulation No 917/2011 which imposed the anti-dumping duty in question is invalid.

3. The Förvaltningsrätten i Malmö (Sweden) (Administrative Court, Malmö) has put the following questions to the Court of Justice:

"Is Council Implementing Regulation (EU) No 917/2011 of 12 September 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China (OJ 2011 L 238, p. 1) invalid on any one of the following grounds:

- 1. that the investigation of the European Union institutions contains manifest errors of fact,*
- 2. that the investigation of the European Union institutions contains manifest errors of assessment,*
- 3. that the Commission has failed in its obligation to exercise due care and has disregarded Article 3(2) and (6) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51),*
- 4. that the Commission has disregarded its obligations under Article 20(1) of Regulation No 1225/2009 and has disregarded the company's rights of the defence,*
- 5. that the Commission, contrary to Article 17 of Regulation No 1225/2009, has failed to take into account the information which the company supplied, and/or*
- 6. that the Commission failed in its duty to state reasons (pursuant to Article 296 of the Treaty on the Functioning of the European Union)?"*

4. The Council is, according to Article 23 of the Statute of the Court of Justice, entitled to submit observations within two months of receipt of the notification, in a case governed by Article 267 of the TFEU if the act, the validity or interpretation of which is in dispute, originates from the Council.

5. The Director-General of the Legal service of the Council has appointed Mrs Sonja BOELAERT and Mr Andreas NORBERG, members of the Council Legal Service, as the Council's agent in this case. They are assisted by Mr Bernard O'CONNOR and Mr Sébastien GUBEL (NTCM O'CONNOR - Brussels).
