



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : Council Legal Service
to : COREPER (2nd part)
Subject : **Case before the General Court of the European Union**
- Case T-80/14 (PT Musim Mas v. Council)

1. By an application notified to the Council on 12 February 2014, the above-mentioned company has brought an action for the annulment, pursuant to Article 263 of the Treaty on the Functioning of the European Union, of Articles 1 and 2 of Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 (OJ L 315, 26.11.2013. p. 2) imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia, in so far as it relates to the Applicant.
 2. The Applicant submits two pleas in law in support of its application for the annulment of Implementing Regulation (EU) No 1194/2013 insofar as it imposes an antidumping duty on the Applicant.
- By its first plea, the Applicant submits that the Council violated:

- i) Articles 1(1), 7(2) and 9(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against imports from countries not members of the European Community;
 - ii) the principles of good administration, of proportionality and of non-discrimination when ordering the definitive collection of the provisional anti-dumping measures imposed on the Applicant.
- By its second plea, the Applicant submits that the Council violated Articles 20(2), 2(5), 2(8) and 2(10)(i) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against imports from countries not members of the European Community by the Council of the European Union, as well as a breach of the principles of good administration, of proportionality and of non-discrimination by the Council of the European Union when:
 - failing to disclose the essential facts in connection with the alleged existence of a "*particular market situation*";
 - adjusting the Applicant's costs of production due to the alleged existence of a "*particular market situation*";
 - failing to consider the Applicant's use of Palm Fatty Distillates as a raw material;
 - failing to consider the double counting premium as part of the Applicant's export price; and
 - failing to consider the Applicant and its related companies as a single economic entity.
3. In accordance with Article 46(1) of the Rules of Procedure of the General 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 Ms. Sonja Boelaert, member of the Legal Service, as the Council's agent in this case. She will be assisted Mr. Rainer BIERWAGEN and Mr. Christian HIPPE (BEITEN BURKHARDT in Brussels)