



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 April 2014

8492/14

JUR 213
COMER 119

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: Cases before the EU General Court
- Case T-67/14 Viraj Profiles v. Council

1. By application notified to the Council on 18 March 2014, the Applicant (an Indian producer of stainless steel wires) has brought an action pursuant to Article 263 TFEU for the annulment of Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India,¹ insofar as it applies to the Applicant.
2. In support of his application, the Applicant claims that the cost of production calculated in the contested regulation has been adjusted in a way that is manifestly erroneous and in breach of Article 2(1), (3), (4), (5), (6), (11) and (12) of the basic regulation. It alleges that the EU institutions have applied an upward adjustment under a methodology which, when followed, yields an adjustment lower than the one calculated by the Commission. The adjustment also includes items that should not be included in the cost of production of the Applicants. The dumping margin calculated on the basis of this erroneous methodology is alleged to breach Article 2(11) and (12) of the basic Regulation.

¹ OJ L 298 of 8.11.2013, p. 1.

3. In addition, the Applicant claims that the finding that the injury suffered by the Union industry is caused by Indian imports is manifestly erroneous, in that it does not consider the impact of Chinese imports, which were the main source of injury in the period considered and which broke the causal link between dumped Indian imports and the injury. It claims that the EU institutions failed to performed a non-attribution analysis, in breach of Article 3(6) and (7) of the Regulation.
4. Lastly, the Applicant claims that the Commission failed to examine the accuracy and adequacy of the evidence on causation provided in the complaint justifying the initiation of the investigation.
5. The Director-General of the Council Legal Service has appointed Mr Bart DRIESSEN, member of the Legal Service, as the Council's agent in the case. He is to be assisted by Mr Rainer BIERWAGEN.
