



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 April 2014**

**8484/14**

<b>JUR</b>	<b>210</b>
<b>COMER</b>	<b>116</b>

**INFORMATION NOTE**

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from: Council Legal Service  
to: COREPER (2nd part)  
Subject: Cases before the EU General Court  
- Case C-34/14 Puma

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1. The Court of Justice notified on 19 March 2014 a request for a prejudicial ruling from the Finanzgericht München (Germany). The request has arisen in a dispute between Puma SE and the Hauptzollamt Nürnberg.

2. In its request, the Finanzgericht asks the following questions:

“1. Are Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitely the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People’s Republic of China and Vietnam and Council Implementing Regulation (EU) No 1294/2009 of 22 December 2009 imposing a definitive anti-dumping duty on imports of certain footwear with uppers of leather originating in Vietnam and originating in the People’s Republic of China, as extended to imports of certain footwear with uppers of leather consigned from the Macao SAR, whether declared as originating in the Macao SAR or not, following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96, valid as a whole in so far as they were not annulled by the judgments of the Court of Justice of the European Union of 2 February 2012 and 15 November 2012 in Cases C-49/10 P and C-247/10 P?

2. In the event that the answer to question 1 is in the negative, but the abovementioned regulations are not invalid as a whole:

(a) In relation to which exporters and producers in the People's Republic of China (PRC) and in Vietnam, from which the applicant purchased goods in the period from 2006 to 2011, are Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitely the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam and Council Implementing Regulation (EU) No 1294/2009 of 22 December 2009 imposing a definitive antidumping duty on imports of certain footwear with uppers of leather originating in Vietnam and originating in the People's Republic of China, as extended to imports of certain footwear with uppers of leather consigned from the Macao SAR, whether declared as originating in the Macao SAR or not, following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96, invalid?

(b) Does a declaration that the abovementioned regulations are invalid in whole or in part constitute unforeseeable circumstances or force majeure within the meaning of the second subparagraph of Article 236(2) of the Customs Code (CCC)?"

3. 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 shall be assisted by Mr Bernard O'Connor.