



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 April 2014

8732/14

JUR	227
COMER	124

INFORMATION NOTE

from: Council Legal Service

to: Permanent Representatives' Committee (part 2)

Subject: **Case C-21/14 P-R before the Court of Justice - application for interim measures in the appeal brought by European Commission against the judgment of the General Court of 5 November 2013 in Case T-512/09; Rusal Armenal ZAO v Council of the European Union**

1. On 16 January 2014 the European Commission brought an appeal against the judgment delivered on 5 November 2013 by the General Court in Case T-512/09 *Rusal Armenal ZAO v Council* (C-21/14 P). This appeal has suspended the effect of the judgement of the General Court, which had declared Council Regulation (EC) No 925/2009 of 24 September 2009, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China, partially invalid insofar as Rusal Armenal ZAO is concerned. The Council is in accordance with the Rules of Proceedings of the Court of Justice, one of the other parties to this appeal.¹

¹ doc. ST 7262/14 JUR 133 COMER 76

2. By an application notified to the Council on 4 April 2014, the respondent in the appeal proceedings in Case C-21/14 P, Rusal Armenal ZAO, has brought an action for suspension of operation of an act, or in the alternative, for interim measures, pursuant to Articles 278 and 279 TFEU and Article 160 of the Rules of Procedure of the Court of Justice.
3. With its action Rusal Armenal ZAO requests the Court of Justice to suspend Article 1 of Council Regulation (EC) No 925/2009 of 24 September 2009, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China, in so far as Rusal Armenal ZAO is concerned, until the entry into force the final judgment closing the proceedings, or in the alternative, to impose interim measures, in the form of an enforceable order instructing the Customs authorities of EU Member States not to collect the anti-dumping duties applicable to imports of certain aluminium foil manufactured by Rusal Annenal ZAO and imposed by Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China, until the entry into force of the final judgment closing proceedings.
4. According to Article 160 (5) of the Rules of Procedure of the Court of Justice, the Council may submit observations, within a short time-limit which has been fixed at . 29 April 2014.
5. The Director General of the Legal Service of the Council has appointed Ms. Sonja BOELAERT and Mr. Jan-Peter HIX, legal advisors in the Legal Service of the Council, as the Council's agents in this case. They are assisted by Mr. Bernard O'CONNOR and Mr. Sébastien GUBEL (NCTM O'Connor Brussels).
