



**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-113/14 (Oleaginoso Moreno Hermanos SACIFI y A v. Council)

1. By an application notified to the Council on 7 March 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 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 three 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 has committed a manifest error in the appreciation of the facts by concluding that there was a distortion of the prices of soya beans and soybean oil justifying the application of the second paragraph of article 2(5) of the Basic Anti-dumping Regulation.

- By its second plea, the Applicant submits that the second paragraph of Article 2(5) of the Basic Anti-dumping Regulation, as construed by the institutions in the present case, may not be applied to imports from a WTO member as it is inconsistent with the WTO Anti-dumping Agreement.
 - By its third plea, the Applicant submits that the injury assessment fails to take into consideration factors that break the causal link between the alleged injury and the allegedly dumped imports in violation of Article 3(7) of the Basic Anti-dumping Regulation.
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)
