



**COUNCIL OF  
THE EUROPEAN UNION**

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**INFORMATION NOTE**

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From: Legal Service  
To: Permanent Representatives Committee (Part 2)  
Subject: Case before the General Court:  
- Case T-121/14 (PT Pelita Agung Agrindustri v. Council of the European Union)

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1. By an application notified to the Council on 26 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 seven 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:

- adjustment of the cost of production of COP is impermissible since the WTO Anti-Dumping Agreement does not allow such cost adjustments;
  - violation of Article 2(5) basic regulation;
  - manifest error of assessment in finding that the Applicant's purchase prices from related parties are distorted;
  - illegal determination of the reasonable profit margin;
  - illegal calculation of the injury margin by not making an adjustment on account of red-certification;
  - breach of Article 3(7) basic regulation and manifest error of assessment in finding that double-counting regulations did not contribute to injury;
  - failure to state reasons and breach of the obligation of due diligence and proper administration.
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.
4. 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 by Mr. Rainer BIERWAGEN (BEITEN BURKHARDT in Brussels).
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