



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 May 2014**

**9526/1/14  
REV 1**

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<b>COMER</b>	<b>145</b>

**INFORMATION NOTE**

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from:	Council Legal Service
to:	COREPER (2nd part)
Subject:	Cases before the EU General Court - Case T-161/14 - Yingli Energy (China) Co. Ltd and Others. v. Council

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1. By application notified to the Council on 15 April 2014, the applicants (Chinese producers of solar panels) have brought an action pursuant to Article 263 TFEU for the annulment of Council Implementing Regulation 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China.<sup>1</sup>
2. The applicants present three claims in support of the Application:
  - first, they argue that, by imposing countervailing measures on solar panels and key components consigned from China whereas the notice of initiation mentioned only solar panels and key components originating in China, the institutions violated Articles 10(12) and 10(13) of the Basic Anti-Subsidy Regulation;
  - secondly, they argue that, by imposing countervailing measures on solar panels and key components that were not subject to an anti-subsidy investigation, the institutions violated Articles 1 and 27 of the Basic Anti-Subsidy Regulation;

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<sup>1</sup> OJ L 325 of 5.12.2013, p. 66.

- lastly, they claim that, by conducting one single investigation for two distinct products (i.e., solar panels and cells), the institutions violated Article 2(c) of the Basic Anti-Subsidy Regulation.

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 is to be assisted by Mr Bernard O'CONNOR.

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