



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 May 2014
(OR. en)**

10039/14

**JUR 304
COMPET 290**

INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 2)
Subject: **Case C-186/14 P before the Court of Justice - Appeal brought by ArcelorMittal Tubular Products Ostrava a.s. and Others against the judgment of the General Court in Case T-528/09**

1. By application lodged with the Court of Justice on 14 April 2014 and notified to the Council on 22 April 2014, the Appellants have lodged an appeal against the judgement of the General Court in Case T-528/09 of 29 January 2014, by which the General Court annulled the Regulation (EC) No 926/2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in China ¹, to the extent that it imposes anti-dumping duties on exports of products produced by Hubei Xinyegang Steel Co. Ltd (the “Applicant”) and collects provisional duties imposed on those exports.

¹ OJ 2009 L 262/19.

2. In their appeal, the Appellants submit the following grounds for annulment of the judgement:
 - The General Court misinterpreted Article 3(7) of the Basic Anti-Dumping Regulation ² by finding that the institutions could not take into account the fact that the unusually high demand for the product concerned would not continue after the investigation period.
 - The General Court infringed Articles 3(9) and 6(1) of the Basic Anti-Dumping Regulation by relying on alleged inconsistencies between the estimates and the relevant post-investigation data on the volumes and the price of imports.
 - The General Court erroneously concluded that the institution's findings regarding threat of injury were vitiated by a manifest error of appraisal.
3. The Council is invited to submit a response, in accordance with Article 172 of the Rules of Procedure of the Court of Justice, within two months of the service of the notification of the appeal.
4. The Director General of the Legal Service of the Council has appointed Mr. Jan-Peter HIX, legal adviser in the Legal Service, as the Council's agent in this case. He will be assisted by Mr. Bernard O'CONNOR and Mr. Sébastien GUBEL (NCTM O'CONNOR, Brussels).

² Council Regulation (EC) N° 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community, OJ 1996 L 56/1; replaced by Council Regulation (EC) N° 1225/2009 of 30 November 2009 on protection against dumping imports from countries not members of the European Community (codified version), OJ 2009 L 343/51.