



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 May 2014  
(OR. en)**

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**INFORMATION NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council  
Subject: Case T-206/14 before the General Court  
- Hüpeden & Co (GmbH & Co.) KG v. Council and Commission

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1. By an application notified to the Council on 10 April 2014, the above-mentioned company has brought an action before the General Court seeking compensation for damages under Articles 268 and 340(2) of the Treaty on the Functioning of the European Union;

2. The applicant seeks compensation for the damage it allegedly suffered as a result of the adoption of Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China.<sup>1</sup> The applicant states that the anti-dumping duties imposed by this regulation on products imported by it were reimbursed by the national customs authorities after the Regulation had been declared invalid by judgment of 22 March 2012 of the Court of Justice in Case C-338/10.<sup>2</sup> However, according to the applicant, it had to finance the amount of the anti-dumping duties paid (during the period from their imposition until their reimbursement) through bank loans. The applicant claims that the Union is liable for these financing costs which amounted to EUR 118,762.57. It requests the Court to order the Union to pay this amount as well as interests of 8% on this amount from the date of the pronouncement of the judgment in the present case.
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 Jan-Peter HIX, legal adviser in the Council Legal Service, as the Council's agent in this case. He is assisted by Damien GERADIN and Nicoleta TUOMINEN (Covington & Burling, Brussels).

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<sup>1</sup> OJ 2008 L 350/35.

<sup>2</sup> Grünwald Logistik Service GmbH (GLS) v Hauptzollamt Hamburg-Stadt (Reference for a preliminary ruling from the Finanzgericht Hamburg).