



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: Cases before the Court of Justice
- Case C-143/14 TMK Europe GmbH

1. The Court of Justice notified on 29 April 2014 a request for a prejudicial ruling from the Finanzgericht Berlin-Brandenburg (Germany). The request has arisen in a dispute between TMK Europe GmbH and the Hauptzollamt Frankfurt (Oder).
2. In its request, the Finanzgericht asks the following questions:
“Is Council Regulation (EC) No 2320/97 of 17 November 1997 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic, repealing Regulation (EEC) No 1189/93 and terminating the proceeding in respect of such imports originating in the Republic of Croatia (OJ 1997 L 322, pp. 1 to 24) invalid because the Commission, in breach of the requirements applicable to the determination of injury laid down in Article 3(7) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, pp. 1 to 20), assumed such (injury) to exist without taking into account in this regard the fact that, pursuant to an unpublished decision of 25 November 1994 (Case IV/35.304), adopted on the basis of, inter alia, Article 14(3) of Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 81 EC and 82 EC (OJ English Special Edition 19591962, p. 87), the Commission had carried out an investigation into the possible existence of anti-competitive practices concerning pipes and tubes of non-alloy steel which might possibly infringe Article 53 of the Agreement on the European Economic Area of 2 May 1992 (OJ 1994 L 1, pp. 3 to 522) and Article 81 EC?”

3. The Council is entitled to lodge observations in accordance with Article 23 of the Statute of the Court of Justice. Since the validity of a Council act is in issue, it is appropriate for the Council to do so.
4. 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 shall be assisted by Mr Rainer BIERWAGEN, Mr Christian HIPPE and Mr Dietmar REICH.
