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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: **Case before the General Court of the European Union**
- Case T-460/14 (Association européenne des transformateurs de maïs doux (AETMD))

1. By an application notified to the Council on 9 July 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 the Council Implementing Regulation (EU) No 307/2014 of 24 March 2014 amending Implementing Regulation (EU) No 875/2013 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand following an interim review pursuant of Article 11(3) of Regulation (EC) No 1225/2009, in so far as it relates to the Applicant.
2. The Applicant submits four pleas in law in support of its application for the annulment of Implementing Regulation (EU) No 307/2014, based on the following violations of the Basic Regulation, insofar as it imposes an antidumping duty on the Applicant:

- First plea in law: by failing to properly assess whether River Kwai's domestic sales were made in the ordinary course of trade and whether the domestic sales should, therefore, serve as a basis to calculate River Kwai's normal value, the Institutions committed a manifest error of assessment and violated Article 2(3) and Article 2(4) of the Basic Regulation;
 - Second plea in law: by failing to make a fair comparison between River Kwai's export price and normal value, the Institutions violated Article 2(10) of the Basic Regulation;
 - Third plea in law: by failing to properly assess the alleged change in River Kwai's dumping margin and by failing to properly assess the lasting nature of such an alleged change, the Institutions violated Article 11(3) of the Basic Regulation;
 - Fourth plea in law: by failing to provide the Applicant with a meaningful summary of the evidence on which they intended to amend River Kwai's dumping margin and, therefore, by failing to provide the Applicant with the considerations on the basis of which they intended to amend River Kwai's anti-dumping duty, the Institutions violated Article 19(2) and Article 20(2) of the Basic Regulation.
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 Ms. Sonja Boelaert, member of the Legal Service, as the Council's agent in this case. She will be assisted by Mr. Bernard O'Connor and Mr. Sébastien Gubel (NCTM O'Connor in Brussels).
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