



Council of the
European Union

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INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 2)
Subject: Joined Cases before the Court of Justice of the European Union
- C-283/14 and C-284/14 (CM Eurologistik u.a.) Reference for a preliminary ruling from the Finanzgericht Dusseldorf and the Finanzgericht Hamburg (Germany)

1. By decisions of 4 June 2014 and 1 April 2014, notified to the Council on 16 July 2014, the Finanzgericht Düsseldorf (Germany) and the Finanzgericht Hamburg (Germany), requested the Court of Justice to give a preliminary ruling pursuant to Article 267 of the TFEU on the validity and the interpretation of Council Implementing Regulation (EU) No 158/2013 of 18 February 2013 (OJ 2013 L 49, p. 29) re-imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China in the joined cases involving the companies CM Eurologistik GmBh and Grunwald Logistik Service Gmbh (GLS).

2. The applicants in the national proceedings, CM Eurologistik GmbH and Grunwald Logistik Service GmbH (GLS), submit that the Finanzgericht Düsseldorf (Germany) and the Finanzgericht Hamburg (Germany), should cancel the anti-dumping duty which the German authorities have re-imposed in respect of the applicants' import of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China, on the ground that Council Implementing Regulation (EU) No 158/2013, which established the anti-dumping duty in question, is invalid.
3. The Finanzgericht Düsseldorf (Germany) and the Finanzgericht Hamburg (Germany) have put the following questions to the Court of Justice:

" Must Council Implementing Regulation (EU) No 158/2013 of 18 February 2013 re-imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China be regarded as valid?"

"Is Council Implementing Regulation (EU) No 158/2013 of 18 February 2013 re-imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China (OJ 2013 L 49, p. 29) valid, even though it was based not on an independent anti-dumping investigation carried out shortly before its adoption but on the continuation of an anti-dumping investigation which had at that time already been carried out in respect of the period from 1 October 2006 to 30 September 2007, the conduct of which, however, the Court of Justice of the European Union, in its judgment of 22 May 2012 in GLS C-338/10, held to have infringed the requirements 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, p. 1), as amended by Council Regulation (EC) No 2117/2005 of 21 December 2005 amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community (OJ 2005 L 340, p. 17), with the consequence that the Court, in that judgment, declared Council Regulation 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 (OJ 2008 L 350, p. 35), adopted on the basis of that investigation, to be invalid?"

4. The Council is, according to Article 23 of the Statute of the Court of Justice, entitled to submit observations within two months of receipt of the notification, in a case governed by Article 267 of the TFEU if the act, the validity or interpretation of which is in dispute, originates from the Council.
5. The Director-General of the Legal service of the Council has appointed Mrs Sonja BOELAERT, member of the Council Legal Service, as the Council's agent in these cases. She is assisted by Mr Bernard O'CONNOR and Mr Sébastien GUBEL (NTCM O'CONNOR - Brussels).