

Case T-213/97

Committee of the Cotton and Allied Textile Industries of the
European Union (Eurocoton) and Others

v

Council of the European Union

(Dumping — Failure by the Council to adopt definitive duties —
Action for annulment — Actionable measure —
Action for damages)

Judgment of the Court of First Instance (Second Chamber, Extended
Composition), 29 November 2000 II-3729

Summary of the Judgment

*Actions for annulment — Actionable measures — Refusal by the Council to adopt a
proposal for a regulation imposing anti-dumping duties — Not included
(EC Treaty, Art. 173 (now, after amendment, Art. 230 EC))*

It follows both from the scheme of the Treaty and from that of the basic anti-dumping regulation No 384/96 that the Council is under no obligation to adopt a proposal for a regulation imposing definitive anti-dumping duties submitted to it by the Commission.

Where the Council does not adopt a regulation imposing definitive anti-dumping duties because the vote taken in the Council does not result in a simple majority in favour of the proposal submit-

ted to it, its failure to do so cannot be the subject of an action for annulment. First, the Council has not adopted any measure which might be actionable. Second, the mere statement that a vote did not result in the majority required for the adoption of a proposal for an anti-dumping regulation is not in itself a reviewable act within the meaning of Article 173 of the Treaty (now, after amendment, Article 230 EC).

(see paras 52-53, 56-58)