

*Defendant:* European Parliament

### Form of order sought

- Recognise that the applicant has suffered damage as a result of the defendant's failure to act on the applicant's petition of 24 August 2011;
- determine that the European Union is responsible for compliance with the rules relating to the funding of political parties at European level;
- require the defendant to authorise the European Anti-Fraud Office (OLAF) to carry out a financial audit in relation to a Czech political party;
- require the defendant to initiate proceedings against the Czech Republic;
- order the defendant to pay compensation;
- order the defendant to pay the costs of the proceedings.

### Pleas in law and main arguments

In support of the action, the applicant submits that the defendant has failed to take action in relation to the applicant's petition of 24 August 2011 concerning the funding of a Czech political party.

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### Action brought on 5 June 2012 — Vestel Iberia v Commission

(Case T-249/12)

(2012/C 235/34)

*Language of the case: English*

### Parties

*Applicant:* Vestel Iberia, SL (Madrid, Spain) (represented by: P. De Baere and P. Muñiz, lawyers)

*Defendant:* European Commission

### Form of order sought

- Annul Commission Decision COM(2010) 22 final of 18 January 2010 finding that post-clearance entry in the accounts of import duties is justified and remission of those duties is not justified in a particular case (REM 02/08), notified to the applicant on 12 April 2012;
- Order the defendant to pay the costs.

### Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

### 1. First plea in law, alleging

- that import duties were entered in the account contrary to Article 220(2)(b) Community Customs Code (CCC) <sup>(1)</sup>, since the defendant erroneously considered that anti-dumping regulations adopted against imports from third countries are automatically applicable to goods in free circulation in the EU-Turkey customs union, and as a result, the defendant erroneously failed to inform traders that the AD Regulation concerned was also applicable to goods in free circulation in the EU-Turkey customs union. Alternatively, the Turkish authorities committed an error when they confirmed that the anti-dumping duties imposed on goods from third countries were not applicable to goods in free circulation in the EU-Turkey customs union. Furthermore, the Spanish customs authorities also committed an error since they assumed that goods accompanied by an A.TR certificate could not be subject to any additional duties or trade protection measures, and failed to inform economic operator that their imports from Turkey could be subject to trade measures, even if such goods were in free circulation.

### 2. Second plea in law, alleging

- that the error committed by the competent customs authorities could not have been reasonably detected by the person liable for payment, having acted in good faith and having complied with all the provisions laid down by legislation in force as regards the customs declaration.

### 3. Third plea in law, alleging

- that the applicant finds itself in a special situation of Article 239 CCC, and that no deception or obvious negligence can be attributed to him pursuant to Article 239 CCC.

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<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, p. 1)

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### Action brought on 7 June 2012 — UTi Worldwide and Others v Commission

(Case T-264/12)

(2012/C 235/35)

*Language of the case: English*

### Parties

*Applicants:* UTi Worldwide, Inc. (Tortola, British Virgin Islands), UTi Nederland BV (Schiphol, Netherlands) and UTi Worldwide (UK) Ltd (Reading, United Kingdom) (represented by: P. Kirch, lawyer)

*Defendant:* European Commission