

factors, as the defendant committed a manifest error of assessment in analysing the injury factors on the basis of two separate and conflicting sets of data (micro- and macro-economic factors) in a selective fashion.

3. Third plea in law, alleging the violation of Article 9(4) of the basic Regulation, requiring that duties be imposed only insofar as they are necessary to offset the effects of injurious dumping; Article 14(1) of the basic Regulation, requiring that duties are collected independently of the customs duties, taxes and other charges; and Articles 20(1) and 20(2) of the basic Regulation, requiring the disclosure of the essential facts and considerations on the basis of which anti-dumping duties are imposed, as the defendant committed a series of manifest errors in calculating the injury margin and also failed to produce a statement of reasons.
4. Fourth plea in law, alleging the violation of Article 20(5) of the basic Regulation, a minimum 10 day period to submit comments on any definitive disclosure as well as of the general principles of non-discrimination, and the duty of good administration, as the defendant has granted the applicant a shorter time limit to respond to the investigation's definitive disclosure than the time limit granted to all other parties in the proceedings.

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**Action brought on 13 July 2012 — Tubes Radiatori v OHIM — Antrax It (Radiators for heating)**

(Case T-315/12)

(2012/C 273/35)

*Language in which the application was lodged: Italian*

**Parties**

*Applicant:* Tubes Radiatori Srl (Resana, Italy) (represented by: S. Vereia, K. Muraro and M. Balestriero, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Antrax It Srl (Resana, Italy)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Third Board of Appeal of OHIM of 3 April 2012 in Case R 953/2011-3 and, thereby, declare that Community design No 000 169 370-0002 owned by TUBES RADIATORI Srl is valid, in so far as it is new and has individual character;

- Order the defendant to pay the costs, in accordance with Article 87 of the Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* Radiators for heating — Community design No 169 370-0002

*Proprietor of the Community trade mark:* the applicant

*Applicant for the declaration of invalidity of the Community trade mark:* Antrax It Srl

*Grounds for the application for a declaration of invalidity:* Breach of Articles 4 and 9 of the Regulation on Community designs (CDR), in particular the ground for invalidity referred to in Article 25(1)(b) CDR, on the basis of lack of individual character for the purpose of Article 6(1)(b) CDR

*Decision of the Cancellation Division:* Declared the Community design invalid

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Breach of Articles 4, 5 and 6 of Regulation No 6/2002

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**Action brought on 23 July 2012 — Netherlands v Commission**

(Case T-325/12)

(2012/C 273/36)

*Language of the case: Dutch*

**Parties**

*Applicant:* Kingdom of the Netherlands (represented by: C. Wissels, J. Langer and M. de Ree, Agents)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision of 11 May 2012 with reference SG-Greffe (2012) D/3150 in Case SA.28855 (N 373/2009) (ex C 10/2009 and N 528/2009 — Netherlands/ING — restructuring aid);
- order the Commission to pay the costs of the proceedings.

**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 breach of the rights of the defence and the principle of due care.

— The applicant submits that the Commission was not entitled to adopt the contested decision without affording the Netherlands the opportunity of expressing its views on the grounds on which the Commission comes to the conclusion in the decision that the Netherlands granted aid to ING by agreeing to amended repayment terms.

— In the alternative, the Commission infringed the principle of due care by adopting the decision without taking account of the arguments put forward by the Netherlands in the earlier proceedings before the General Court which led to the judgment of 2 March 2012 in Joined Cases T-29/10 and T-33/10, and in which the Court concurred with those arguments.

2. Second plea in law, alleging infringement of Article 107 TFEU.

— The applicant submits that the decision is incompatible with Article 107 TFEU, because in point 213 of that decision the Commission stated on incorrect grounds that the amendment of the repayment terms involves State aid.

3. Third plea in law, alleging infringement of Article 107 TFEU, the Rules of Procedure and Article 266 TFEU.

— The applicant submits that the Commission has not implemented correctly the General Court's judgment of 2 March 2012, and has infringed Article 107 TFEU, the Rules of Procedure and Article 266 TFEU because, in the decision, it made approval of the capital injection subject to the same compensatory measures as in the earlier decision of 2009 (which the General Court annulled in its decision of 2 March 2012), although the Commission estimated that the aid is EUR 2 billion lower than the previous amount.

**Action brought on 23 July 2012 — Al-Tabbaa v Council**

(Case T-329/12)

(2012/C 273/37)

*Language of the case: English*

**Parties**

*Applicant:* Mazen Al-Tabbaa (Beirut, Lebanon) (represented by: M. Lester, Barrister and G. Martin, Solicitor)

*Defendant:* Council of the European Union

**Form of order sought**

— Annul Council implementing Decision 2012/256/CFSP of 14 May 2012 implementing Council Decision 2011/782/CFSP concerning restrictive measures against Syria (OJ L 126, p. 9), insofar as it concerns the applicant;

— Annul Council implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (JO L 126, p. 3), insofar as it concerns the applicant; and

— Order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law, alleging that the Council, in including the name of the applicant in the lists annexed to the contested measures, has:

— committed a manifest error of fact and assessment in deciding to apply restrictive measures in question to the applicant and considering that any of the criteria for listing were fulfilled;

— failed to give the applicant sufficient or adequate reasons for his inclusion in the lists;

— violated the applicant's basic fundamental rights of defence and the right to effective judicial protection; and

— infringed without justification or proportion, the applicant's fundamental rights, in particular his right to property, to conduct his business, to reputation and to private and family life.

**Order of the General Court of 11 July 2012 — Romania v Commission**

(Case T-483/07) <sup>(1)</sup>

(2012/C 273/38)

*Language of the case: Romanian*

The President of the Third Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 51, 23.2.2008.