

2. Second plea in law, alleging infringement of Regulation No 1151/2012

— The applicant claims that the request would even be admissible and well founded were it to be assessed on the basis of Regulation No 1151/2012.

⁽¹⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).

⁽²⁾ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ 2006 L 93, p. 12).

Action brought on 24 January 2014 — Bredenkamp and others v Council and Commission

(Case T-66/14)

(2014/C 112/60)

Language of the case: English

Parties

Applicants: John Arnold Bredenkamp (Harare, Zimbabwe); Echo Delta (Holdings) PCC Ltd (Castletown, Ile de Man); Scottlee Holdings (Private) Ltd (Harare); and Fodya (Private) Ltd (Harare) (represented by: P. Moser, QC (Queen's Counsel) and G. Martin, Solicitor)

Defendants: European Commission and Council of the European Union

Form of order sought

The applicants claim that the Court should:

- Adopt a measure of organisation of procedure to order the defendants to produce all information or evidence, which may be in the possession of those institutions concerning the listing of the applicants;
- Order the Council and/or the Commission to pay the applicants damages for non-material and material losses suffered due to the unlawful imposition of EU sanctions on the applicants by adding (and then maintaining until 2012) the applicants' names in the Annex to Council Regulation (EC) No 314/2004 by, respectively: Council Common Position 2009/68/CFSP and Commission Regulation (EC) No 77/2009; Council Decision 2010/92/CFSP and Commission Regulation (EU) No 173/2010, and Council Decision 2011/101/CFSP and Commission Regulation (EU) No 174/2011;
- Order that compound interest at the rate of Euribor + 2 % (or such other interest rate as may be ordered) is to be paid on the amount payable from the defendants to the applicants as from the date of the judgment;
- Order the defendants to pay the applicants' costs.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas in law.

1. First plea in law, alleging that the acts in question lacked any proper legal basis, being promulgated on the basis of Articles 60 and 301 EC only, which concern exclusively provisions vis-à-vis third countries, not private individuals and companies.
2. Second plea in law, alleging that the acts in question disclosed manifest errors of fact in failing to show any strong ties to the Government of Zimbabwe or financial or other support for the regime, thereby failing to satisfy the defendants' burden of proof and resulting in an unlawful decision making process.

3. Third plea in law, alleging that the acts in question violated essential procedural requirements by failing to give any or sufficient reasons, and failing to give the applicants the opportunity to be heard or make exculpatory submissions.
4. Fourth plea in law, alleging that the acts in question violated fundamental principles of EU law as also enshrined in Article 1 of the First Additional Protocol to the European Convention on Human Rights (ECHR), by unlawfully restricting the Applicants' rights to their own property.

Action brought on 1 February 2014 — Viraj Profiles v Council

(Case T-67/14)

(2014/C 112/61)

Language of the case: English

Parties

Applicant: Viraj Profiles Ltd (Maharashtra, India) (represented by: V. Akritidis and Y. Melin, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 (OJ L 298, p. 1) imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India, as far as it applies to Viraj Profiles Limited;
- Order the Council, and any intervener who may be allowed to support the Council in the course of the proceedings, to bear the costs of these 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 that the cost of production calculated in the Contested Regulation has been adjusted in a way that is manifestly erroneous, in breach of Article 2(1), (3), (4), (5), (6), (11) and (12) of the basic regulation. The EU institutions have applied an upward adjustment under a methodology which when followed yields an adjustment lower than the one disclosed by the Commission. The adjustment also includes items that should not be included in the cost of production of the Applicant. The dumping margin calculated on the basis of this erroneous methodology breaches Article 2(11) and (12) of the basic Regulation.
2. Second plea in law, alleging that the finding that the injury suffered by the Union industry is caused by Indian imports is manifestly erroneous, in that it does not consider the impact of Chinese imports, which were the main source of injury in the period considered and broke the causal link between dumped Indian imports and the injury, and the EU institutions performed no non-attribution analysis, in breach of Article 3(6) and (7) of the basic Regulation.
3. Third plea in law, alleging that the Commission failed to examine the accuracy and adequacy of the evidence on causation provided in the complaint justifying the initiation of the investigation in breach of Articles 5(2), (3), (7) and 9 (5) of the basic Regulation.

Action brought on 27 January 2014 — UAB MELT WATER v OHIM (MELT WATER Original)

(Case T-69/14)

(2014/C 112/62)

Language in which the application was lodged: Lithuanian