

In its third plea, the applicant claims that the Commission failed to have regard, in its assessment of the justified and appropriate nature of the remedies proposed by the IBPT, to the principles and objectives of the New Regulatory Framework for electronic communications. In particular, the applicant claims that the fact that the Commission postulated the application of symmetrical termination charges is a manifest infringement of the principles of proportionality and non-discrimination in that the Commission failed to have sufficient regard to the applicant's position and the objective differences that pertained between it and the other mobile operators. Furthermore, the applicant submits that the tariff rules approved by the Commission constitute a misuse of powers and infringe Article 2 of Directive 2002/77/EC. ⁽²⁾

⁽¹⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ 2002 L 108, p. 33).

⁽²⁾ Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ 2002 L 249, p. 21).

Action brought on 19 October 2006 — Dongguan Nanzha Leco Stationery v Council

(Case T-296/06)

(2006/C 310/47)

Language of the case: English

Parties

Applicant: Dongguan Nanzha Leco Stationery Mfg. Co., Ltd (Dongguan City, China) (represented by: A. P. Bentley, QC)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 1136/2006 in so far as it applies to the applicant; and
- order the Council to bear the costs of the present proceedings.

Pleas in law and main arguments

The applicant, who is a Chinese producer of lever arch mechanisms, seeks the annulment of Council Regulation (EC) No 1136/2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports

of lever arch mechanisms originating in the People's Republic of China ⁽¹⁾, in so far as the regulation affects the applicant.

In support of its application, the applicant invokes an infringement of Article 2(10) of the Basic Regulation ⁽²⁾ in that the Community institutions determined the applicant's export price at a level ex factory in China which did not include sales, general and administrative expenses, whereas the normal value did include such expenses.

The applicant further invokes an infringement of the principles of good administration and diligent investigation in that the Community institutions failed to verify data relating to the sales, general and administrative expenses of the sales company through which the applicant sells its products in order to determine whether the applicant's export price should be determined at the price level of this sales company instead of at the price level of the applicant's factory in China.

Finally, the applicant invokes an infringement of Article 2(7) of the Basic Regulation and the principles of good administration and objectivity in that the Community institutions changed their methodology for determining the normal value without any apparent objective justification.

⁽¹⁾ OJ 2006 L 205, p. 1.

⁽²⁾ 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).

Action brought on 17 October 2006 — Majątek Hutniczy v Commission

(Case T-297/06)

(2006/C 310/48)

Language of the case: French

Parties

Applicant: Majątek Hutniczy sp. z o.o. (Częstochowa, Poland) (represented by: C. Rapin and É. Van den Haute, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- declare this action admissible;
- annul Articles 3 and 4 of the Commission Decision of 5 July 2005 concerning the aid granted by Poland to Huta Częstochowa S.A. (notified under document number C (2005) 1962);