

## COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 14 November 2006 — Nanjing Metalink v Council**(Case T-138/02) <sup>(1)</sup>*(Dumping — Imports of ferro molybdenum originating in China — Revocation of market economy treatment — Article 2(7)(b) and (c) and Article 6(1) of Regulation (EC) No 384/96)*

(2006/C 326/115)

Language of the case: English

**Parties***Applicant:* Nanjing Metalink International Co. Ltd (Nanjing, China) (represented by: P. Waer, lawyer)*Defendant:* Council of the European Union (represented by: S. Marquardt, assisted by G.M. Berrisch, lawyer)*Intervener in support of the defendant:* Commission of the European Communities (represented by: T. Scharf and S. Meany, Agents)**Re:**

Annulment of Article 1 of Council Regulation (EC) No 215/2002 of 28 January 2002 imposing definitive anti-dumping duties on imports of ferro molybdenum originating in the People's Republic of China (OJ 2002 L 35, p. 1), in so far as it imposes an anti-dumping duty on imports of ferro molybdenum produced by the applicant.

**Operative part of the judgment***The Court:*

1. Dismisses the application;
2. Orders the applicant to bear its own costs and to pay those incurred by the Council;
3. Orders the Commission to bear its own costs.

<sup>(1)</sup> OJ C 169, 13.7.2002.**Judgment of the Court of First Instance of 16 November 2006 — Masdar (UK) Ltd v Commission**(Case T-333/03) <sup>(1)</sup>*(Non-contractual liability of the Community — TACIS programme — Sub-contracted services — Refusal to make payment — Unjust enrichment — Negotiorum gestio — Recovery of sum not due — Legitimate expectations — Duty of diligence)*

(2006/C 326/116)

Language of the case: English

**Parties***Applicant:* Masdar (UK) Ltd (established in Eversley, United Kingdom) (represented by: A. Bentley QC, and P. Green, Barrister)*Defendant:* Commission of the European Communities (represented by: J. Enegren and M. Wilderspin, Agents)**Re:**

Action under Article 235 EC and the second paragraph of Article 288 EC for payment for services supplied by the applicant in connection with TACIS contracts MO.94.01/01.01/B002 and RU 96/5276/00, compensation for the damage suffered by the applicant as a result of the non-payment for those services and payment of interest.

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders the applicant to pay the costs.

<sup>(1)</sup> OJ C 289 of 29.11.2003.