

Action brought on 30 August 2007 — Kuiburi Fruit Canning v Council**(Case T-330/07)**

(2007/C 269/95)

*Language of the case: English***Parties**

Applicant: Kuiburi Fruit Canning Co., Ltd (Bangkok, Thailand)
(represented by: F. Graafsma, J. Cornelis, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annulment of Council Regulation (EC) No 682/2007 of 18 June 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweet corn in kernels originating in Thailand;
- order that the Council of the European Communities pays the applicant's costs.

Pleas in law and main arguments

This application seeks annulment of Council Regulation (EC) No 682/2007 ⁽¹⁾ of 18 June 2007 in that it allegedly infringes Article 17(3) of Regulation (EC) No 384/1996 ⁽²⁾ and Article 6(10)(2) of the WTO Agreement ⁽³⁾, by rejecting the applicant's request for an individual margin of dumping despite the fact that the applicant claims to be the only exporting producer having submitted the necessary information for the calculation of the individual margin.

First, according to the applicant, the Council committed a manifest error of assessment in concluding that there was more than one request for the calculation of an individual margin.

Second, the applicant claims that, as there was only one exporting producer that requested the calculation of an individual margin, the Council did not have the discretion to determine whether an individual examination for the applicant would be unduly burdensome and would prevent completion of the investigation in good time.

Third, should the Council have such discretion, the applicant contends that the Council committed a manifest error of appraisal in finding that additional examination of one exporter would have been unduly burdensome, preventing the completion of the investigation in time.

Finally, the applicant submits that the Council has committed a manifest error of assessment by concluding that the calculation of an individual margin for the applicant would have been discriminatory towards other non-sampled exporters.

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- ⁽¹⁾ Council Regulation (EC) No 682/2007 of 18 June 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweet corn in kernels originating in Thailand (OJ L 159, p. 14).
⁽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 L 56, p. 1).
⁽³⁾ Uruguay Round of Multilateral Trade Negotiations (1986-1994) — Annex 1 — Annex 1A — Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (WTO-GATT 1994) — Anti-dumping agreement (OJ L 336, p. 103).

Action brought on 4 September 2007 — Germany v Commission**(Case T-332/07)**

(2007/C 269/96)

*Language of the case: German***Parties**

Applicant: Federal Republic of Germany (represented by: M. Lumma, Agent, and C. von Donat, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annul Commission Decision C(2007) 2619 final of 25 July 2007 reducing the European Regional Development Fund assistance granted by Decision C/1994/3379 for the single programming document for Community structural assistance in the Objective 2 regions of the Land North Rhine-Westphalia in the Federal Republic of Germany (EFRE No 94.02.13.012);
- Order the Commission to pay the costs.

Pleas in law and main arguments

By the contested decision, the Commission reduced the assistance of the European Regional Development Fund (ERDF) for the programming for Community structural assistance in the Objective 2 regions of the Land North Rhine-Westphalia.