

**Judgment of the Court of First Instance of 8 July 2008 —
Franchet and Byk v Commission**

(Case T-48/05) ⁽¹⁾

(Non-contractual liability — Civil service — Investigations by OLAF — ‘Eurostat’ case — Communication to national judicial authorities of information relating to facts liable to lead to criminal proceedings — Lack of advance information for the officials concerned and the supervisory committee of OLAF — Leaks in the press — Disclosure by OLAF and the Commission — Breach of the principle of presumption of innocence — Non-material damage — Causal link)

(2008/C 209/75)

Language of the case: French

Parties

Applicants: Yves Franchet (Nice, France) and Daniel Byk (Luxembourg, Luxembourg) (represented by: G. Vandersanden and L. Levi, avocats)

Defendant: Commission of the European Communities (represented by: J.-F. Pasquier, acting as Agent)

Re:

APPLICATION for compensation for material and non-material damage allegedly suffered as a result of alleged wrongful acts on the part of the Commission and OLAF in the course of investigations relating to the ‘Eurostat’ case.

Operative part of the judgment

The Court:

1. Orders the Commission to pay Yves Franchet and Daniel Byk the sum of EUR 56 000;
2. Dismisses the remainder of the action;
3. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 93, 16.4.2005.

**Judgment of the Court of First Instance of 8 July 2008 —
Huvis v Council**

(Case T-221/05) ⁽¹⁾

(Dumping — Imports of polyester staple fibres from Korea — Regulation terminating an interim review — Application of a different methodology to that used in the initial investigation — Requirement of a change in circumstances — Adjustment claimed for credit costs — Credit periods — Burden of proof — Principle of sound administration — Article 2(10)(b) and (g) and Article 11(9) of Regulation (EC) No 384/96)

(2008/C 209/76)

Language of the case: English

Parties

Applicant: Huvis Corp. (Gangnam-gu, Seoul, South Korea,) (represented by: J.-F. Bellis, F. Di Gianni and R. Antonini, lawyers)

Defendant: Council of the European Union (represented by: J.- P. Hix, Agent, and G. Berrisch, lawyer)

Intervener in support of the defendant: Commission of the European Communities (represented by: E. Righini and K. Talabér Ricz, acting as Agents)

Re:

Application, first, for the annulment of Article 2 of Council Regulation (EC) No 428/2005 of 10 March 2005 imposing a definitive anti-dumping duty on imports of polyester staple fibres originating in the People’s Republic of China and Saudi Arabia, amending Regulation (EC) No 2852/2000 imposing a definitive anti-dumping duty on imports of polyester staple fibres originating in the Republic of Korea and terminating the anti-dumping proceeding in respect of such imports originating in Taiwan (OJ 2005 L 71, p. 1) and, second, for a declaration under Article 241 EC that the provisions of 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) are inapplicable to the extent to which they support the disputed conclusions contained in Regulation No 428/2005