

Pleas in law and main arguments

The applicant, a Russian producer and exporter of solutions of urea and ammonium nitrate, seeks the annulment, pursuant to Article 230 EC, of Council Regulation (EC) No 38/2008 ⁽¹⁾ ('the contested regulation').

In support of its application, the applicant puts forward one main ground for annulment, subdivided in three limbs. The applicant submits that the Community institutions wrongly established the normal value for the applicant, leading to its artificial increase; carried out a wrong comparison with the export price and hence reached an erroneous finding of dumping, thereby breaching Articles 1 and 2 of the Basic Regulation ⁽²⁾, while committing a series of manifest errors of assessment and violating fundamental principles of Community law. These breaches directly led, according to the applicant, to the unwarranted termination of the interim review without amendment of the anti-dumping measure with respect to the applicant.

More specifically, the applicant claims, on the basis of its first plea, that the Community institutions erred in law and violated Article 2(3) and (5) of the Basic Regulation, by disregarding a major part of the applicant's costs of production as being unreliable and/or by *de facto* applying a non-market economy methodology for establishing the major part of the applicant's normal value.

On the basis of its second plea, the applicant claims that the Commission, once having decided to proceed with the gas adjustment, violated Article 2(5), second sentence, of the Basic Regulation and/or made a manifest error of appreciation. Moreover, the applicant argues that the Commission showed lack of reasoning by implementing the gas adjustment on the basis of the intra-community price of gas at Waidhaus Germany and by failing to deduct from the amount of adjustment the 30 % Russian export duty on Russian gas.

On the basis of its third plea, the applicant contends that the Community institutions violated Article 2(10) of the Basic Regulation and made a manifest error of assessment of the facts by deducting from the applicant's export price the first independent customer selling, general and administrative expenses and commission in respect of related companies, which are general parts of the applicant's single economic entity and integrated sales department.

⁽¹⁾ Council Regulation (EC) No 238/2008 of 10 March 2008 terminating the partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 of the anti-dumping duty on imports of solutions of urea and ammonium nitrate originating in Russia (OJ 2008 L 75, 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 1996 L 56, p. 1).

Action brought on 9 June 2008 — Acron and Dorogobuzh v Council

(Case T-235/08)

(2008/C 209/106)

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

Applicants: Acron OAO (Veliky Novgorod, Russia) and Dorogobuzh OAO (Verkhnedneprovsky, Russia) (represented by: P. Vander Schueren and B. Evtimov, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 236/2008 of 10 March 2008 terminating the partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 of the anti-dumping duty on imports of ammonium nitrate originating in Russia, insofar as it imposes an anti-dumping duty on the applicants and their related companies, as defined in paragraph 11 of the contested regulation;
- Order the competent institutions, in light of the gravity of breaches of Community law found, to discontinue the imposition of the anti-dumping duty with respect to the applicants and their related companies, until the Community institutions have adopted the measures necessary to comply with the Court's judgment;
- Order the Council to pay the costs of and occasioned by these proceedings.

Pleas in law and main arguments

The applicants, Russian producers and exporters of ammonium nitrate, seek the annulment, pursuant to Article 230 EC, of Council Regulation (EC) No 236/2008 ('the contested regulation') ⁽¹⁾.

In support of their application, the applicants put forward a single ground for annulment, divided into two pleas. The applicants submit that the Community institutions wrongly established the normal value for the applicants, leading to its artificial increase; hence reached an erroneous finding of dumping, thereby breaching Articles 1 and 2 of the Basic Regulation ⁽²⁾, committing a series of manifest errors of assessment and violating fundamental principles of Community law. These breaches directly led, according to the applicants, to the unwarranted termination of the partial interim review without amendment of the anti-dumping measure with respect to the applicants.

More specifically, the applicants claim, on the basis of their first plea, that the Community institutions erred in law and violated Article 2(3) and (5) of the Basic Regulation, by disregarding a major part of the applicants' costs of production as being unreliable and/or by *de facto* applying a non-market economy methodology for establishing the major part of the applicants normal value.

Furthermore, the applicants submit that once having decided to proceed with the gas adjustment, the Commission violated Article 2(5), second sentence and/or made manifest error of appreciation and showed a lack of reasoning, by implementing the gas adjustment on the basis of the intra-Community price of gas at Waidhaus Germany and failing to deduct from the amount of adjustment the 30 % Russian export duty on Russian gas.

The applicants submit that had the dumping margin been determined correctly, in accordance with the Basic Regulation and fundamental principles of Community law, the Community institutions would have found absence of or *de minimis* dumping, and the anti-dumping measures could have been repealed or significantly amended with respect to the applicants and their related companies.

⁽¹⁾ Council Regulation (EC) No 236/2008 of 10 March 2008 terminating the partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 of the anti-dumping duty on imports of ammonium nitrate originating in Russia (OJ 2008 L 75, 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).

— Order the Commission to pay the applicant's costs.

Pleas in law and main arguments

By the present action the applicant seeks the annulment of the Commission's Decision of 16 April 2008 rejecting its tender submitted in the framework of the tender procedure for the conclusion of framework contracts for the translation of documents relating to the policies and administration of the European Union from all EU official languages into English (call for tender No FL-GEN07-EN) ⁽¹⁾. The reason given for not retaining the applicant's tender was insufficient technical or professional capacity and lack of, or insufficient proven professional experience.

In support of its action the applicant puts forward a single plea in law. It claims that the administrative procedure has been conducted irregularly and that its procedural rights have not been observed. The applicant submits that it has successfully provided translation into English within the Commission for several years in the framework of contracts previously signed and regularly renewed for which it has received satisfactory rankings regarding the quality of the services. The applicant claims that the evaluation committee's decision took no or no proper account of the successful performance of the applicant in submitting translation assignments to the Commission for 12 years neither it took into consideration the documents evidencing the technical and professional qualifications of the applicant's staff, quality managers and sub-contractors.

⁽¹⁾ Contract notice published : OJ 2007/S 180 — 219517.

Action brought on 13 June 2008 — Comtec Translations v Commission

(Case T-239/08)

(2008/C 209/107)

Language of the case: English

Parties

Applicant: Comtec Translations Ltd (Leamington Spa, United Kingdom) (represented by: L. R. Scott and E. Bentley, Solicitors)

Defendant: Commission of the European Communities

Form of order sought

— Annul the decision letter and remit the applicant's bid for reconsideration;

Action brought on 16 June 2008 — Procter & Gamble v OHIM — Laboratorios Alcala Farma (oli)

(Case T-240/08)

(2008/C 209/108)

Language in which the application was lodged: English

Parties

Applicant: The Procter & Gamble Company (Cincinnati, United States) (represented by: N. Beckett and T. Scourfield, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Laboratorios Alcala Farma SL (Alcala de Henares, Spain).