Fourth, the applicant argues that in determining likelihood of continuation of injury, the Council breached Articles 3(l), 3(2), 3(5) and 11(2) of the basic regulation and made manifest error of assessment of the facts. In the applicant's view, the Council wrongly established likelihood of continuation of injury in the absence of measures on the basis of the finding of continued injury during the review investigation period ("RIP") to the EU industry based on the macroeconomic data that included data of producers not part of the EU industry and on the basis of unverified data. Additionally, the microeconomic indicators were evaluated on the basis of the data of an unrepresentative sample of EU producers.

Fifth, the applicant claims that by granting confidential treatment to the identity of the complainant EU producers, the Council violated Article 19(1) of the basic regulation and breached the rights of defence since it granted confidential treatment without good cause and without thoroughly examining the confidentiality claims.

Sixth, it submits that in the establishment of the product control number ("PCN") system for the classification of the product under consideration, the Council violated Article 2(10) and 3(2) of the basic regulation, and the principle of diligence and sound administration. The applicant considers that the PCN system used and the reclassification of certain footwear categories in the middle of the investigation precluded a fair comparison between the normal value and export price. Furthermore, in the applicant's view, this also precluded an objective examination of both the volume of the dumped imports and the effects of the dumped imports on prices in the domestic market for like products and the consequent impact of these imports on domestic producers of such products. The applicant also submits that the Council did not examine carefully and impartially all the relevant elements and the duly substantiated reasons necessitating a change in the PCN system as suggested by the applicant.

Finally, the applicant claims that in selecting the analogue country, the Council violated the principle of diligence and sound administration, committed a manifest errors in the assessment of the facts and violated Article 2(7)a of the basic regulation. The applicant considers that the Council committed serious procedural irregularities in the selection of Brazil as the analogue country since this selection was not done in an appropriate and reasonable manner in this case.

([1]) OJ 2009 L 352, 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 16 March 2010 — M v EMEA

(Case T-136/10)

(2010/C 148/63)

Language of the case: English

Parties

Applicant: M (represented by: C. Thomann, Barrister and I. Khawaja, Solicitor)

Defendant: European Medicines Agency (EMEA)

Form of order sought

— award damages pursuant to Article 340 TFUE for the losses sustained as a result of breaches, to be calculated or such other sums as the Court may rule appropriate;

— interest on such sums as are found to be due at a rate equivalent to that applied pursuant to section 35A of the Supreme Court Act 1981 or such other sum as the Court may rule to be appropriate;

— costs;

— such further additional relief that the General Court considers appropriate.

Pleas in law and main arguments

In the present case, the applicant requests the Court to award him damages pursuant to Article 340 TFEU for the losses he sustained as a result of an accident at work. He claims that he sustained injuries by reason of the defendant's breaches of duties owed to him as its employee.

The applicant relies *inter alia*, upon Article 6(3) of Directive 89/391 EEC [1], Article 15 of Annex I of Council Directive 89/654 EEC [2] and Article 3 of Directive 89/655 EEC [3] concerning the minimum safety and health requirements for the workplace.

The failure on the defendant's part to comply with its health and safety obligations as regards the assessment and reduction of risk, the suitability of equipment provided and the provision of clear surface areas at the workplace breached the defendant's obligations under United Kingdom Health and Safety Law, and its common duty of care. The applicant claims having suffered personal injury, financial losses and non-material damage as a result of the above breaches and he contends being entitled to be compensated for these.

[1] Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ 1989 L 183, p. 1)

[2] Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC), (OJ 1989 L 393, p. 1)

[3] Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), (OJ 1989 L 393, p. 13)

Action brought on 17 March 2010 — Coordination bruxelloise d'Institutions sociales et de santé (CBI) v European Commission

(Case T-137/10)

(2010/C 148/64)

Language of the case: French

Parties

Applicant: Coordination bruxelloise d'Institutions sociales et de santé (CBI) (Brussels, Belgium) (represented by: D. Waelbroeck, avocat, and D. Slater, solicitor)

Defendant: European Commission

Form of order sought

— annul the decision of the defendant of 28 October 2009 declaring compatible with the common market on the basis of Article 86(2) EC unlawful State aid granted by Belgium to certain public hospitals in the Région de Bruxelles-Capitale (Region of Brussels — Capital) and dismissing the applicant's complaint;

— order the defendant to pay the costs.

Pleas in law and main arguments

By way of the present action, the applicant seeks the annulment of Commission Decision C(2009) 8120 final COR of 28 December 2009, declaring compatible with the common market all the funding granted by the Belgian authorities to the public hospitals belonging to the IRIS network in the Région Bruxelles-Capitale, by way of compensation for hospital and non-hospital services they provide in the form of services of general economic interest (SGEI) (State aid NN 54/2009 (ex-CP 244/2005)).

In support of its action, the applicant submits that the Commission's decision contains manifest errors of assessment or, at least, provides very inadequate reasons.

The applicant submits in particular that the Commission's claim that there is no need to examine the efficiency of the aid beneficiary, for example by comparing it to a 'typical undertaking, well run and adequately provided for', when examining the State aid in the light of Article 86(2) EC, allows Member State to cover all the costs of an undertaking charged with public service duties, irrespective of how exorbitant or disproportionate those may be, and thus must be rejected.

The applicant submits that, in order to avoid any distortion of competition on the market, compensation for carrying out public service duties should be limited to what is strictly necessary compared to the costs that an efficient operator would have incurred, which is not the case in the present case.