

Action brought on 20 April 2010 — GEA Group v Commission**(Case T-189/10)**

(2010/C 179/77)

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

Applicant: GEA Group AG (Bochum, Germany) (represented by: A. Kallmayer, I. du Mont and G. Schiffers, lawyers)

Defendant: European Commission

Form of order sought

- Annul Article 1 of the amending decision, to the extent that it imposes a fine on the applicant;
- In the alternative, reduce the fine imposed on the applicant in Article 1 of the amending decision;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant contests Commission Decision C(2010) 727 final of 8 February 2010, by which the Commission amended its Decision C(2009) 8682 final of 11 November 2009 in Case COMP/38589 — Heat Stabilisers, in relation inter alia to the applicant ('the amending decision'). The amendment concerns Article 2 Nos 31 and 32 of Commission Decision C(2009) 8682 final concerning the applicant's joint and several liability.

In support of its claim, the applicant relies on five pleas in law.

First, the applicant claims that its rights of defence have been infringed because it was not heard before the amending decision was adopted or allowed to participate in the procedure in any other way. By its second plea in law, the applicant complains that the reasoning of the amending decision is defective, as it is based only on the failure to comply with the maximum limit under Article 23(2) of Regulation (EC) No 1/2003⁽¹⁾ which must be respected ex officio, and does not contain any specific justification with regard to the applicant. By its third plea in law, the applicant complains that there is no legal basis for the amending decision, which has already become final for

some addressees or has been invoked before the courts. By its fourth plea in law, the applicant argues that the alteration of the fine to its detriment is not permitted. Finally, the applicant argues that time-bar applies, because the amending decision was adopted after the expiry of the limitation period laid down in Article 25(6) of Regulation No 1/2003.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

Action brought on 20 April 2010 — Greenwood Houseware (Zhuhai) and others v Council**(Case T-191/10)**

(2010/C 179/78)

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

Applicants: Greenwood Houseware (Zhuhai) Ltd (Zhuhai City, China), Brabantia S&S Ltd (Hong Kong, China), Brabantia S&L Belgium NV (Overpelt, Belgium), Brabantia Belgium NV (Overpelt, Belgium), Brabantia Netherlands BV (Valkenswaard, Netherlands) and Brabantia (U.K.) Ltd (Bristol, United Kingdom), (represented by: E. Vermulst and Y. van Gerven, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Council Implementing Regulation (EU) No 77/2010 of 19 January 2010⁽¹⁾;
- Order the Council to pay the costs of the proceedings; and
- Order the interveners, if any, to pay their own costs.

Pleas in law and main arguments

By means of its application, the applicants seek, pursuant to Article 263 TFUE, the annulment of Council Implementing Regulation (EU) No 77/2010 of 19 January 2010 amending Regulation (EC) No 452/2007 imposing a definitive anti-dumping duty on imports of ironing boards originating, inter alia, in the People's Republic of China.