

— in each case, order the repayment to and/or indemnification of the applicant companies in the following amounts:

— damage caused to the company CHARRON INOX as a result of payment of the anti-dumping duties at issue: EUR 89 402,15;

— damage suffered by the company ALMET — LE METAL CENTRE as a result of payment of the anti-dumping duties at issue: EUR 375 493;

— damage suffered jointly by the companies CHARRON INOX and ALMET — LE METAL CENTRE as a result of payment of the anti-dumping duties at issue: EUR 58 594, that sum to be divided between them by CHARRON INOX and ALMET — LE METAL CENTRE themselves;

— damage to the company CHARRON INOX as a result of its being required to obtain supplies from Indian suppliers on less favourable terms: EUR 57 883,18;

— damage to the company ALMET — LE METAL CENTRE as a result of its being required to obtain supplies from Indian suppliers on less favourable terms: EUR 66 578,14.

Pleas in law and main arguments

The pleas in law and main arguments on which the applicants rely in support of their action against the regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China ⁽¹⁾ are essentially identical or similar to those relied on in Case T-445/11 *Charron Inox and Almet v Commission*, ⁽²⁾ concerning the regulation imposing a provisional anti-dumping duty on those imports. ⁽³⁾

⁽¹⁾ Council Implementing Regulation (EU) No 1331/2011 of 14 December 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China (OJ 2011 L 336, p. 6).

⁽²⁾ OJ 2011 C 290, p. 18.

⁽³⁾ Commission Regulation (EU) No 627/2011 of 27 June 2011 imposing a provisional anti-dumping duty on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China (OJ 2011 L 169, p. 1).

Action brought on 1 March 2012 — Spain v Commission

(Case T-96/12)

(2012/C 109/66)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: N. Díaz Abad, Agent)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare that the Commission has failed to fulfil its obligation to pay the Spanish authorities the outstanding balances within a two-month period from the submission of the documents listed in Article D(2)(d) of Annex II to Regulation No 1164/1994;

— in the alternative, annul the letter of 22 December 2011 containing the Commission's response to the earlier request sent to that institution in relation to the payment of the balance corresponding to the closure procedure of the projects co-financed by the Cohesion Funds, assigned to Spain for the programming period 2000-2006, and order the Commission to proceed with the payment of the outstanding balances referred to; and

— order the European Commission to pay the costs.

Pleas in law and main arguments

In these proceedings, the Kingdom of Spain claims that the Commission failed to fulfil its obligation, which the applicant alleges it to be under, to pay the outstanding balances relating to the closure procedure of the projects co-financed by the Cohesion Funds, assigned to Spain for the programming period 2000-2006.

In the alternative, and if the General Court considers that the letter of 22 December 2011, containing the Commission's response to the Kingdom of Spain's earlier request, puts an end to the Commission's failure to fulfil its obligation, the applicant also seeks the annulment of that letter.

In support of the action, the applicant relies on six pleas in law.

1. Infringement of point 5 of Article D of Annex II to Regulation No 1164/94, ⁽¹⁾ since the Commission failed to pay the balance of the projects referred to in the application within a two-month period, without that time-limit having been interrupted or suspended.
 2. Infringement of the principle of legal certainty, since the Commission infringed a clear legal principle with specific legal consequences.
 3. Infringement of Article 18(3) of Regulation No 1386/2002, ⁽²⁾ in that the Commission failed to adopt the corresponding decision within a three-month period from the date of the hearing with the Spanish authorities.
 4. Infringement of Article 12 of Regulation No 1164/94, since the Commission exceeded the limits of the powers granted to it under that article in the area of financial checks.
 5. Infringement of Article 15 of Regulation No 1386/2002 in that the Commission did not make use of the legal facility provided for it to request that a further check be carried out.
 6. Infringement of Article H of Annex II to Regulation No 1164/94 in that the Commission initiated the procedure provided for in that article without first satisfying the requirements to do so.
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- ⁽¹⁾ Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund (OJ 1994 L 130, p. 1).
- ⁽²⁾ Commission Regulation (EC) No 1386/2002 of 29 July 2002 laying down detailed rules for the implementation of Council Regulation (EC) No 1164/94 as regards the management and control systems for assistance granted from the Cohesion Fund and the procedure for making financial corrections (OJ 2002 L 201, p. 5).
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- Order of the General Court of 16 February 2012 — Escola Superior Agrária de Coimbra v Commission**
- (Case T-446/09) ⁽¹⁾**
- (2012/C 109/67)
- Language of the case: Portuguese*
- The President of the Fifth Chamber has ordered that the case be removed from the register.
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- ⁽¹⁾ OJ C 37, 13.2.2010.
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