

**Action brought on 23 February 2013 — VTZ and Others v Council**

(Case T-108/13)

(2013/C 114/64)

*Language of the case: English*

**Parties**

*Applicants:* Volžskij trubnyi zavod OAO (VTZ OAO) (Volzhsky, Russia); Taganrogskij metallurgičeskij zavod OAO (Tagmet OAO) (Taganrog, Russia); Sinarskij trubnyj zavod OAO (SinTZ OAO) (Kamensk-Uralsky, Russia); and Severskij trubnyj zavod OAO (STZ OAO) (Polevskoy, Russia) (represented by: J. Bellis, F. Di Gianni and G. Coppo, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

- Annul Council Implementing Regulation (EU) No 1269/2012 of 21 December 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in, inter alia, Russia, following a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 insofar as it includes the sales referred to in paragraphs 23-33 of the Contested Regulation in the scope of the review investigation;
- As a consequence of the partial annulment requested above, correct the rate of the anti-dumping duty applicable to TMK group from 28,7% to 13,6%; and
- Order the Council to bear the costs of these proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on three pleas in law.

With the first plea in law, the applicants submit that the Council unlawfully relied upon criteria other than those set out in the wording of the relevant customs provisions to determine the classifications of the pipes referred to in paragraphs 23-33 of the contested regulation.

With the second plea in law, the applicants submit that the specific grounds relied upon by the Council to conclude that the pipes referred to in paragraphs 23-33 of the contested regulation do not fall under CN code 7304 59 10 are flawed.

With the third plea in law, the applicants submit that, in light of the specific circumstances of the case, the mere fact that the pipes referred to in paragraphs 23-33 of the contested regulation were actually used in the manufacture of tubes and pipes with other cross-sections and wall-thickness proves that they fall under CN code 7304 59 10.

**Appeal brought on 22 February 2013 by Maria Concetta Cerafogli against the judgment of the Civil Service Tribunal of 12 December 2012 in Case F-43/10 Cerafogli v ECB**

(Case T-114/13 P)

(2013/C 114/65)

*Language of the case: English*

**Parties**

*Appellant:* Maria Concetta Cerafogli (Frankfurt am Main, Germany) (represented by: L. Levi, lawyer)

*Other party to the proceedings:* European Central Bank

**Form of order sought by the appellant**

The appellant claims that the Court should:

- Set aside the judgment under appeal;
- Consequently:
  - annul the decision of the European Central Bank dated 24 November 2009 rejecting the claims of the appellant of discrimination and attempts to her dignity because of the behaviour of her management and, if necessary, the annulment of the decision dated 24 March 2010 rejecting the special appeal;
  - give the appellant the benefit of her requests as stated in her administrative review and more in particular:
    - stop any form of discrimination and mobbing against the applicant be it in verbal acts and in working assignments and arrangements;
    - receive the written withdrawal by Mr G. of his offensive and threatening statements;
    - in any case, order the compensation of the moral and material prejudice suffered evaluated *ex aequo et bono* at 50 000 EUR (moral prejudice) and at 15 000 EUR (material prejudice);