

- Order the defendant to pay the applicants damages; and
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 20(4) and (5) of the Council Regulation (EC) No 1225/2009 ⁽²⁾ (the 'Basic Anti-Dumping Regulation') and violation of the applicants' rights of defence, as the Council did not disclose to the applicants the facts and considerations that led to the adoption of the contested decision, and allow a reasonable time for comment.
2. Second plea in law, alleging that the Council committed a manifest error of assessment of the facts and violated Articles 11(2) and 21(1) of the Basic Anti-Dumping Regulation when adopting the contested decision, in particular when concluding in recitals 17 and 23 of the contested decision that material injury is unlikely to recur upon lapse of the measures, and that the continuation of the anti-dumping measures is clearly not in the EU interest.
3. Third plea in law, alleging that the Council manifestly and seriously violated its duties of care and of good administration as it did not disclose to the applicants the facts and considerations that led to the adoption of the contested decision.
4. Fourth plea in law, raised in support of the claim for damages, alleging that the Council acted unlawfully by adopting the contested decision and thereby caused damages to the applicants for which the EU is liable under Article 340(2) TFEU.

⁽¹⁾ Council Implementing Decision of 21 May 2013 rejecting the proposal for a Council implementing regulation imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in India, Taiwan and Thailand following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 and terminating the expiry review proceeding concerning imports of certain polyethylene terephthalate originating in Indonesia and Malaysia, in so far as the proposal would impose a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in India, Taiwan and Thailand (OJ 2013 L 136, p. 12)

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community, (OJ 2009 L 343, p. 51).

Action brought on 16 August 2013 — Good Luck Shipping v Council

(Case T-423/13)

(2013/C 325/59)

Language of the case: English

Parties

Applicant: Good Luck Shipping LLC (Dubai, United Arab Emirates) (represented by: F. Randolph, QC, M. Lester, Barrister, and M. Taher, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Decision 2013/270/CFSP of 6 June 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2013 L 156, p. 10) and Council Implementing Regulation (EU) No 522/2013 of 6 June 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2013 L 156, p. 3), in so far as they relate to the applicant; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council failed to give adequate or sufficient reasons.
2. Second plea in law, alleging that the Council failed to fulfill the criteria for listing, and/or committed a manifest error of assessment in determining that those criteria were satisfied in relation to the applicant and/or included the applicant without an adequate legal basis for doing so.
3. Third plea in law, alleging that the Council failed to safeguard the applicant's rights of defence and right to effective judicial review.
4. Fourth plea in law, alleging that the Council infringed, without justification or proportion, the applicant's fundamental rights, including its right to protection of its property, business, and reputation.