

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ 2013 L 315, p. 2), insofar as it concerns the applicant; and
- Order the defendant to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Institutions have committed a manifest error in the appreciation of the facts by concluding that there was a distortion of the prices of soya beans and soybean oil justifying the application of the second paragraph of Article 2(5) of the Basic Anti-dumping Regulation ⁽¹⁾.
2. Second plea in law, alleging that the second paragraph of Article 2(5) of the Basic Antidumping Regulation, as construed by the Institutions in the present case, may not be applied to imports from a WTO member as it is inconsistent with the WTO Anti-dumping Agreement.
3. Third plea in law, alleging that the injury assessment fails to take into consideration factors that break the causal link between the alleged injury and the allegedly dumped imports in violation of Article 3(7) of the Basic-Anti-dumping Regulation.

⁽¹⁾ 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 18 February 2014 — Carbio v Council

(Case T-119/14)

(2014/C 151/32)

Language of the case: English

Parties

Applicant: Cámara Argentina de Biocombustibles (Carbio) (Buenos Aires, Argentina) (represented by: J. Bellis and R. Luff, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ 2013 L 315, p. 2), insofar as it concerns the applicant; and
- Order the defendant to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Institutions have committed a manifest error in the appreciation of the facts by concluding that there was a distortion of the prices of soya beans and soybean oil justifying the application of the second paragraph of Article 2(5) of the Basic Anti-dumping Regulation ⁽¹⁾.

2. Second plea in law, alleging that the second paragraph of Article 2(5) of the Basic Antidumping Regulation, as construed by the Institutions in the present case, may not be applied to imports from a WTO member as it is inconsistent with the WTO Anti-dumping Agreement.
3. Third plea in law, alleging that the injury assessment fails to take into consideration factors that break the causal link between the alleged injury and the allegedly dumped imports in violation of Article 3(7) of the Basic-Anti-dumping Regulation.

(¹) 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 21 February 2014 — Daimler v Commission

(Case T-128/14)

(2014/C 151/33)

Language of the case: German

Parties

Applicant: Daimler AG (Stuttgart, Germany) (represented by: C. Arhold, B. Schirmer and N. Wimmer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 13 December 2013 — SG.B.5/MF/rc — sg.dsg1.b.5(2013) 3963453 — GESTDEM 2013/4643;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant contests the Commission's decision on the applicant's confirmatory application for access to documents relating to the procedure under Article 29 of Directive 2007/46/EC (¹) in connection with the refusal of the French Republic to register certain vehicles of the applicant.

The applicant relies on the following in support of its action:

1. Infringement of the right of access to the file

- The applicant submits in this regard that the Commission erroneously denied it a right of access to its file under Article 41(2)(b) of the Charter of Fundamental Rights of the European Union. It submits that it is directly and individually concerned by the procedure under Article 29 of Directive 2007/46. As such, it is entitled to a right of access to the file relating to it as a necessary condition for the effective exercise of its fundamental right to be heard.

2. Infringement of the applicant's rights under the Aarhus Convention (²)

- The applicant claims in this regard that there has been an infringement of the Aarhus Convention in conjunction with Regulation (EC) No 1367/2006. (³) The documents the access to which is sought by the applicant concern environmental information. For legal and factual reasons, there cannot be a refusal on grounds of the protection of ongoing investigations. In particular, the requirements of the Aarhus Convention preclude a refusal.