

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) CTMR.

Action brought on 27 March 2014 — Schroeder v Council and Commission

(Case T-205/14)

(2014/C 212/42)

Language of the case: German

Parties

Applicant: I. Schroeder KG (GmbH & Co.) (Hamburg, Germany) (represented by: K. Landry, lawyer)

Defendants: Council of the European Union and European Commission

Form of order sought

- Order the defendants to pay compensation to the applicant in the amount of EUR 345 644 together with interest at the rate of 8 % per annum from the date of delivery of the judgment, or to declare that the applicant is entitled to compensation from the defendants;
- Order the defendants to pay the costs.

Pleas in law and main arguments

The applicant seeks compensation on account of the adoption of Regulation (EC) No 1355/2008,⁽¹⁾ which was declared invalid by judgment of the Court of Justice of 22 March 2012 in Case C-338/10 *GLS*.

The applicant submits that although the anti-dumping duties wrongly collected on the basis of that regulation have been refunded by the national customs authorities, it suffered financial loss as a result of the fact that it was compelled by the withdrawal of liquidity to obtain additional bank loans at the usual market rates of interest. The applicant therefore seeks reimbursement of the difference between the interest it paid on its bank loans and the lower amount of interest that it would have had to pay if no anti-dumping duties had been collected. The applicant submits in that regard that, by unlawfully adopting Regulation No 1355/2008, the defendants committed a sufficiently serious breach of their duty of due care and proper administration, resulting in a loss to the applicant for which compensation is not otherwise available, since there is no provision under the relevant national rules on import duties for interest to be paid on the amount of any difference in favour of the person liable to pay import duties, from the time of payment.

⁽¹⁾ Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China (OJ 2008 L 350, p. 35).

Action brought on 27 March 2014 — Hüpeden v Council and Commission

(Case T-206/14)

(2014/C 212/43)

Language of the case: German

Parties

Applicant: Hüpeden & Co. (GmbH & Co.) KG (Hamburg, Germany) (represented by: K. Landry, lawyer)

Defendants: Council of the European Union and European Commission