

Form of order sought

- Order the defendants to pay compensation to the applicant in the amount of EUR 118 762,57 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, as well as short-term fixed-rate loans. 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 15 April 2014 — Commission v McCarron Poultry**(Case T-226/14)**

(2014/C 212/44)

*Language of the case: English***Parties**

Applicant: European Commission (represented by: R. Van der Hout, lawyer, and L. Cappelletti and F. Moro, agents)

Defendant: McCarron Poultry Ltd (Killacorn Emyvale, Ireland)

Form of order sought

The applicant claims that the Court should:

- Order the defendant to pay the European Commission the sum due of EUR 976 663,34, corresponding to the principal amount of EUR 900 662,25 plus the amount of EUR 76 001,09 as late payment interest calculated at a rate of 2,50 % for the period between 01.12.2010 and 15.04.2014;
- Order the defendant to pay the European Commission the sum of EUR 61,690 per day by way of interest from 16.04.2014 until the date on which the debt is repaid in full; and
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The present application is presented under Article 272 TFEU seeking a decision of the General Court ordering the defendant to reimburse the European Commission the principal amount of EUR 900 662,25, plus interest, in relation to contract No NNE5/1999/20229 for ‘Community Activities in the Field of the specific programme for RTD and demonstration on “Energy, Environment and Sustainable Development — Part B: Energy program”’.

In support of its application, the European Commission raises a single plea in law: the Commission contends that the defendant has breached its contractual obligations by failing to reimburse to the Commission the difference between the Union's financial contribution due to defendant and the total amount of funding already received by it. The financial contribution due to the defendant is less than the total amount paid by the applicant by means of advance and intermediate payments. The Commission contends therefore that, under the contract, the defendant is liable for the sum due.

Action brought on 11 April 2014 — EGBA and RGA v Commission

(Case T-238/14)

(2014/C 212/45)

Language of the case: English

Parties

Applicants: European Gaming and Betting Association (EGBA) (Brussels, Belgium) and The Remote Gambling Association (RGA) (London, United Kingdom) (represented by: S. Brankin, Solicitor, T. De Meese, E. Wijckmans and M. Mudrony, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- Order the annulment of the Commission Decision of 19 June 2013 on State aid No SA.30753 (C 34/10) (ex N 140/10) which France is planning to implement for horse racing companies (OJ L 14, 18/01/2014, p. 17); and
- Order the Commission to bear the costs of the applicants in the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Contested Decision infringes essential procedural requirements contained in or arising from Article 108(2), the principle of good administration and Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging that the Contested Decision infringes Article 107(3)(c) TFEU and the principle of good administration since:
 - the measure is not necessary and therefore has no proper common interest objective;
 - the measure includes costs with no common interest justification;
 - the measure is not an appropriate instrument for achieving the common interest objective;
 - the measure distorts competition and has an adverse effect on trade; and
 - the Commission failed to take the overall context into account for the assessment of the measure.
3. Third plea in law, alleging that the Commission, at various points in the contested measure, failed to adequately state its reasons.