

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 institutions committed a manifest error of assessment and infringed Article 2(3) and (4) of Council Regulation No 1225/2009 ⁽¹⁾ by failing to properly assess whether River Kwai International Food Industry's domestic sales were made in the ordinary course of trade and whether the domestic sales should therefore serve as a basis to calculate River Kwai International Food Industry's normal value.
2. Second plea in law, alleging that the institutions infringed Article 2(10) of Council Regulation No 1225/2009 by failing to make a fair comparison between River Kwai International Food Industry's export price and normal value.
3. Third plea in law, alleging that the institutions infringed Article 11(3) of Council Regulation No 1225/2009 by failing to properly assess the alleged change in River Kwai International Food Industry's dumping margin and by failing to properly assess the lasting nature of any such alleged change.
4. Fourth plea in law, alleging that the institutions infringed Article 19(2) and Article 20(2) of Council Regulation No 1225/2009 by failing to provide the applicant with a meaningful summary of the evidence on which they intended to amend River Kwai International Food Industry's dumping margin and by failing to provide the applicant with the considerations on the basis of which they intended to amend River Kwai International Food Industry's anti-dumping duty.

⁽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 24 June 2014 — Österreichische Post v Commission

(Case T-463/14)

(2014/C 303/52)

Language of the case: German

Parties

Applicant: Österreichische Post AG (Vienna, Austria) (represented by: H. Schatzmann, J. Bleckmann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's implementing decision in Case C(2014) 2093 in so far as Directive 2004/17/EC continues to apply to the award of contracts for postal services which are not mentioned in Article 1 of the implementing decision, exemption from which the applicant has requested under Article 30(6) of Directive 2004/17/EC;
- in the alternative, in so far as partial annulment of the contested decision is, according to the Court, not admissible or possible, to annul the implementing decision in its entirety;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant claims that the contested decision, as regards the postal services not covered by Article 1 thereof, is unlawful under Article 263(2) TFEU because the Commission has infringed EU law by misapplying and misinterpreting Directive 2004/17/EC. The applicant claims, in essence, that the postal services which it provides are exposed to sufficient direct competition, so that the conditions for an exemption under Article 30(1) of Directive 2004/17 are met. The applicant also claims that the Commission misapplied the criteria and methods on market definition laid down by EU law and case-law.

Furthermore, the applicant alleges infringement of essential procedural requirements, as the Commission failed to give sufficient reasons for its decision.

Finally, the applicant submits that the Commission infringed general fundamental procedural rights, in that by failing to adequately address the applicant's claims and evidence, it infringed the applicant's right to be heard.

Action brought on 25 June 2014 — Stavvytskyi v Council**(Case T-486/14)**

(2014/C 303/53)

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

Applicant: Edward Stavvytskyi (Belgium) (represented by: J. Grayston, Solicitor, P. Gjørtler, G. Pandey, D. Rovetta and M. Gambardella, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Decision 2014/216/CFSP of 14 April 2014, implementing Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 111, p. 91), and Council Implementing Regulation (EU) No 381/2014 of 14 April 2014, implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 111, p. 33), in so far as the contested acts include the applicant in the list of persons and entities made subject to the restrictive measures;
- Order the Council to bear the costs of the present proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law concerning infringement of an essential procedural requirement, as well as infringement of the Treaties and of rules of law relating to their application: violation of the right of hearing, violation of the obligation to give notice, insufficient statement of grounds, violation of the right of defence, incorrect legal basis, and manifest error of assessment.