

- Order the Commission, and any intervener who may be allowed to support the Commission in the course of the proceedings, to bear the costs of these proceedings.

### **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 Commission committed a manifest error of assessment of the facts and the law in considering that the applicant's production costs and financial situation are subject to significant distortions carried over from the former non-market economy system, in breach of Article 2(7)(c) of the basic Regulation, third indent.
2. Second plea in law, alleging that the Commission made a manifest error of assessment and failed to adduce consistent evidence in deducting from the applicant's export price a sales agent commission equivalent to the mark-up charged to the applicant by a related company in Hong Kong, without adducing adequate evidence that this related company was indeed operating as a commission-based agent, in breach of Article 2(10)(i) of the basic Regulation.
3. Third plea in law, alleging that the Commission did not calculate the applicant's export price on the basis of the price actually paid or payable for the product when sold to the EU, nor is it based on the price at which the exported product is first resold to an independent buyer in the EU, in breach of Article 2(8) and (9) of the basic Regulation.
4. The fourth plea in law, alleging that the Commission failed to disclose the essential facts and evidences making it possible to understand how it calculated the applicant's dumping and injury margins, in breach of Article 20 of the basic Regulation and of Article 41 of the Charter of Fundamental Rights of the EU.

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<sup>(1)</sup> Commission Implementing Regulation (EU) No 470/2014 of 13 May 2014 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of solar glass originating in the People's Republic of China (OJ L 142, p. 1).

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## **Action brought on 11 August 2014 — Cham and Bena Properties v Council**

**(Case T-597/14)**

(2014/C 372/26)

*Language of the case: French*

### **Parties**

*Applicants:* Cham Holding Co. SA and Bena Properties Co. SA (Damascus, Syria) (represented by: E. Ruchat and C. Cornet D'Elzius, lawyers)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicants claim that the General Court should:

- declare the applicants' action admissible and well founded;
- consequently, order the European Union to pay compensation for the loss suffered by the applicants arising from the suspension of the 'Yasmeen Rotana' project, in the region of EUR 43 000 000.
- order the appointment of an expert to establish the total amount of the loss suffered by the applicants;
- order the Council of the European Union to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on 3 pleas in law that are in essence identical or similar to those relied on Case T-592/14, *Makhlouf v Council*.

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**Action brought on 11 August 2014 — Bena Properties v Council****(Case T-602/14)**

(2014/C 372/27)

*Language of the case: French***Parties**

*Applicant:* Bena Properties Co. SA (Damascus, Syria) (represented by: E. Ruchat and C. Corent d'Elzius, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the General Court should:

- declare the applicant's action admissible and well founded;
- consequently, annul Decision 2014/309/CFSP of 28 May 2014 and its subsequent implementing measures, to the extent that they concern the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law that are in essence identical or similar to those relied on in Case T-432/11 *Makhlouf v Council* <sup>(1)</sup>.

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<sup>(1)</sup> OJ C 290, p. 13.

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**Action brought on 14 August 2014 — Fútbol Club Barcelona v OHIM (Representation of a crest)****(Case T-615/14)**

(2014/C 372/28)

*Language of the case: Spanish***Parties**

*Applicant:* Fútbol Club Barcelona (Barcelona, Spain) (represented by J. Carbonell Callicó, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)