Action brought on 5 November 2019 – Methanol Holdings (Trinidad) v Commission

(Case T-744/19)

(2020/C 10/58)

Language of the case: English

Parties

Applicant: Methanol Holdings (Trinidad) Ltd (Couva, Trinidad and Tobago) (represented by: B. Servais and V. Crochet, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Commission Implementing Regulation (EU) 2019/1688 of 8 October 2019 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America, in as far as it relates to the applicant;

— order the Commission to bear the costs of these proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law, namely that the Commission’s methodology for the determination of the undercutting and underselling margins violates Articles 1(1), 3(1), 3(2), 3(3), 3(5) to 3(8) and 9(4) of the Basic Regulation, the case law of the General Court and of the WTO as well as the principle of fair comparison by failing to compare, for the purpose of the undercutting and underselling margins calculation, the prices of imports with the price of the like product produced by the Union industry at the same appropriate level of trade.

In essence, the Applicant submits, firstly, that the determination of the price of imported urea and ammonium nitrate originating in Trinidad and Tobago for the purpose of the calculation of the undercutting and underselling margins on the basis of the application by analogy of Article 2(9) of the Basic Regulation violates Article 3(1) of the Basic Regulation, and that by using this constructed price for the purpose of the undercutting and underselling margins determination, the Commission failed to compare prices at the same appropriate level of trade in violation of Articles 3(2), 3(3), 3(5) to 3(8) and, consequently, of Article 9(4) of the Basic Regulation, the case law of the Court and of the WTO as well as the principle of fair comparison.

Action brought on 14 November 2019 – Body Attack Sports Nutrition v EUIPO – Sakkari (Sakkattack)

(Case T-788/19)

(2020/C 10/59)

Language of the case: English

Parties

Applicant: Body Attack Sports Nutrition GmbH & Co. KG (Hamburg, Germany) (represented by: S. Labesius, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Maria Sakkari (Nicosia, Cyprus)