

Decision of the Board of Appeal: Rejection of the appeal brought by Flex Equipos de Descanso

Pleas in law: Infringement of Rule 18(2) and 22(4) of Commission Regulation No 2868/95 ⁽¹⁾ and the opponent's right to be heard in accordance with Rule 18 of the regulation, as well as an infringement of Article 8 of Council Regulation No 40/94 ⁽²⁾.

⁽¹⁾ Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (OJ L 303, p. 1)

⁽²⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ L 11, p. 1)

Action brought on 28 May 2004 by Gul Ahmed Textile Mills Ltd against the Council of the European Union

(Case T-199/04)

(2004/C 217/44)

(Language of the case: English)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 28 May 2004 by Gul Ahmed Textil Mills Ltd, Landhi, Karachi (Pakistan), represented by L. Ruessmann, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul Article 1 of Council Regulation (EC) No. 397/2004 of 2 March 2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan ⁽¹⁾ to the extent it imposes anti-dumping duties on the product of the applicant,
- order the Council to pay the costs.

Pleas in law and main arguments:

The applicant is a Pakistani company which produces bed linen and exports it to the European Union. Its products are subject to the anti-dumping duty imposed by the contested regulation. In support of its application to annul that regulation, the applicant invokes the following grounds:

- a breach of Article 5, paragraphs 7 and 9, of Regulation (EC) No. 384/96 ⁽²⁾ and a breach of Articles 5.1 and 5.2 of the World Trade Organisation Anti-dumping Agreement, insofar as the initiation of the investigation is concerned.

The applicant submits that the complaint, on the basis of which the investigation was opened, was manifestly insufficient both with regard to what it presents as facts and with regard to its reasoning in support of the opening of an investigation,

- a manifest error of assessment, a breach of Articles 2, paragraphs 3 and 5, and Article 18, paragraph 4, of Regulation (EC) No. 384/96, and a breach of the World Trade Organisation Anti-dumping Agreement, with regard to the calculation of the normal value,
- a breach of Article 2, paragraph 10, of Regulation (EC) No. 384/96, the World Trade Organisation Anti-dumping Agreement and of the obligation to state adequate reasons under Article 253 EC in connexion with the drawback adjustment in the comparison of the normal value and export price,
- a manifest error of assessment, a breach of Article 3 of Regulation (EC) No. 384/96, and a breach of the World Trade Organisation Anti-dumping Agreement, as regards the determination of the existence of material injury as well as the establishment of a causal link between the allegedly dumped imports and the alleged injury.

⁽¹⁾ OJ L66 4/3/2004 p. 1

⁽²⁾ OJ L 56 , 06.03.1996 p. 1

Action brought on 28 May 2004 by the Regione Autonoma della Sardegna against the Commission of the European Communities

(Case T-200/04)

(2004/C 217/45)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 May 2004 by the Regione Autonoma della Sardegna, represented by Domenico Dodaro, lawyer.

The applicant claims that the Court should:

- declare invalid that part of Commission Decision C(2004) 471 of 16 March 2004 holding aid granted by Italy through Article 5 of Law No 22 of the Region of Sardinia of 17 November 2000 to be incompatible with the common market;
- order the Commission to pay the costs.