2. Second ground, alleging infringement of Article 8(2) of Annex I to the Statute of the Court of Justice and Article 73 of the Rules of Procedure of the Civil Service Tribunal

The appellant argues in this connection that no separate referral order was possible with regard to the form of order he sought in the main proceedings not in the application but only in a later written submission because it was not independent or separable.

3. Third ground, alleging infringement of Article 8(2) of Annex I to the Statute of the Court of Justice and Article 73 of the Rules of Procedure of the Civil Service Tribunal

The appellant also claims that the legal dispute derives from his employment relationship, meaning that according to Article 1 of Annex I to the Statute of the Court of Justice the Civil Service Tribunal has jurisdiction.

4. Fourth ground, alleging infringement of Article 6(1) ECHR and Article 47 of the Charter

The appellant claims finally that by its method of proceeding the Civil Service Tribunal infringed his right to be heard and the principle of adversary proceedings and treated him unfairly.

Action brought on 16 February 2012 — Mecafer v Commission

(Case T-74/12)

(2012/C 118/47)

Language of the case: English

Parties

Applicant: Mecafer SA (Valence, France) (represented by: R. MacLean, Solicitor)

Defendant: European Commission

Form of order sought

— Declare the application admissible;

— Partially annul Article 1 of Commission Decision C(2011) 8804 final, of 6 December 2011, insofar as it only grants a partial refund of the anti-dumping duties paid by the applicant and unlawfully retains additional amounts of refunds of anti-dumping duties legitimately due to the applicant;

— Order maintenance in force of the contested decision until the European Commission has adopted measures necessary to comply with any judgment of the Court; and

— Order the defendant to pay the legal costs and expenses of the procedure.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the defendant committed a manifest error of assessment in applying an appropriate and reasonable unrelated EU importer profit margin, thereby failing to establish a reliable export price for the purpose of calculating the correct anti-dumping refund amount leading to infringements of Articles 2(9) and 18(3) of Council Regulation (EC) No 1225/2009. [1]

2. Second plea in law, alleging that the defendant committed a manifest error of assessment by deducting anti-dumping duties as a cost in the calculation of the export price thereby failing to establish a reliable dumping margin for the purpose of calculating the correct anti-dumping refund amount and in doing so violated Articles 2(9), 2(11) and 11(10) of Council Regulation (EC) No 1225/2009.

3. Third plea in law, alleging that the defendant failed to inform it of the necessary requirements for satisfying Article 11(10) of Council Regulation (EC) No 1225/2009 in a prompt and adequate manner thereby committing violations of the rights of defence enshrined in EU general law as well as the principle of sound administration also established in EU general law and also Article 41 of the Charter of Fundamental Rights of the European Union.

[1] Council Regulation (EC) 1225/2009 on Protection Against Dumped Imports From Countries not Members of the European Community, OJ 2009 L 343, p. 51.

Action brought on 16 February 2012 — Nu Air Polska v Commission

(Case T-75/12)

(2012/C 118/48)

Language of the case: English

Parties

Applicant: Nu Air Polska sp. z o.o. (Warszawa, Poland) (represented by: R. MacLean, Solicitor)