

- annul Commission Implementing Regulation (EU) 2016/1731 of 28 September 2016 reimposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam and produced by General Footwear Ltd (China), Diamond Vietnam Co. Ltd and Ty Hung Footgearmex/Footwear Co. Ltd and implementing the judgment of the Court of Justice in Joined Cases C-659/13 and C-34/14 (OJ L 262, p. 4); and
- order the European Commission to pay the Applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission did not have the legal competence to adopt the contested regulations in the first place.
2. Second plea in law, alleging that the Commission failed to provide the precise legal basis for the adoption of the contested regulations in violation of Article 296 TFUE and infringed the rights of defence and the right to effective judicial protection of the applicants.
3. Third plea in law, alleging that the reopening of the concluded footwear proceeding and the retroactive imposition of the expired anti-dumping duty on the applicant's suppliers (i) lacks legal basis, is based on a manifest error in the application of Article 266 TFUE and the Basic Regulation and infringed the latter, (ii) is inconsistent with the principles of protection of legitimate expectations, legal certainty and non-retroactivity; and (iii) is inconsistent with Article 266 TFUE, infringed Article 5(4) TFUE and is based on a misuse of powers by the Commission.
4. Fourth plea in law, alleging that the retroactive imposition of the duty through the three contested regulations is discriminatory vis-à-vis the applicants.
5. Fifth plea in law, alleging that the manner of assessment of the market economy and individual treatment claims of the applicants' suppliers was discriminatory and based on a misuse of power by the Commission.

Action brought on 9 November 2016 — Timberland Europe v Commission

(Case T-782/16)

(2017/C 014/58)

Language of the case: English

Parties

Applicant: Timberland Europe BV (Enschede, Netherlands) (represented by: E. Vermulst, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2016/1395 of 18 August 2016 reimposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and produced by Buckingham Shoe Mfg Co. Ltd, Buildyet Shoes Mfg., DongGuan Elegant Top Shoes Co. Ltd, Dongguan Stella Footwear Co. Ltd, Dongguan Taiway Sports Goods Limited, Foshan City Nanhai Qun Rui Footwear Co., Jianle Footwear Industrial, Sihui Kingo Rubber Shoes Factory, Synfort Shoes Co. Ltd, Taicang Kotoni Shoes Co. Ltd, Wei Hao Shoe Co. Ltd, Wei Hua Shoe Co. Ltd, Win Profile Industries Ltd, and implementing the judgment of the Court of Justice in joined cases C-659/13 and C-34/14 (OJ L 225, p. 52);

- annul Commission Implementing Regulation (EU) 2016/1647 of 13 September 2016 re-imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in Vietnam and produced by Best Royal Co. Ltd, Lac Cuong Footwear Co., Ltd, Lac Ty Co., Ltd, Saoviet Joint Stock Company (Megastar Joint Stock Company), VMC Royal Co Ltd, Freetrend Industrial Ltd and its related company Freetrend Industrial A (Vietnam) Co, Ltd, Fulgent Sun Footwear Co., Ltd, General Shoes Ltd, Golden Star Co, Ltd, Golden Top Company Co., Ltd, Kingmaker Footwear Co. Ltd, Tripos Enterprise Inc., Vietnam Shoe Majesty Co., Ltd, and implementing the judgment of the Court of Justice in joined cases C-659/13 and C-34/14 (OJ L 245, p. 16);
- annul Commission Implementing Regulation (EU) 2016/1731 of 28 September 2016 reimposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam and produced by General Footwear Ltd (China), Diamond Vietnam Co. Ltd and Ty Hung Footgarmex/Footwear Co. Ltd and implementing the judgment of the Court of Justice in Joined Cases C-659/13 and C-34/14 (OJ L 262, p. 4); and
- order the European Commission to pay the Applicant's costs.

Pleas in law and main arguments

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2. Second plea in law, alleging that the Commission failed to provide the precise legal basis for the adoption of the contested regulations in violation of Article 296 TFUE and infringed the rights of defence and the right to effective judicial protection of the applicant.
3. Third plea in law, alleging that the reopening of the concluded footwear proceeding and the retroactive imposition of the expired anti-dumping duty on the applicant's suppliers (i) lacks legal basis, is based on a manifest error in the application of Article 266 TFUE and the Basic Regulation and infringed the latter, (ii) is inconsistent with the principles of protection of legitimate expectations, legal certainty and non-retroactivity; and (iii) is inconsistent with Article 266 TFUE, infringed Article 5(4) and is based on a misuse of powers by the Commission.
4. Fourth plea in law, alleging that the retroactive imposition of the duty through the three contested regulations is discriminatory vis-à-vis the applicant.
5. Fifth plea in law, alleging that the manner of assessment of the market economy and individual treatment claims of the applicant's suppliers was discriminatory and based on a misuse of power by the Commission.

Action brought on 10 November 2016 — De Geoffroy and Others v Parliament

(Affaire T-788/16)

(2017/C 014/59)

Language of the case: French

Parties

Applicant: Dominique De Geoffroy (Brussels, Belgium) and 14 others (represented by: N. de Montigny and J.-N. Louis, lawyers)

Defendant: European Parliament