

— order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) of Regulation No 2017/1001;
- Infringement of Article 7(1)(c) of Regulation No 2017/1001.

Action brought on 27 February 2018 — Darmanin v EASO

(Case T-116/18)

(2018/C 152/54)

Language of the case: French

Parties

Applicant: Joanna Darmanin (Sliema, Malta) (represented by: N. De Montigny, lawyer)

Defendant: European Asylum Support Office

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Authority Empowered to Conclude Contracts (Executive Director) of 27 June 2017 by which the applicant was dismissed at the end of the probation period, from 15 July 2017;
- in so far as necessary, annul the express decision rejecting the complaint of 29 January 2018;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 14 of the Conditions of Employment of Other Servants ('the CEOS') and of the Guide applicable to the procedure for appraising trainees at the European Asylum Support Office (EASO).
2. Second plea in law, alleging infringement of Article 43 of the Staff Regulations of Officials of the European Union ('the Staff Regulations') and of the decision of the Management Board of EASO of 18 January 2016 implementing Articles 43 and 44 of the Staff Regulations for temporary staff.
3. Third plea in law, alleging infringement of Decision No 11 of the Management Board of EASO of 4 July 2012 on middle management staff.
4. Fourth plea in law, alleging infringement of the principles of good administration and legal certainty.
5. Fifth plea in law, alleging, in the alternative, a plea of illegality due to infringement of the principle of equal treatment and infringement of the effective right to be heard.

6. Sixth plea in law, alleging infringement of the right to implement an appraisal procedure that is lawful, equitable and predictable.
7. Seventh plea in law, alleging non-compliance with the rules concerning the burden of proof.

Action brought on 27 February 2018 — Wendel and Others/Commission

(Case T-124/18)

(2018/C 152/55)

Language of the case: English

Parties

Applicants: Wendel GmbH & Co. KG Schuhproduktionen International (Detmold, Germany), Jana shoes GmbH & Co. KG (Detmold), Novi International GmbH & Co. KG (Detmold), shoe.com GmbH & Co. KG (Detmold), Wortmann KG Internationale Schuhproduktionen (Detmold) (represented by: A. Willems, S. De Knop and C. Zimmermann, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare the application admissible;
- annul Commission Implementing Regulation (EU) 2017/2232 of 4 December 2017 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 certain exporting producers in the People's Republic of China and Vietnam and implementing the judgment of the Court of Justice in Joined Cases C-659/13 and C-34/14 (OJ 2017 L 319, p. 30); and
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on five pleas in law.

1. First plea in law, alleging that by proceeding without a valid legal basis, Commission Implementing Regulation (EU) 2017/2232 ⁽¹⁾ violates the principle of conferral under Articles 5(1) and 5(2) TEU and, in any event, the principle of institutional balance under Article 13(2) TEU.
2. Second plea in law, alleging that by failing to take the necessary measures to comply with the judgment in Joined Cases C-659/13 and C-34/14, C&J Clark International, Commission Implementing Regulation (EU) 2017/2232 violates Article 266 TFEU.
3. Third plea in law, alleging that by imposing an anti-dumping duty on imports of footwear 'which took place during the period of application of Council Regulation (EC) No 1472/2006 ⁽²⁾ and Council Implementing Regulation (EU) No 1294/2009 ⁽³⁾,' Commission Implementing Regulation (EU) 2017/2232 violates Articles 1(1) and 10(1) of Regulation (EU) No 2016/1036 ⁽⁴⁾, and the principle of legal certainty (non-retroactivity).
4. Fourth plea in law, alleging that by imposing an anti-dumping duty without conducting a fresh Union interest assessment, Commission Implementing Regulation (EU) 2017/2232 violates Article 21 of Regulation (EU) No 2016/1036; in any event, it would have been manifestly erroneous to conclude that the imposition of the anti-dumping duty was in the Union interest.