

- The applicants submit that the defendant would have infringed Article 19(2) and Article 20(2) of Regulation 2016/1036, the applicants' rights of defence and the principle of legal certainty by failing to provide the applicants with a meaningful summary of the evidence collected during the investigation or the considerations on the basis of which the defendant proposed to amend the applicants' anti-dumping margin. The applicants submit that by refusing to provide them with its dumping margin calculation, the defendant would have infringed the applicants' rights of defence and would have breached the principle of legal certainty.

(¹) Commission Implementing Decision (EU) 2018/1703 of 12 November 2018 terminating the partial interim review concerning imports of ammonium nitrate originating in Russia (OJ L 285, 13.11.2018, p. 97).

(²) Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21).

Action brought on 31 January 2019 — Rot Front v EUIPO — Kondyterska korporatsiia 'Roshen' (ПОШЕИ)

(Case T-63/19)

(2019/C 122/24)

Language of the case: English

Parties

Applicant: Rot Front OAO (Moscow, Russia) (represented by: M. Geitz and J. Stock, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Dochirnie pidpriemstvo Kondyterska korporatsiia 'Roshen' (Kiev, Ukraine)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the figurative mark ПОШЕИ — International registration designating the European Union No 11 233 784

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 16 November 2018 in Case R 1872/2018-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant to pay the costs of the proceedings.

Pleas in law

— Infringement of Articles 94(1), 47(5) and 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 4 February 2019 — Vlaamse Gemeenschap and Vlaams Gewest v Parliament and Council**(Case T-66/19)**

(2019/C 122/25)

*Language of the case: Dutch***Parties**

Applicants: Vlaamse Gemeenschap and Vlaams Gewest (represented by: T. Eyskens, N. Nonbled and P. Geysens, lawyers)

Defendants: European Parliament and Council of the European Union

Form of order sought

The applicants claim that the General Court should:

- declare the action admissible and well founded;
- annul Regulation (EU) 2018/1724;
- order the European Parliament and the Council to pay the 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 infringement of Article 4(2) TEU.

The language obligations imposed by Regulation (EU) 2018/1724 ⁽¹⁾ are contrary to domestic language legislation in the field of administrative matters, as constitutionally protected in Belgium. That domestic language regime forms part of the political and constitutional foundation of the Belgian State and is part of the identity of the Belgian State. Regulation (EU) 2018/1724 is therefore contrary to Article 4(2) TEU, according to which the Union is to respect the national identities of Member States.

2. Second plea in law, alleging infringement of Article 5(1) and (4) TEU and of Protocol (No 2) on the application of the principles of subsidiarity and proportionality.

The linguistic obligations imposed by Regulation (EU) 2018/1724 are not in accordance with the principle of conferral (1) or with the proportionality principle (2).

(1) There is not a single provision of the Treaty which confers on the Union the competence to govern the use of languages within and by public administrations in the Member States.

(2) The obligation to make a translation available to the public 'in an official language of the Union broadly understood by the largest possible number of cross-border users' (Article 12(1) of Regulation (EU) 2018/1724) is not in accordance with and contains no reasons in respect of the proportionality principle. The language requirements that are imposed by Regulation (EU) 2018/1724 are disproportionate in view of the intended objective.