

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order that the costs of the proceedings be borne by the defendant and by the other party to the proceedings before the Board of Appeal if it joins as intervener.

**Pleas in law**

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 2 March 2020 — PT Ciliandra Perkasa v Commission****(Case T-138/20)**

(2020/C 129/32)

*Language of the case: English***Parties**

*Applicant:* PT Ciliandra Perkasa (West Jakarta, Indonesia) (represented by: F. Graafsma, J. Cornelis and E. Rogiest, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2019/2092 of 28 November 2019 imposing a definitive countervailing duty on imports of biodiesel originating in Indonesia;
- order the Commission to pay the applicant's costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the Commission violated Articles 8(1) and 8(2) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ('basic Regulation') in determining price undercutting as it failed to examine all the relevant evidence and failed to establish price undercutting for the product as a whole.
2. Second plea in law, alleging that the Commission also violated Article 8(5) of the basic Regulation because it based its causation analysis on an erroneous finding of price undercutting.
3. Third plea in law, alleging that the Commission committed a manifest error of assessment and breached Article 3 of the basic Regulation in finding, on the one hand, that payments by the Oil Palm Plantation Fund ('OPPF') are to be qualified as grants instead of payments for purchases of biodiesel and, on the other hand, that the OPPF payments confer a benefit to biodiesel producers, since the Commission (i) relied on a manifestly erroneous counterfactual and (ii) failed to find that the benefit, if any, was passed through to biodiesel blenders.

4. Fourth plea in law, alleging that the Commission committed a manifest error of assessment and breached Article 7 of the basic Regulation in calculating the amount of the benefit under the OPPF scheme.
5. Fifth plea in law, alleging that the Commission violated Articles 8(1) and 8(8) of the basic Regulation by failing to base its threat of injury determination on positive evidence and an objective examination of all the relevant factors.
6. Sixth plea in law, alleging that the Commission breached the applicant's rights of defense by including certain essential considerations with respect to the undercutting analysis in the Contested Regulation only, thereby depriving the applicant from commenting on this issue.

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**Action brought on 2 March 2020 — PT Pelita Agung Agrindustri and PT Permata Hijau Palm Oleo v  
Commission**

**(Case T-143/20)**

(2020/C 129/33)

*Language of the case: English*

**Parties**

*Applicants:* PT Pelita Agung Agrindustri (Medan, Indonesia), PT Permata Hijau Palm Oleo (Medan) (represented by: F. Graafsma, J. Cornelis and E. Rogiest, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul Commission Implementing Regulation (EU) 2019/2092 of 28 November 2019 imposing a definitive countervailing duty on imports of biodiesel originating in Indonesia insofar as the applicants are concerned;
- order the Commission to pay the applicants' 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 that the Commission violated Articles 8(1) and 8(2) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ('basic Regulation') in determining price undercutting as it (1) failed to examine all the relevant evidence and (2) failed to establish price undercutting for the product as a whole;
2. Second plea in law, alleging that the Commission also violated Article 8(5) of the basic Regulation because it based its causation analysis on an erroneous finding of price undercutting;
3. Third plea in law, alleging that the Commission committed a manifest error of assessment and breached Article 3 of the basic Regulation in finding that the government of Indonesia has entrusted or directed CPO suppliers to provide their goods for less than adequate remuneration, that it has provided income or price support to CPO suppliers and that a benefit has thereby been conferred.
4. Fourth plea in law, alleging that the Commission committed a manifest error of assessment and breached Article 3 of the basic Regulation in finding that, on the one hand, payments by the Oil Palm Plantation Fund ('OPPF') can be qualified as grants instead of payment for purchases of biodiesel, and on the other hand, that the OPPF payments confer a benefit to biodiesel producers, since the Commission relied on manifestly erroneous counterfactual, and failed to find that the benefit, if any, was passed through to biodiesel blenders.