

**Order of the Court of First Instance of 14 May 2007 —
Wauthier and Deveen v Commission**

(Case T-164/04) ⁽¹⁾

(Staff cases — Officials — Reports procedure — Career development review — 2001/2002 Appraisal exercise — Action manifestly inadmissible and manifestly devoid of any legal basis)

(2007/C 170/51)

Language of the case: French

Parties

Applicants: Patricia Wauthier (Tubize, Belgium) and Viviane Deveen (Overijse, Belgium) (represented by: G. Bounéou and F. Frabetti, lawyers, and subsequently by F. Frabetti alone)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Krämer, acting as Agents)

Re:

Application for annulment, principally, of the 2001/2002 appraisal exercise in relation to the applicants; and, alternatively, of the applicants' career development reviews for that exercise.

Operative part of the order

1. *The action is dismissed as partly manifestly inadmissible and, for the rest, as manifestly devoid of any legal basis.*
2. *The applicants are ordered to bear their own costs.*

⁽¹⁾ OJ C 190, 24.7.2004.

**Order of the Court of First Instance of 14 May 2007 —
Gnemmi v Commission**

(Case T-199/05) ⁽¹⁾

(Staff cases — Officials — Reports procedure — Career development review — 2003 Appraisal exercise — Action manifestly inadmissible and manifestly devoid of any legal basis)

(2007/C 170/52)

Language of the case: French

Parties

Applicant: Laura Gnemmi (Arona, Italy) (represented by: initially G. Bounéou and F. Frabetti, lawyers, and subsequently F. Frabetti alone)

Defendant: Commission of the European Communities (represented by: J. Berscheid and M. Velardo, acting as Agents)

Re:

Application for annulment, principally, of the 2003 appraisal exercise in relation to the applicant; and, alternatively, of the applicant's career development review for that exercise.

Operative part of the order

1. *The action is dismissed as partly manifestly inadmissible and, for the rest, as manifestly devoid of any legal basis.*
2. *The applicant is ordered to bear her own costs.*

⁽¹⁾ OJ C 193, 6.8.2005.

**Order of the Court of First Instance of 22 May 2007 —
Italy v Commission**

(Case T-335/06) ⁽¹⁾

(Health requirements — Italian market for poultrymeat — Failure of the Commission to take exceptional measures to alleviate the consequences of the epidemic of avian influenza — Action for a declaration of failure to act — Definition of position bringing the failure to act to an end — No need to adjudicate)

(2007/C 170/53)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by G. Aiello, acting as Agent)

Defendant: Commission of the European Communities (represented by C. Cattabriga, acting as Agent)

Re:

Action for a declaration of failure to act brought on the basis of Article 232 EC and seeking a declaration that the Commission failed to comply with the obligations imposed on it under Article 14 of Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat (OJ 1975 L 282, p. 77) by failing to adopt exceptional measures to support the market in the poultrymeat sector, in the form of compensation for the producers of day-old chickens affected by veterinary measures taken in order to alleviate the consequences of avian influenza and restricting their movement during the period from December 1999 to September 2003.

Operative part of the order

1. *There is no longer any need to adjudicate on the present action;*
2. *Each party is to bear its own costs.*

(¹) OJ C 326, 30.12.2006.

Action brought on 18 May 2007 — Far Eastern Textile v Council**(Case T-167/07)**

(2007/C 170/54)

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

Applicant: Far Eastern Textile Ltd (Taipei, Taiwan) (represented by: P. De Baere, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 192/2007 of 22 February 2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) originating, *inter alia*, in Taiwan, insofar as it relates to the applicant; and
- order the Council to bear the costs of these proceedings.

Pleas in law and main arguments

The applicant, who is a Taiwanese producer and exporter of polyethylene terephthalate ('PET'), seeks the annulment of Council Regulation (EC) No 192/2007 of 22 February 2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan following an expiry review and a partial interim review pursuant to Article 11(2) and Article 11(3) of Regulation (EC) No 384/96 (¹).

In support of its application, the applicant, first of all, submits that the Council violated Article 2(11) of the Basic Regulation (²) by applying the asymmetrical method to calculate the applicant's dumping margin.

Secondly, the applicant alleges that the Council violated Article 253 EC by failing to provide adequate reasons why the symmetrical comparison methods did not reflect the full degree of dumping.

Thirdly, the applicant contends that the Council violated Article 2(10), (11) and (12) of the Basic Regulation by calculating the applicant's dumping margin using zeroing techniques zeroing any negative dumping margins when calculating the weighted average dumping margin pursuant to Article 2(12).

Finally, the applicant alleges that the Council violated Article 253 EC by failing to state adequate reasons why the applicant's dumping margin must be calculated using zeroing techniques.

(¹) OJ 2007 L 59, p. 1.

(²) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1).

Action brought on 16 May 2007 — Professional Tennis Registry v OHIM — Registro Profesional de Tenis (PTR PROFESSIONAL TENNIS REGISTRY)**(Case T-168/07)**

(2007/C 170/55)

*Language in which the application was lodged: English***Parties**

Applicant: Professional Tennis Registry, Inc. (Hilton Head Island, United States) (represented by: M. Vanhegan, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Registro Profesional de Tenis, SL (Madrid, Spain)

Form of order sought

- Annulment of paragraph (1) of the First Board of Appeal's decision of 28 February 2007 (Case R 1050/2005-1), in which the applicant's Community trade mark application No 2 826 709 for the class 16 and 41 products and services was rejected;
- order that the opposition to the applicant's Community trade mark application No 2 826 709 be rejected in its entirety;
- order that the applicant's Community trade mark application No 2 826 709 proceed to grant in respect of all of the goods and services in classes 16, 25 and 41; and
- order that the defendant pays the applicant its costs incurred before the Board of Appeal and the Court of First Instance.