

Action brought on 13 September 2016 — Foshan Lihua Ceramic v Commission**(Case T-654/16)**

(2016/C 428/21)

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

Applicant: Foshan Lihua Ceramic Co. Ltd (Foshan City, China) (represented by: B. Spinoit and D. Philippe, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Decision C(2016) 2136 of 11 July 2016, rejecting a request for a partial interim review limited to dumping aspects with regard to the definitive anti-dumping measures imposed on imports of ceramic tiles originating in the People's Republic of China by Council Implementing Regulation (EU) No 917/2011;
- order the Commission to bear the applicant's costs

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law alleging that the defendant infringed Article 17(3) in conjunction with Article 11(3) and Article 11(5) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.⁽¹⁾

⁽¹⁾ OJ 2009, L 343, p. 51.

Appeal brought on 23 September 2016 by Daniele Possanzini against the order of the Civil Service Tribunal of 18 July 2016 in Case F-68/15, Possanzini v Frontex**(Case T-686/16 P)**

(2016/C 428/22)

*Language of the case: French***Parties**

Appellant: Daniele Possanzini (Pisa, Italy) (represented by S. Pappas, lawyer)

Other party to the proceedings: European Border and Coast Guard Agency (Frontex)

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the order of the Civil Service Tribunal of 18 July 2016 dismissing his action;
- grant the claims sought at first instance;
- order the other party to the proceedings to pay all of the costs.

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on two grounds.

1. First ground of appeal, divided into two limbs, alleging infringement of Article 11(4), (5) and (6) of the decision of the Executive Director of the European Border and Coast Guard Agency ('Frontex') of 27 August 2009 establishing the staff appraisal procedure ('decision of 27 August 2009'), interpreted in the light of Article 41(1) and (2) of the Charter of Fundamental Rights of the European Union.
 - First limb, alleging that the Civil Service Tribunal erred in law in failing to examine the plea, relied on at first instance by the appellant, relating to the lack of prior dialogue between the validator and the evaluator.
 - Second limb, alleging that the Civil Service Tribunal erred in law in the order under appeal by failing to examine, of its own motion, the lack of prior dialogue between the validator and the evaluator.
2. Second ground of appeal, alleging infringement of Article 2(2) of the decision of 27 August 2009 by failing to have regard for the difference in role between evaluator and validator as established within Frontex.

Action brought on 7 October 2016 — Fair deal for expats and Others v Commission**(Case T-713/16)**

(2016/C 428/23)

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

Applicants: Fair deal for expats (Lauzun, France) and 8 others (represented by: R. Croft, L. Nelson, E. Hazzan, Solicitors, P. Green, H. Warwick and M. Gregoire, Barristers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare the instruction of the president of the Commission of the European Union communicated electronically by letter dated 28 June 2016 to the Members of the College of Commissioners of the EU, and identified in a speech by President Juncker to the plenary session of the European Parliament in Brussels on 28 June 2016 (SPEECH/16/2356), forbidding any negotiations by the Commission, formal or informal, with the UK government before its notification of withdrawal from the EU under Article 50 TEU, on the one hand, and, the statement of the President of the Commission of the European Union that he had given the instruction above to the Members of the College of Commissioners of the EU by way of 'Presidential order', as he expressly stated in that speech to the plenary session of the European Parliament in Brussels on 28 June 2016 and as recorded on both the English and French language Commission Press Releases of that speech (SPEECH/16/2353), on the other hand, void pursuant to Article 264(1) TFEU; and
- order the Commission to pay the costs of these proceedings.

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 disputed measures have no, or no proper, legal basis.