

Order of the General Court of 5 February 2013 — BSI v Council

(Case T-551/11) ⁽¹⁾

(Action for annulment — Dumping — Extension of anti-dumping duty imposed on the imports of certain iron or steel fasteners originating in the People's Republic of China to imports of certain iron or steel fasteners consigned from Malaysia — Independent importer — Article 263, fourth paragraph of TFEU — Lack of individual concern — Legislative measure containing implementing measure — Inadmissible)

(2013/C 86/27)

Language of the case: Italian

Parties

Applicant: Brugola Service International Srl (BSI) (Cassano Magnago, Italy) (represented by: S. Bariatti and M. Farneti, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix and P. Mahnič Bruni, Agents, assisted initially by G. Berrisch and M. de Mörpurgo, then by G. Berrisch, lawyers)

Intervener in support of the defendant: European Commission (represented by: M. França and D. Grespan, Agents)

Re:

Application for annulment of Council Implementing Regulation (EU) No 723/2011 of 18 July 2011 extending the definitive anti-dumping duty imposed by Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People's Republic of China to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not (OJ 2011 L 194, p. 6).

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Brugola Service International Srl (BSI) is ordered to bear its own costs and to pay those incurred by the Council of the European Union.*
3. *The European Commission is ordered to bear its own costs.*

⁽¹⁾ OJ C 370, 17.12.2011.

Appeal brought on 8 January 2013 by Dana Mocová against the judgment of the Civil Service Tribunal of 13 June 2012 in Case F-41/11 Mocová v Commission

(Case T-347/12 P)

(2013/C 86/28)

Language of the case: French

Parties

Appellant: Dana Mocová (Prague, Czech Republic) (represented by: D. Abreu Caldas, S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the General Court should:

- Set aside the judgment of the Civil Service Tribunal (Third Chamber) of 13 June 2012 in Case F-41/11 *Dana Mocová v European Commission*;
- Annul the decision rejecting the request for renewal of the appellant's contract;
- Order the Commission to pay the costs of the proceedings at first instance and the appeal proceedings.

Pleas in law and main arguments

The appellant relies on two grounds of appeal.

1. First ground of appeal, alleging an error of law as regards the scope of the principle of legality, since the Civil Service Tribunal (CST) considered, first, that the reasons given by the authority empowered to conclude contracts of employment ('the AECE') at the stage at which the complaint was rejected can be substituted for and alter the reasons given when the appellant's request for extension of her contract as a member of the temporary staff was rejected and, second, that the reasoning is valid even though it is based on factors established after the contested measure was adopted. The appellant submits that:
 - if, in the present case, the appellant's contract was not renewed on account of the rule prohibiting cumulative periods of service of more than eight years, the AECE was not subsequently entitled to state, in its response to the complaint, that the contract had not been renewed on account of budgetary constraints, the appellant's merits and the interests of the service, and then go on to claim, before the Tribunal, that the only reason for non-renewal was budgetary constraints;