

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Third Chamber) of 11 February 2010 (Reference for a preliminary ruling from the Finanzgericht Düsseldorf — Germany) — Hoesch Metals and Alloys GmbH v Hauptzollamt Aachen**

(Case C-373/08) <sup>(1)</sup>

*(Community Customs Code — Article 24 — Non-preferential origin of goods — Origin-conferring processing or working — Silicon blocks originating in China — Separation, crushing and purification of the blocks and the sieving, sorting by size and packaging of the grains in India — Dumping — Validity of Regulation (EC) No 398/2004)*

(2010/C 80/03)

Language of the case: German

**Referring court**

Finanzgericht Düsseldorf

**Parties to the main proceedings**

Applicant: Hoesch Metals and Alloys GmbH

Defendant: Hauptzollamt Aachen

**Re:**

Reference for a preliminary ruling — Finanzgericht Düsseldorf (Germany) — Interpretation of Article 24 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Validity of Council Regulation (EC) No 398/2004 of 2 March 2004 imposing a definitive anti-dumping duty on imports of silicon originating in the People's Republic of China (OJ 2004 L 66, p. 15) — Meaning of 'substantial processing or working' conferring origin on a product — Cleaning and crushing of silicon metal blocks originating in China and sorting, separating and packaging of the silicon grains thus obtained

**Operative part of the judgment**

1. *The separation, crushing and purification of silicon metal blocks and the subsequent sieving, sorting and packaging of the silicon*

*grains resulting from the crushing, as carried out in the main proceedings, do not constitute origin-conferring processing or working for the purposes of Article 24 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.*

2. *The examination of the second question raised by the referring court has not revealed any factors of such a kind as to affect the validity of Council Regulation (EC) No 398/2004 of 2 March 2004 imposing a definitive anti-dumping duty on imports of silicon originating in the People's Republic of China.*

<sup>(1)</sup> OJ C 272, 25.10.2008.

**Judgment of the Court (Third Chamber) of 11 February 2010 (reference for a preliminary ruling from the Vestre Landsret — Denmark) — Ingeniørforeningen i Danmark, acting on behalf of Bertram Holst v Dansk Arbejdsgiverforening, acting on behalf of Babcock & Wilcox Vølund ApS**

(Case C-405/08) <sup>(1)</sup>

*(Social policy — Informing and consulting employees — Directive 2002/14/EC — Transposition of Directive 2002/14/EC by way of legislation and also by way of collective agreement — Effects of the collective agreement with regard to an employee who is not a member of the union which is a party to that agreement — Article 7 — Protection of employees' representatives — Requirement of more extensive protection against dismissal — No requirement)*

(2010/C 80/04)

Language of the case: Danish

**Referring court**

Vestre Landsret

**Parties to the main proceedings**

*Applicant:* Ingeniørforeningen i Danmark, acting on behalf of Bertram Holst

*Defendant:* Dansk Arbejdsgiverforening, acting on behalf of Babcock & Wilcox Vølund ApS

**Re:**

Reference for a preliminary ruling — Vestre Landsret — Interpretation of Article 7 of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community — Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ 2002 L 80, p. 29) — Implementation of the directive through a collective agreement — Effects of the collective agreement for an employee who is not a member of the union which concluded that agreement — Implementing legislation not providing for a higher standard of protection against dismissal than currently provided for, in respect of groups of employees not covered by the collective agreement

**Operative part of the judgment**

1. *Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community must be interpreted as not precluding its transposition by way of a collective agreement which results in a group of employees being covered by the agreement in question, even though the employees in that group are not members of the union which is a party to that agreement and their field of activity is not represented by that union, provided that the collective agreement is such as to guarantee to the employees coming within its scope effective protection of the rights conferred on them by Directive 2002/14.*
2. *Article 7 of Directive 2002/14 must be interpreted as not requiring that more extensive protection against dismissal be granted to employees' representatives. However, any measure adopted to transpose that directive, whether provided for by legislation or by collective agreement, must comply with the minimum protection threshold laid down in that Article 7.*

(<sup>1</sup>) OJ C 301, 22.11.2008.

**Judgment of the Court (Seventh Chamber) of 11 February 2010 — European Commission v Kingdom of Spain**

(Case C-523/08) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 2005/71/EC — Specific procedure for admitting third-country nationals for the purposes of scientific research — Failure to transpose within the prescribed period)*

(2010/C 80/05)

*Language of the case:* Spanish

**Parties**

*Applicant:* European Commission (represented by: M. Condou-Durande and M.-A. Rabanal Suárez, acting as Agents)

*Defendant:* Kingdom of Spain (represented by: B. Plaza Cruz, acting as Agent)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt within the prescribed period the provisions necessary to comply with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ 2005 L 289, p. 15)

**Operative part of the judgment**

*The Court:*

1. *Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, the Kingdom of Spain has failed to fulfil its obligations under that directive;*
2. *Orders the Kingdom of Spain to pay the costs.*

(<sup>1</sup>) OJ C 19, 24.01.2009.