

- annul Council Regulation (EC) No 1136/2006 <sup>(1)</sup> in so far as it imposes an anti-dumping duty on LAMs produced by the Appellant in excess of the amount of duty that would be payable if the contested adjustment to the export price had not been made; and
- order the Council to bear the costs of the present proceedings including the proceedings at first instance

#### Pleas in law and main arguments

The appellant submits that the contested judgment fails to give the correct legal effect to the notion of normal value as defined by Article 2(7)(a) of Council Regulation (EEC) No 384/96 <sup>(2)</sup>, as amended, on the protection against dumped imports from countries not members of the European Community. As a result, the contested judgment draws the erroneous conclusion that the analogue normal value determined in accordance with that provision necessarily corresponds to the point where the relevant products leave the production line in China, even though the contested judgment itself finds that SG&A for both domestic and export sales are incurred not by the company in China, but by related companies in a market economy country, Hong Kong. This erroneous conclusion leads the contested judgment to infringe Article 2(10) of Council Regulation (EEC) No 384/96, as amended, by upholding the Institutions' adjustment to the export price consisting in a deduction of the SG&A and profits of the related companies in Hong Kong.

<sup>(1)</sup> Council Regulation (EC) No 1136/2006 of 24 July 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of lever arch mechanisms originating in the People's Republic of China  
OJ L205 p.1

<sup>(2)</sup> OJ L56, p.1

#### Action brought on 10 December 2009 — European Commission v Hellenic Republic

(Case C-512/09)

(2010/C 37/31)

*Language of the case: Greek*

#### Parties

*Applicant:* European Commission (represented by: I. Dimitriou and A. Margelis, acting as Agents)

*Defendant:* Hellenic Republic

#### Form of order sought

The Court is asked to:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/66/EC <sup>(1)</sup> of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, or in any event by failing to communicate the measures concerned to the Commission, the Hellenic Republic has failed to fill its obligations under Article 26(1) of that directive;

- order the Hellenic Republic to pay the costs.

#### Pleas in law and main arguments

The period prescribed for transposing Directive 2006/66/EC into national law expired on 26 September 2008.

<sup>(1)</sup> OJ L 266 of 26.9.2006, p. 1.

#### Action brought on 11 December 2009 — European Commission v Kingdom of Belgium

(Case C-513/09)

(2010/C 37/32)

*Language of the case: French*

#### Parties

*Applicant:* Commission of the European Communities (represented by: V. Peere and A. Marghelis, acting as Agents)

*Defendant:* Kingdom of Belgium

#### Form of order sought

- Declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC <sup>(1)</sup> and, in any event, by failing to inform the Commission of those provisions, the Kingdom of Belgium has failed to fulfil its obligations under that directive;