

4. If the foregoing questions are answered in the affirmative, is Regulation No 164/2007 of 19 February 2007 fixing the production levies in the sugar sector for the 2005/2006 marketing year <sup>(3)</sup> invalid?

<sup>(1)</sup> Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector (OJ 2001 L 178, p. 1).

<sup>(2)</sup> Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector (OJ 2006 L 58, p. 1).

<sup>(3)</sup> OJ 2007 L 51, p. 17.

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**Action brought on 3 March 2015 — European Commission v Romania**

**(Case C-104/15)**

(2015/C 146/35)

*Language of the case: Romanian*

**Parties**

*Applicant:* European Commission (represented by: L. Nicolae, D. Loma-Osorio Lerena, acting as Agents)

*Defendant:* Romania

**Form of order sought**

- Declare that, by not adopting the necessary measures to prevent pollution from dust particles coming from the Bosneag pond extension belonging to the copper and zinc mining operations of Moldomin at Moldova Noua, Romania has failed to fulfil its obligations under Article 4 and Article 13(2) of Directive 2006/12/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC <sup>(1)</sup>;
- Order Romania to pay the costs.

**Pleas in law and main arguments**

The action brought by the European Commission against Romania concerns the failure by the Romanian authorities to adopt the measures necessary to prevent pollution from dust particles coming from one of the ponds of a copper mining operation.

The Commission submits that, by not adopting the measures necessary to prevent the spread of dust particles from the surface of the Bosneag pond extension, which damage human health and the environment, Romania has not complied with Article 4 and Article 13(2) of Directive 2006/21/EC. The Commission considers that Romania must ensure the protection of human health and the environment from any negative effect whatsoever — even though it enjoys a certain degree of flexibility as to the specific measures that it must adopt — if the requirements defined in Article 4 of Directive 2006/21/EC are to be respected. The Commission also considers that Article 13(2) of the directive imposes a specific obligation on the competent authority, that is to say, that authority must ensure that the operator takes adequate measures to prevent or reduce the dust.

The Commission relies in these proceedings on the report of the competent Romanian authority for environmental protection, on information from the press and on the responses provided by Romania in the pre-litigation proceedings, all of which go to show that, in the area of Moldova Noua, there is significant pollution from dust coming from the Bosneag pond extension which, particularly at times when the wind is stronger, has a harmful effect on the health of the local inhabitants and the environment.

Furthermore, the Commission argues that Romania cannot rely on purely internal situations, such as the privatisation of Moldomin and the future environmental obligations of a buyer, in order to justify non-fulfilment of the obligations under the directive.

<sup>(1)</sup> OJ L 102, p. 15.

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**Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 4 March 2015 —  
Kødbranchens Fællesråd acting on behalf of Århus Slagtehus A/S and Others v Ministeriet for  
Fødevarer, Landbrug og Fiskeri, Fødevarestyrelsen**

**(Case C-112/15)**

(2015/C 146/36)

*Language of the case: Danish*

**Referring court**

Østre Landsret

**Parties to the main proceedings**

*Applicants:* Kødbranchens Fællesråd acting on behalf of Århus Slagtehus A/S, Danish Crown A.m.b.A. Oksekødsdivisionen, Hadsund Kreaturslagteri A/S, Hjalmar Niensens Eksportslageri A/S, Kjellerup Eksportslagteri A/S, Mogens Nielsen Kreaturslagteri A/S, Vejle Eksportsla A/S

*Defendants:* 1. Ministeriet for Fødevarer, Landbrug og Fiskeri  
2. Fødevarestyrelsen

**Question referred**

Must Article 27(4)(a) of, read in conjunction with points 1 and 2 of Annex VI to Regulation (EC) No 882/2004 <sup>(1)</sup> of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, be interpreted as meaning that the Member States, in setting the fee charged to food establishments, are precluded from including expenditure for the salaries and training of the public-sector staff who are hired for the purpose of completing training which fulfils the requirements for 'official auxiliary': see Regulation (EC) No 854/2004 <sup>(2)</sup> of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, but who, prior to being accepted into the training or in the course of their training do not conduct meat inspections?

<sup>(1)</sup> OJ 2004 L 165, p. 1.

<sup>(2)</sup> OJ 2004 L 139, p. 206.

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**Action brought on 6 March 2015 — European Parliament v Council of the European Union**

**(Case C-116/15)**

(2015/C 146/37)

*Language of the case: French*

**Parties**

*Applicant:* European Parliament (represented by: F. Drexler, A. Caiola, M. Pencheva, acting as Agents)

*Defendant:* Council of the European Union