

*Pleas in law and main arguments adduced in support:*

The application is based on the following two grounds of annulment:

1. The investigation which has led to the imposition of an anti-dumping duty on RIMA was initiated in violation of Article 7 (1) of Regulation (EEC) No 2423/88 <sup>(2)</sup>, since the Commission did not have sufficient evidence of dumping and injury concerning imports of ferrosilicon from Brazil prior to the initiation of the investigation.
2. As RIMA did not export ferrosilicon to the Community during the investigation period, there is no valid basis for imposing an anti-dumping duty on RIMA especially since the initial (and only valid) investigation concerning RIMA's exports of ferrosilicon to the Community had shown that RIMA's exports were not dumped.

<sup>(1)</sup> Council Regulation (EC) No 3359/93, of 2 December 1993, imposing amended anti-dumping measures on imports of ferro-silicon originating in Russia, Kazakhstan, Ukraine, Iceland, Norway, Sweden, Venezuela and Brazil. OJ No L 302, 9.12. 1993, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2423/88, of 11 July 1988, on protection against dumped or subsidized imports from countries not members of the European Community. OJ No L 209, 2. 8. 1988, p. 1.

**Reference for a preliminary ruling by the Østre Landsret, by decision of that court of 8 March 1994 in the case of Haahr Petroleum Ltd v. Port of Aabenraa and Others (intervener: the Danish Ministry of Transport)**

(Case C-90/94)  
(94/C 120/29)

Reference has been made to the Court of Justice of the European Communities by a decision of the Østre Landsret (Eastern Regional Court) of 8 March 1994, which was lodged at the Court Registry on 15 March 1994, for a preliminary ruling in the case of Haahr Petroleum Ltd v. Port of Aabenraa and Others (intervener: the Danish Ministry of Transport) on the following questions:

1. Is the special 40 % import surcharge on the goods duty ordinarily levied to be regarded as coming under the EEC Treaty rules on the Customs Union, including Articles 9 to 13, or under Article 95 of that Treaty?
2. Are the EEC Treaty rules on the Customs Union, including Articles 9 to 13, or Article 95 of that Treaty to be understood as meaning that it is incompatible with those provisions to impose a special 40 % import surcharge on the goods duty ordinarily levied if that import surcharge is imposed exclusively on goods imported from outside Denmark?

3. If question 2 is answered in the affirmative, under what circumstances can such a duty be justified on the ground that it represents consideration for a service provided or on grounds of transport policy (Article 84 (2) of the EEC Treaty)?
4. If the special import surcharge is held to be incompatible with the EEC Treaty, does that finding apply to the whole of that surcharge levied since Denmark's accession to the EEC Treaty or does it apply only to the increase in the import surcharge which came into effect after the date specified?
5. If it is held that the import surcharge is incompatible with Community law, will the fact that a claim for reimbursement may be time-barred under national rules on limitation periods have the full or partial effect that the import surcharge cannot be reimbursed?

**Action brought on 17 March 1994 by the Commission of the European Communities against the Kingdom of the Netherlands**

(Case C-93/94)  
(94/C 120/30)

An action against the Kingdom of the Netherlands was brought before the Court of Justice of the European Communities on 17 March 1994 by the Commission of the European Communities, represented by Thomas van Rijn, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

1. declare that the Kingdom of the Netherlands has failed to fulfil its obligations under the EEC Treaty by failing to adopt the laws, regulations and administrative measures necessary to comply with Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC;
2. order the Kingdom of the Netherlands to pay the costs.

*Pleas in law and main arguments adduced in support:*

Pursuant to Articles 189 (third paragraph) and 5 (first paragraph) of the EEC Treaty, the Member States are required to take the necessary measures to transpose the directives addressed to them into national legislation within the prescribed period and to inform the Commission of such measures immediately. Although the period prescribed by the directive elapsed on 31 December 1991, the Kingdom of the Netherlands has still not brought into force the necessary measures.