

The Commission also complains that the Council has refused to adjust the correction coefficients which must be applied to the remuneration and pensions according to the different places of work or residence of the persons concerned. In the view of the applicant, it cannot be disputed that the 'decision' of the Council is entirely silent on that point, the reasoning underlying it referring exclusively to the 'exception clause' of Article 10 of Annex XI. The Council's attitude must therefore be regarded as an unlawful refusal to act.

⁽¹⁾ Council Decision 2011/866/EU of 19 December 2011 concerning the Commission's proposal for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto (OJ 2011 L 341, p. 54).

Reference for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 30 April 2012 — Billerud Karlsborg Aktiebolag, Billerud Skärblacka Aktiebolag v Naturvårdsverket

(Case C-203/12)

(2012/C 184/12)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Applicants: 1. Billerud Karlsborg Aktiebolag, 2. Billerud Skärblacka Aktiebolag

Defendant: Naturvårdsverket

Questions referred

1. Does Article 16(3) and (4) of Directive 2003/87 ⁽¹⁾ mean that an operator who has not surrendered a sufficient number of emission allowances by 30 April must pay a penalty regardless of the cause of the omission, for example, where, although the operator had a sufficient number of emission allowances on 30 April, as a result of an oversight, an administrative error or a technical problem it did not surrender them then?

2. If Question 1 is answered in the affirmative, does Article 16(3) and (4) of Directive 2003/87 mean that the penalty will or may be waived or reduced for example in the circumstances described in Question 1?

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, p. 32).

Appeal brought on 9 May 2012 by Grazer Wechselseitige Versicherung AG against the judgment of the General Court (Sixth Chamber) delivered on 28 February 2012 in Case T-282/08 Grazer Wechselseitige Versicherung AG v European Commission

(Case C-215/12 P)

(2012/C 184/13)

Language of the case: German

Parties

Appellant: Grazer Wechselseitige Versicherung AG (represented by: H. Wollmann, Rechtsanwalt)

Other party to the proceedings: European Commission

Form of order sought

1. Set aside the judgment under appeal;
2. give final judgment itself in the matter and annul Commission Decision 2008/719/EC of 30 April 2008 on State aid C 56/06 (ex NN 77/06) implemented by Austria for the privatisation of Bank Burgenland (OJ 2008 L 239, p. 32) and order the European Commission to pay the costs of the proceedings before the General Court and the Court of Justice;
3. in the alternative to the claim at point 2 above, refer the case back to the General Court and reserve costs.

Pleas in law and main arguments

The present appeal has been brought against the judgment of the General Court of 28 February 2012 in Case T-282/08 *Bank Burgenland*. The appellant challenges the General Court's decision in its entirety. According to the appellant, the judgment under appeal is vitiated by procedural errors as a result of which the appellant's interests were prejudiced. Moreover, the General Court infringed European Union law ('EU law') in several respects in its decision. The appellant submits the following grounds of appeal.