

Judgment of the Court of First Instance of 23 November 2005 — United Kingdom v Commission

(Case T-178/05) ⁽¹⁾

(Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Proposed amendment to national allocation plan — Refusal by the Commission — Action for annulment)

(2006/C 22/27)

Language of the case: English

Parties

Applicant(s): United Kingdom of Great Britain and Northern Ireland (represented by: initially, C. Jackson, Agent, M. Hoskins, barrister, then R. Caudwell, Agent, and M. Hoskins)

Defendant(s): Commission of the European Communities (represented by: U. Wölker and X. Lewis, Agents)

Application for

annulment of Commission Decision C(2005) 1081 final of 12 April 2005 concerning the proposed amendment to the national allocation plan for the allocation of greenhouse gas emission allowances notified by the United Kingdom in accordance with Directive 2003/87/EC of the European Parliament and of the Council

Operative part of the judgment

The Court:

1) *Annuls Commission Decision C(2005) 1081 final of 12 April 2005 concerning the proposed amendment to the national allocation plan for the allocation of greenhouse gas emission allowances notified by the United Kingdom of Great Britain and Northern Ireland;*

2) *Orders the Commission to pay the costs.*

⁽¹⁾ OJ C 155, 25.6.2005.

Action brought on 27 October 2005 — Mecklenburg-Strelitzer Montage- und Tiefbau v Commission

(Case T-392/05)

(2006/C 22/28)

Language of the case: German

Parties

Applicant: Mecklenburg-Strelitzer Montage- und Tiefbau GmbH (Neustrelitz, Germany) (represented by: M. Grehsin, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

— annul the Decision of the Commission of 5 March 2003 (document number C(2003) 519) in so far as the Land guidelines of the Land of Mecklenburg-Western Pomerania have, according to Article 1(3) of the Decision, been qualified as illegal State aid within the meaning of Article 87(1) EC as regards subprogramme C (shared offices abroad) in the territory of 'official candidates for accession'.

Pleas in law and main arguments

In the contested Decision the Commission found that the guidelines of the Land of Mecklenburg-Western Pomerania for the granting of aid to promote the sale and export of products from Mecklenburg-Western Pomerania constitute State aid within the meaning of Article 87(1) EC, in so far as they grant assistance that does not fall within the scope of Regulation (EC) No 69/2001 ⁽¹⁾. According to the Commission there is also State aid if provision has been made for the granting of aid in respect of export measures to countries which have the official status of candidates for accession to the European Union.

The applicant maintains that the contested Decision is unlawful as the defendant has equated an official candidate for accession with a Member State of the European Union and consequently applied the rules relating to the common market. Furthermore, in the view of the applicant, the aid scheme does not infringe Regulation (EC) No 69/2001 or Regulation (EC) No 70/2001 ⁽²⁾. Finally, the applicant claims that the contested Decision is unintelligible. In this connection it observes that the notification procedure should not apply to *de minimis* aid.

⁽¹⁾ Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid.

⁽²⁾ Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises.