

**Order of the Court of First Instance of 1 October 2007 —
U.S. Steel Košice v Commission**

(Case T-27/07) ⁽¹⁾

(Action for annulment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — National allocation plan for emission allowances for Slovakia in respect of the period from 2008 to 2012 — Commission rejection decision — Lack of direct concern — Inadmissibility)

(2007/C 297/85)

Language of the case: English

Parties

Applicant: U.S. Steel Košice s.r.o. (Košice, Slovakia) (represented by: E. Vermulst, Lawyer, and C. Thomas, Solicitor)

Defendant: Commission of the European Communities (represented by: D. Lawunmi and U. Wölker, Agents)

Re:

Annulment of the Commission's Decision of 29 November 2006 on the national allocation plan for the allocation of emissions allowances for greenhouse gases notified by the Slovak Republic for the period from 2008 to 2012, in accordance with Directive 2003/87/EC of the European Parliament and of the Council (OJ 2003 L 275, p. 32).

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *U.S. Steel Košice s.r.o shall pay the costs.*

⁽¹⁾ OJ C 69, 24.3.2007.

Action brought on 26 September 2007 — Germany v Commission

(Case T-376/07)

(2007/C 297/86)

Language of the case: German

Parties

Applicant: Republic of Germany (represented by: M. Lumma and J. Möller)

Defendant: Commission of the European Communities

Form of order sought

- annul Commission Decision C(2007) 3226 of 18 July 2007 concerning an order to provide information in relation to MX 19/2006 — Monitoring of State aid scheme XS 24/2002 — Financing of business start-ups and growth ('GuW') — Germany and MX 9/2006 — Monitoring of State aid scheme XS 29/2002 — Guidelines for implementing the Bavarian regional aid programme for industry and commerce — Germany;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant seeks the annulment of Commission Decision C(2007) 3226 final of 18 July 2007 concerning an order to provide information pursuant to Article 9 of Regulation (EC) No 70/2001 ⁽¹⁾ in relation to State aid schemes XS 24/2002 and XS 29/2002.

In support of its application, the applicant submits first that the contested decision infringes Regulation (EC) No 994/98 ⁽²⁾. The applicant submits in this regard that by making this request for information, the Commission is carrying out an *ex-post* control without cause. According to the applicant, that control goes beyond the authority which Regulation No 994/98 confers on the defendant, which provides that the Commission has the right to request information only if it harbours doubts concerning the proper implementation of a group exemption regulation.