

**Judgment of the Court of First Instance of 1 July 2009 —
ISD Polska and Others v Commission**

(Joined Cases T-273/06 and T-297/06) ⁽¹⁾

(State aid — Scheme for restructuring aid granted by the Republic of Poland to a steel producer — Decision declaring the aid to be in part incompatible with the common market and ordering its recovery — Protocol No 8 on the restructuring of the Polish steel industry — Actions for annulment — Right of action — Period within which proceedings must be brought — Admissibility — Legitimate expectations — Article 14(1) of Regulation (EC) No 659/1999 — Rate of interest to be applied to the repayment of incompatible aid — Duty to cooperate closely with the Member State — Compound interest rate — Articles 9(4) and 11(2) of Regulation (EC) No 794/2004)

(2009/C 193/23)

Language of the case: French

Parties

Applicants in Case T-273/06: ISD Polska sp. z o.o. (Warsaw Poland) and Industrial Union of Donbass Corp. (Donetsk Ukraine) (represented: initially by C. Rapin and E. Van den Haute, and subsequently by C. Rapin, E. Van den Haute and C. Pétermann, lawyers)

Applicant in Case T-297/06: ISD Polska sp. z o.o. (formerly Majątek Hutniczy sp. z o.o.) (Warsaw) (represented: initially by C. Rapin and E. Van den Haute, and subsequently by C. Rapin, E. Van den Haute and C. Pétermann, lawyers)

Defendant: Commission of the European Communities (represented by: C. Giolito and A. Stobiecka-Kuik, Agents)

Re:

Partial annulment of Commission Decision 2006/937/EC of 5 July 2005 on State aid C 20/04 (ex NN 25/04) in favour of Huta Częstochowa S.A. (OJ 2006 L 366, p. 1) to the extent to which it declares some of that aid to be incompatible with the common market and orders the Republic of Poland to effect its recovery.

Operative part of the judgment

The Court:

1. Dismisses the actions;

2. Orders ISD Polska sp. z o.o. and Industrial Union of Donbass Corp. to pay the costs.

⁽¹⁾ OJ C 294, 2.12.2006.

**Judgment of the Court of First Instance of 1 July 2009 —
Regionalny Fundusz Gospodarczy v Commission**

(Case T-288/06) ⁽¹⁾

(State aid — Scheme for restructuring aid granted by the Republic of Poland to a steel producer — Decision declaring the aid to be in part incompatible with the common market and ordering its recovery — Protocol No 8 on the restructuring of the Polish steel industry — Rate of interest to be applied for the repayment of incompatible aid — Duty to cooperate closely with the Member State — Articles 9(4) and 11(2) of Regulation (EC) No 794/2004)

(2009/C 193/24)

Language of the case: Polish

Parties

Applicant: Regionalny Fundusz Gospodarczy S.A. (formerly Huta Częstochowa S.A.) (Częstochowa, Poland) (represented by: C. Sadkowski and D. Sałajewski, lawyers)

Defendant: Commission of the European Communities (represented by: C. Giolito and A. Stobiecka-Kuik, Agents)

Re:

Partial annulment of Commission Decision 2006/937/EC of 5 July 2005 on State aid C 20/04 (ex NN 25/04) in favour of Huta Częstochowa S.A. (OJ 2006 L 366, p. 1) to the extent to which it declares some of that aid to be incompatible with the common market and orders the Republic of Poland to effect its recovery.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Regionalny Fundusz Gospodarczy S.A. to pay the costs.

⁽¹⁾ OJ C 294, 2.12.2006.