

**Re:**

Application for annulment of Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27) in so far as Article 1(1) thereof rejects granting the applicant the supplementary quotas requested for the third trading period of the 2013 to 2020 emissions trading on the basis of the hardship clause under Paragraph 9(5) of the Treibhausgas-Emissionshandelsgesetz (German Law on Greenhouse Gas Emissions Trading) of 21 July 2011.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Molda AG to pay the costs.

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(<sup>1</sup>) OJ C 31, 1.2.2014.

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**Judgment of the General Court of 26 September 2014 — DK Recycling und Roheisen v Commission  
(Case T-630/13) (<sup>1</sup>)**

**(Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Transitional rules for harmonised free allocation of emission allowances from 2013 — Decision 2011/278/EU — National implementation measures presented by Germany — Clause relating to extremely difficult cases — Freedom to conduct a business — Right to property — Proportionality)**

(2014/C 395/60)

*Language of the case: German*

**Parties**

*Applicant:* DK Recycling und Roheisen GmbH (Duisburg, Germany) (represented by: S. Altenschmidt, lawyer)

*Defendant:* European Commission (represented by: E. White, C. Hermes and K. Herrmann, acting as Agents)

**Re:**

Application for annulment of Article 1(1) of Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27) in so far as Article 1(1) thereof, read in conjunction with Annex I, Point A thereto, rejects the inscription of the installation with the identification codes DE000000000001320 and DE-new-14220-0045 on the list of installations provided for in Article 11(1) of 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 2003 L 275, p. 32), and the preliminary total annual amounts of emission allowances to be allocated for free to those installations.

**Operative part of the judgment**

*The Court:*

1. Annuls Article 1(1) of Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council in so far as it rejects the free allocation of emission allowances for the installations listed in Annex I, Point D to that decision on the basis of a process emissions sub-installation for the production of zinc in the blast furnace and related processes;

2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

<sup>(1)</sup> OJ C 31, 1.2.2014.

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**Judgment of the General Court of 26 September 2014 — Raffinerie Heide v Commission**

(Case T-631/13) <sup>(1)</sup>

**(Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Transitional rules for harmonised free allocation of emission allowances from 2013 — Decision 2011/278/EU — National implementation measures presented by Germany — Clause relating to extremely difficult cases — Freedom to conduct a business — Right to property — Proportionality)**

(2014/C 395/61)

Language of the case: German

**Parties**

*Applicant:* Raffinerie Heide GmbH (Hemmingstedt, Germany) (represented by: U. Karpenstein, lawyer)

*Defendant:* European Commission (represented by: E. White, C. Hermes and K. Herrmann, acting as Agents)

**Re:**

Application for annulment of Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27) in so far as Article 1(1) thereof, read in conjunction with Annex I, Point A thereto, rejects the inscription of the installation with the identification code DE000000000000010 on the list of installations provided for in Article 11(1) of 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 2003 L 275, p. 32), and the preliminary total annual amounts of emission allowances to be allocated for free to that installation

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Raffinerie Heide GmbH to pay the costs.

<sup>(1)</sup> OJ C 31, 1.2.2014.

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**Judgment of the General Court of 26 September 2014 — Arctic Paper Mochenwangen v Commission**

(Case T-634/13) <sup>(1)</sup>

**(Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Transitional rules concerning the harmonised allocation of emission allowances free of charge as from 2013 — Decision 2011/278/EU — National implementation measures submitted by Germany — Clause on cases with undue hardship — Freedom to conduct a business — Right to property — Proportionality)**

(2014/C 395/62)

Language of the case: German

**Parties**

*Applicant:* Arctic Paper Mochenwangen GmbH (Wolpertswende, Germany) (represented by: S. Kobes, lawyer)