

**Order of the Court of First Instance of 6 October 2008 —
Austrian Relief Programm v Commission**

(Case T-235/06) ⁽¹⁾

(Application for annulment — Community financing of a project for the improvement of living standards to promote the return of refugees and displaced persons — Arbitration clause — Debit note — Inadmissible)

(2008/C 327/46)

Language of the case: German

Parties

Applicant: Austrian Relief Program — Verein für Not- und Katastrophenhilfe (Innsbruck, Austria) (represented by: C. Leyrouz, lawyer)

Defendant: Commission of the European Communities (represented by: M. Šimdová, agents, assisted by R. Bierwagen, lawyer)

Re:

Application for annulment of the debit note of 4 May 2006 by which the Commission sought repayment from the applicant of sums paid in performance of the contract concerning Community financing of the project 'Republika Srpska 1998: Improvement of living standards to promote the return of refugees and displaced persons' (Contract RE/YOU/03/04/98), concluded within framework of the Obnova programme.

Operative part of the order

1. *The application is dismissed;*
2. *Austrian Relief Program — Verein für Not- und Katastrophenhilfe is ordered to pay the costs.*

⁽¹⁾ OJ C 261, 28.10.2006.

**Order of the Court of First Instance of 20 October 2008 —
BOT Elektrownia Bełchatów and Others v Commission**

(Case T-208/07) ⁽¹⁾

(Action for annulment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — National allocation plan in respect of emission allowances for Poland for the period from 2008 to 2012 — Decision by the Commission not to raise objections subject to certain conditions — Competence of Member States in the individual allocation of emission allowances — Lack of direct concern — Inadmissibility)

(2008/C 327/47)

Language of the case: English

Parties

Applicants: BOT Elektrownia Bełchatów S.A. (Rogowiec, Poland); BOT Elektrownia Turów S.A. (Bogatynia, Poland); BOT Elektrownia Opole S.A. (Brzezie, Poland); Elektrownia 'Kozienice' S.A. (Świerże Górne, Poland); Elektrownia Połaniec S.A. — Grupa Electrabel Polska (Połaniec, Poland); Elektrownia 'Rybnik' S.A. (Rybnik, Poland); Elektrownia Skawina S.A. (Skawina, Poland); Elektrownia 'Stalowa Wola' S.A. (Stalowa Wola, Poland); Południowy Koncern Energetyczny S.A. (Katowice, Poland); Zespół Elektrowni Dolna Odra S.A. (Nowe Czarnowo, Poland); Zespół Elektrowni Ostrołęka S.A. (Ostrołęka, Poland); and Zespół Elektrowni Pątnów-Adamów-Konin S.A. (Konin, Poland) (represented by: B. Krużewski, M. Ciemiński, J. Młot-Schönthaler, N. Dodoo and S. Boullart, lawyers)

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

Interveners in support of the applicants: Elektrociepłownia 'Będzin' S.A. (Będzin, Poland); Zespół Elektrociepłowni Bydgoszcz S.A. (Bydgoszcz, Poland); Zespół Elektrociepłowni Bytom S.A. (Bytom, Poland); Elektrociepłownia Białystok S.A. (Białystok, Poland); Elektrociepłownia 'Gorzów S.A.' (Gorzów, Poland); Elektrociepłownia Kalisz-Piwonice S.A. (Kalisz, Poland); Elektrociepłownia 'Kraków' S.A. (Kraków, Poland); Dalkia Łódź S.A. (Łódź, Poland); Dalkia Poznań Zespół Elektrociepłowni S.A. (Poznań, Poland); Elektrociepłownia Tychy S.A. (Tychy, Poland); Zespół Elektrociepłowni Wrocławskich Kogeneracja S.A. (Wrocław, Poland); Elektrociepłownie Wybrzeże S.A. (Gdańsk, Poland); Elektrociepłownia Zabrze S.A. (Zabrze, Poland); and Elektrociepłownia 'Zielona Góra' S.A. (Zielona Góra, Poland) (represented by: B. Krużewski, M. Ciemiński, J. Młot-Schönthaler, N. Dodoo and S. Boullart, lawyers)

Re:

Application for annulment of Commission Decision C(2007) 1295 final of 26 March 2007 concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by the Republic of Poland for the period from 2008 to 2012 in accordance with 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).