

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Second Chamber) of 29 March 2012 — European Commission v Republic of Poland, Hungary, Republic of Lithuania, Slovak Republic, United Kingdom of Great Britain and Northern Ireland**(Case C-504/09 P) <sup>(1)</sup>

**(Appeal — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme — National allocation plan for emission allowances for the Republic of Poland for the period 2008 to 2012 — Article 9(1) and (3) and Article 11(2) of Directive 2003/87 — Respective competences of the Commission and the Member States — Equal treatment)**

(2012/C 151/02)

Language of the case: Polish

**Parties**

**Appellant:** European Commission (represented by: E. Kružíková and K. Herrmann and by E. White, acting as Agents)

**Intervener in support of the Commission:** Kingdom of Denmark (represented by: C. Vang, acting as Agent)

**Other parties to the proceedings:** Republic of Poland (represented by M. Szpunar, M. Nowacki and B. Majczyna, acting as Agents), Hungary, Republic of Lithuania, Slovak Republic, United Kingdom of Great Britain and Northern Ireland (represented by: H. Walker, acting as Agent, assisted by J. Maurici, Barrister)

**Interveners in support of the Republic of Poland:** Czech Republic (represented by: M. Smolek and D. Hadroušek, acting as Agents), Romania (represented by V. Angelescu and A. Cazacioc, advisers)

**Re:**

Appeal against the judgment delivered by the General Court (Second Chamber) on 23 September 2009 in Case T-183/07 Poland v Commission, by which that Court annulled 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 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) — *Ne ultra petita* principle — Limits of judicial review — Infringement of Article 48(2) of the Rules of Procedure of the General Court — Misinterpretation of Article 296 TFEU, of Article 9(3) of Directive 2003/87/EC and of Articles 1(1), 2(1) and 3(1) of Commission Decision C(2007) 1295 final

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders the European Commission to pay the costs;
3. Orders the Czech Republic, the Kingdom of Denmark, Romania and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

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<sup>(1)</sup> OJ C 51, 27.2.2010.

**Judgment of the Court (Second Chamber) of 29 March 2012 — European Commission v Republic of Estonia, Republic of Lithuania, Slovak Republic, United Kingdom of Great Britain and Northern Ireland**(Case C-505/09 P) <sup>(1)</sup>

**(Appeal — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme — National allocation plan for emission allowances for the Republic of Estonia for the period 2008 to 2012 — Respective competences of the Commission and the Member States — Article 9(1) and (3) and Article 11(2) of Directive 2003/87 — Equal treatment — Principle of sound administration)**

(2012/C 151/03)

Language of the case: Estonian

**Parties**

**Appellant:** European Commission (represented by: E. Kružíková and E. Randvere and by E. White, acting as Agents)