



C/2024/551

8.1.2024

Order of the General Court of 6 September 2023 — Gaz-System v ACER

(Case T-212/20) ⁽¹⁾

(Action for annulment — Energy — Regulation (EU) 2017/459 — Capacity allocation mechanisms in gas transmission systems — Selection of gas transmission capacity booking platforms — ACER decision in the absence of agreement between the national regulatory authorities — Selection procedure by ACER — Conditions for ACER to resume the proceedings after referral back by the Board of Appeal — Scope and intensity of the Board of Appeal's review of the legality of ACER decisions — Manifestly well-founded action)

(C/2024/551)

Language of the case: English

Parties

Applicant: Operator Gazociągów Przesyłowych Gaz-System S.A. (Warsaw, Poland) (represented by: E. Buczkowska and M. Trepka, lawyers,)

Defendant: European Union Agency for the Cooperation of Energy Regulators (ACER), (represented by: P. Martinet and S. Vaona, acting as Agents, and by E. Ameye, M. Sousa Ferro and E. Abril Fernández, lawyers)

Intervener in support of the applicant: Republic of Poland (represented by B. Majczyna, acting as Agent)

Re:

By its action under Article 263 TFEU, the applicant asks the General Court to annul Decision No A-006-2019 of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators (ACER) ('the Board of Appeal') of 7 February 2020.

Operative part of the order

1. Decision No A-006-2019 of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators (ACER) of 7 February 2020 is annulled.
2. ACER is ordered to pay the costs.

⁽¹⁾ OJ C 191, 8.6.2020.