

**Order of the Court of First Instance of 23 September 2008
— Cementownia ‘Warta’ S.A. v Commission of the
European Communities**

(Case T-198/07) ⁽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 301/64)

Language of the case: Polish

Parties

Applicant: Cementownia ‘Warta’ S.A. (Trębaczewo, Poland) (represented by: P.K. Rosiak and F. Puel, lawyers)

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

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).

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Cementownia ‘Warta’ S.A. shall bear its own costs and pay those of the Commission.*

⁽¹⁾ OJ C 170, 21.7.2007.

**Order of the Court of First Instance of 23 September 2008
— Cementownia ‘Odra’ v Commission**

(Case T-199/07) ⁽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 301/65)

Language of the case: Polish

Parties

Applicant: Cementownia ‘Odra’ S.A. (Opole, Poland) (represented by: P.K. Rosiak and F. Puel, lawyers)

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

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).

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Cementownia ‘Odra’ S.A. shall bear its own costs and pay those incurred by the Commission.*

⁽¹⁾ OJ C 170, 21.7.2007.