

**Order of the Court of First Instance (Second Chamber) of 20 October 2008 – BOT Elektrownia  
Belchatów and Others v Commission**

**(Case T-208/07)**

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

*Actions for annulment – Natural or legal persons – Measures of direct and individual concern to them –  
Whether directly concerned – Criteria (Arts 175 EC, 176 EC and 230, para. 4, EC; European Parliament  
and Council Directive No 2003/87, Arts 9 and 11) (see paras 28-55)*

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).

**ive part**

The Court:

1. Dismisses the action as inadmissible.
2. Orders BOT Elektrownia Belchatów S.A., BOT Elektrownia Turów S.A., BOT Elektrownia Opole S.A., Elektrownia ‘Kozienice’ S.A., Elektrownia Połaniec S.A. – Grupa Electrabel Polska, Elektrownia ‘Rybnik’ S.A., Elektrownia Skawina S.A., Elektrownia ‘Stalowa Wola’ S.A., Południowy Koncern Energetyczny S.A., Zespół Elektrowni Dolna Odra S.A., Zespół Elektrowni Ostrołęka S.A. and Zespół Elektrowni Pątnów-Adamów-Konin S.A. to bear their own costs and pay those incurred by the Commission.
3. Orders Elektrociepłownia ‘Będzin’ S.A., Zespół Elektrociepłowni Bydgoszcz S.A., Zespół Elektrociepłowni Bytom S.A., Elektrociepłownia Białystok S.A., Elektrociepłownia ‘Gorzów S.A.’, Elektrociepłownia Kalisz-Piwonice S.A., Elektrociepłownia ‘Kraków’ S.A., Dalkia Łódź S.A., Dalkia Poznań Zespół Elektrociepłowni S.A., Elektrociepłownia Tychy S.A., Zespół Elektrociepłowni Wrocławskich Kogeneracja S.A., Elektrociepłownie Wybrzeże S.A., Elektrociepłownia Zabrze S.A. and Elektrociepłownia ‘Zielona Góra’ S.A. to bear their own costs.