



Council of the
European Union

Brussels, 13 September 2023
(OR. en)

12905/23

LIMITE

**JUR 520
ENV 983
CLIMA 394
ENER 488**

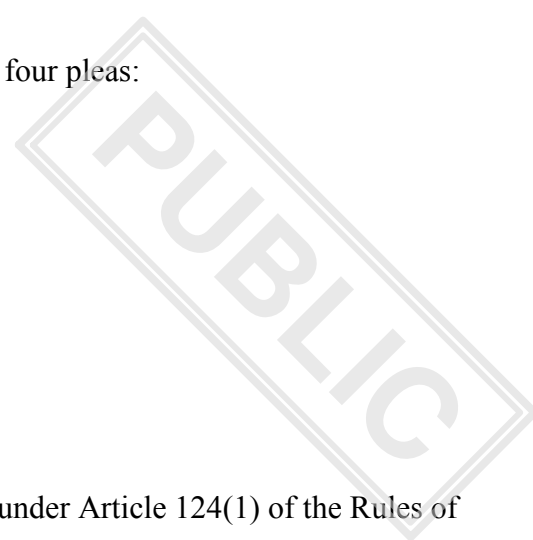
INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 1)
Subject:	Case brought before the Court of Justice <ul style="list-style-type: none">• Case C-445/23 Poland / Parliament and Council• Action for annulment of the Decision 2023/852 amending Decision (EU) 2015/1814 as regards the number of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading system until 2030

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (28.09.2023)

1. By an application notified to the Council on 25 July 2023, the Republic of Poland has brought an action, pursuant to Article 263 TFEU, for the annulment of Decision (EU) 2023/852 of the European Parliament and of the Council of 19 April 2023 amending Decision (EU) 2015/1814 as regards the number of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading system until 2030.
2. This follows an application notified to the Council on 19 July 2023 by the Republic of Poland seeking the suspension of the application of that decision (Case C-445/23-R)¹.

¹ See doc ST 12046/23.



3. In support of its application, the applicant submits four pleas:
 - Incorrect legal basis;
 - Breach of the principle of energy solidarity;
 - Breach of Article 3 TEU;
 - Breach of the principle of proportionality.
4. As one of the defendants, the Council is required, under Article 124(1) of the Rules of Procedure of the Court of Justice, to lodge a defence within two months of the notification of the application.
5. The Director-General of the Legal Service has appointed **DELETED**, **DELETED**, **DELETED** and **DELETED**, legal advisers in the Council Legal Service, as the Council's agents in this case.
