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LIMITE

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INFORMATION NOTE

From: Legal Service

To: Permanent Representatives Committee (Part 1)

Subject: Case brought before the Court of Justice

- Case C-451/23 Poland / Parliament and Council
- Action for the annulment of Regulation (EU) 2023/857 amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and Regulation (EU) 2018/1999

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (28.09.2023)

1. By an application notified to the Council on 26 July 2023, the Republic of Poland has brought an action, pursuant to Article 263 TFEU, for the annulment of Regulation (EU) 2023/857 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and Regulation (EU) 2018/1999.
2. In support of its application, the applicant submits four pleas:
 - Incorrect legal basis;
 - Breach of the principle of energy solidarity;
 - Breach of the principle of proportionality;
 - Breach of the principle of sincere cooperation.

3. 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.
4. 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.
