

Appeal brought on 24 August 2009 by the Republic of Poland against the order made by the Court of First Instance (First Chamber, Extended Composition) on 10 June 2009 in Case T-258/04 Poland v Commission

(Case C-336/09 P)

(2009/C 282/40)

Language of the case: Polish

Parties

Appellant: Republic of Poland (represented by: M. Dowgielewicz, acting as Agent)

Other parties to the proceedings: Commission of the European Communities, Republic of Cyprus

Form of order sought

— set aside in its entirety the order of the Court of First Instance of the European Communities of 10 June 2009 in Case T-258/04 *Poland v Commission*;

— annul Article 5, Article 6(1), (2) and (3), Article 7(1) and Article 8(2)(a) of Commission Regulation (EC) No 60/2004 of 14 January 2004 laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;⁽¹⁾

— order the Commission of the European Communities to pay the costs of the proceedings before the Court of First Instance and the Court of Justice;

— hear the appeal sitting as the Grand Chamber.

Pleas in law and main arguments

— erroneous interpretation of Regulation No 1 of the Council determining the languages to be used by the European Economic Community⁽²⁾ and of the Treaty of Accession, by finding that the period for bringing an action for annulment of Regulation No 60/2004 began to run on the day upon which the regulation was published in the official languages of the Community of 15, and therefore before publication was completed in the official languages of the enlarged Community,

— erroneous interpretation of the fourth paragraph of Article 230 EC, by finding that the Republic of Poland could effectively bring an action for annulment of Regulation

No 60/2004 before it acceded to the European Union, acting under that provision as a legal person,

— breach of the principle of a Community governed by the rule of law and of the principle of effective judicial protection, by denying the Republic of Poland the right to submit the legality of Regulation No 60/2004 for judicial review, despite the fact that that regulation was addressed to the Republic of Poland as a Member State,

— breaches of the principle of solidarity and the principle of good faith, by denying the Republic of Poland the right to submit for judicial review the legality of a measure which altered the conditions of its accession to the European Union and infringed the balance of rights and obligations that result from membership of the Community,

— procedural breaches in the proceedings before the Court of First Instance, through the failure to hear arguments of the Republic of Poland relating to breach of the principle of solidarity and the principle of good faith, and a lack of sufficient reasoning in the contested order.

⁽¹⁾ OJ 2004 L 9, p. 8.

⁽²⁾ OJ, English Special Edition 1952-1958, p. 59.

Appeal brought on 20 August 2009 by Council of the European Union against the judgment of the Court of First Instance (Fourth Chamber) delivered on 17 June 2009 in Case T-498/04: Zhejiang Xinan Chemical Industrial Group Co. Ltd v Council of the European Union

(Case C-337/09 P)

(2009/C 282/41)

Language of the case: English

Parties

Appellant: Council of the European Union (represented by: J.-P. Hix, Agent, G. Berrisch, Rechtsanwalt and G. Wolf, Rechtsanwalt)

Other parties to the proceedings: Zhejiang Xinan Chemical Industrial Group Co. Ltd, Commission of the European Communities, Association des Utilisateurs et Distributeurs de l'AgroChimie Européenne (Audace)