

ORDER OF THE PRESIDENT OF THE SIXTH CHAMBER OF THE COURT OF FIRST  
INSTANCE

14 April 2008(\*)

(Removal from the register)

In Case T-142/06,

**Elektrociepłownia “Zielona Góra” SA**, established in Zielona Góra (Poland), represented  
by M. Powell, Solicitor, C. Arhold and K. Struckmann, lawyers,

applicant,

v

**Commission of the European Communities**, represented by N. Khan and T. Scharf, acting  
as Agents,

defendant,

APPLICATION for annulment of the Commission’s decision of 23 November 2005 to initiate  
the procedure laid down in Article 88(2) of the EC Treaty in respect of power purchase  
agreements (‘PPAs’) concluded between the State-owned network operator ‘PSE’ and certain  
power generators at a date prior to Poland’s accession to the European Union [State Aid No C  
43/2005 (ex NN 99/2005) – Polish Stranded Costs] (OJ 2006 C 52, p. 8).

1 By letter lodged at the Registry of the Court of First Instance on 14 February 2008, the  
applicant informed the Court in accordance with Article 99 of the Rules of Procedure of the  
Court of First Instance that it wished to discontinue proceedings.

2 By letter lodged at the Registry of the Court on 11 March 2008, the defendant informed  
the Court that it had no objection to the discontinuance and requested that, in accordance with  
Article 87(5) of the Rules of Procedure, the applicant be ordered to pay the costs.

3 The first subparagraph of Article 87(5) of the Rules of Procedure provides that a party  
who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have  
been applied for in the observations of the other party on the discontinuance. In the present  
case, the defendant applied for the applicant to bear the costs.

4 It is, therefore, appropriate to order that the applicant bears its own costs and the costs incurred by the defendant.

5 Accordingly, there is no need to rule upon the application for leave to intervene lodged on 18 September 2006 by Elektrociepłownia “Kraków” Spółka Akcyjna in support of the form of order sought by the applicant.

On those grounds,

THE PRESIDENT OF THE SIXTH CHAMBER OF THE COURT OF FIRST INSTANCE

hereby orders:

1. **Case T-142/06 is removed from the register of the Court of First Instance.**
2. **The applicant shall bear its own costs and the costs incurred by the defendant.**
3. **There is no need to rule upon the application of Elektrociepłownia “Kraków” Spółka Akcyjna for leave to intervene.**

Luxembourg, 14 April 2008.

E. Coulon

A. W. H. Meij

Registrar

President

\* Language of the case: English.