

- in applying its own method, the Commission has infringed the principle of non-discrimination;
- the Commission has failed to comply with Article 9(3) of Directive 2003/87/EC and Article 253 EC, in that it has failed to give adequate reasons for decision C(2007) 5240 final.

(¹) 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).

- the Commission has applied a method wholly lacking in transparency for the purposes of determining the overall volumes of the emission quotas, thus infringing not only Article 9(1) of Directive 2003/87/EC, but also Article 9(3) thereof;
- in applying its own system, the Commission has infringed the principle of non-discrimination;
- the Commission has failed to comply with Article 9(3) of Directive 2003/87/EC and Article 253 EC, in that it has failed to give adequate reasons for decision C(2007) 5253 final.

(¹) 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).

Action brought on 22 December 2007 — Romania v Commission of the European Communities

(Case T-484/07)

(2008/C 51/103)

Language of the case: Romanian

Parties

Applicant: Romania (represented by: Aurel Ciobanu-Dordea, Agent, Emilia Gane and Dumitra Mereuță, Advisers)

Defendant: Commission of the European Communities

Forms of order sought

The applicant claims that the Court of First Instance should:

- Annul the Commission's decision (C(2007) 5253 final) of 26 October 2007 concerning the national allocation plan for greenhouse gas emission certificates for the period 2008-2012, notified by Romania pursuant to Directive 2003/87/EC of the European Parliament and of the Council;
- Order the Commission of the European Communities to pay the costs of the proceedings.

Pleas in law and main arguments

By the contested decision, the Commission rejected in part the national allocation plan for greenhouse gas emission certificates for the period 2008-2012, notified by Romania pursuant to Directive 2003/87/EC (¹), reducing by 19,754248 million tonnes of CO₂, equivalent per year the overall number of certificates that will be allocated for the Community scheme and establishing that the average overall annual volume covered by the emission quotas that may be allocated will not exceed 75,944352 million tonnes.

In support of its action, the applicant submits as follows:

- the Commission has failed to comply with Article 9(1) and (3) and Article 11(2) of Directive 2003/87/EC, in that it has established, with binding force, on the basis of a method of its own, the overall volume of the emission quotas that can be allocated by Romania, thus encroaching upon the latter's sphere of competence;

Action brought on 21 December 2007 — Olive Line International v OHIM — Knopf (o-live)

(Case T-485/07)

(2008/C 51/104)

Language in which the application was lodged: English

Parties

Applicant: Olive Line International, SL (Madrid, Spain) (represented by: P. Koch Moreno, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Reinhard Knopf (Malsch, Germany)

Form of order sought

- Declare that the decision dated 26 September 2007 of the Second Board of Appeal of the OHIM dismissing the appeal against the granting of Community trade mark No 3 219 193 does not comply with EC Regulation 40/94 on Community trade marks;
- order that the costs of the proceedings be paid by the defendant and, if appropriate, by the contributing party.

Pleas in law and main arguments

Applicant for the Community trade mark: Reinhard Knopf

Community trade mark concerned: The figurative mark 'o-live' for goods in classes 29, 30, 31 and 33 — application No 3 219 193

Proprietor of the mark or sign cited in the opposition proceedings: The applicant