

Defendant: Grand Duchy of Luxembourg (represented by: C. Schiltz, acting as Agent, and P. Kinsch, avocat)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 28 EC — National rule making the registration of second-hand vehicles which have previously been registered in another Member State subject to the submission of an excerpt from the entry on the commercial register of the vehicle's seller, whereas vehicles previously registered in Luxembourg are not subject to such a requirement — Obstacle to the free movement of goods — Lack of justification and proportionality

Operative part of the judgment

The Court:

1. Declares that, by requiring, in accordance with the practice in issue, for the purposes of the registration of vehicles in Luxembourg, the submission of an excerpt from the commercial register or a comparable document proving that the seller of the vehicle is registered as a dealer, except for the dealers on the register of the Société Nationale de Contrôle Technique, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 28 EC;
2. orders the Grand Duchy of Luxembourg to pay the costs.

(¹) OJ C 211, 8.9.2007.

Order of the Court of 8 April 2008 — Saint-Gobain Glass Deutschland GmbH v Fels-Werke GmbH, Spenner-Zement GmbH & Co KG, Commission of the European Communities

(Case C-503/07 P) (¹)

(Appeal — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Integrated pollution prevention and reduction — Federal Republic of Germany — Allocation of allowances — Period 2008-2012 — Conditions — Individual concern — Inadmissibility — Right to be heard by a court — Right to a fair hearing)

(2008/C 142/15)

Language of the case: German

Parties

Appellant: Saint-Gobain Glass Deutschland GmbH (represented by: H. Posser and S. Altenschmidt, Rechtsanwälte)

Other parties to the proceedings: Fels-Werke GmbH, Spenner-Zement GmbH & Co KG, Commission of the European Communities (represented by: U. Wölker, Agent)

Re:

Appeal brought against the Order of the Court of First Instance (Third Chamber) of 11 September 2007 in Case T-28/07 *Fels-Werke and Others v Commission*, by which the Court dismissed as inadmissible the action seeking partial annulment of the Commission Decision of 29 November 2006 concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by the Federal Republic of Germany for the period from 2008 to 2012 in accordance with 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) — Requirement to be individually concerned by the contested decision — Right to be heard by a court and right to a fair hearing

Operative part of the order

1. The appeal is dismissed.
2. Saint-Gobain Glass Deutschland GmbH is ordered to pay the costs.

(¹) OJ C 64, 8.3.2008.

Appeal brought on 28 February 2008 by K & L Ruppert Stiftung & Co. Handels-KG against the judgment of the Court of First Instance (Second Chamber) delivered on 12 December 2007 in Case T-86/05 K & L Ruppert Stiftung & Co. Handels-KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-90/08 P)

(2008/C 142/16)

Language of the case: German

Parties

Appellant(s): K & L Ruppert Stiftung & Co. Handels-KG (represented by: D. Spohn, Rechtsanwältin)

Other party/parties to the proceedings: 1. Office for Harmonisation in the Internal Market (Trade Marks and Designs), 2. Natália Cristina Lopes de Almeida Cunha, 3. Cláudia Couto Simões, 4. Marly Lima Jatobá

Form of order sought

— Annulment of the whole of paragraph 1 of the operative part of the judgment of the Court of First Instance of 12 December 2007 in Case T-86/05 and annulment of paragraph 2 of the operative part of that judgment so as to order OHIM to pay all its own costs and all the applicant's costs;