

**Order of the Court of First Instance of 23 September 2008**  
— **Cemex Polska v Commission**

(Case T-203/07) <sup>(1)</sup>

*(Action for annulment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — National allocation plan in respect of emission allowances for Poland for the period from 2008 to 2012 — Decision by the Commission not to raise objections subject to certain conditions — Competence of Member States in the individual allocation of emission allowances — Lack of direct concern — Inadmissibility)*

(2008/C 301/66)

Language of the case: Polish

**Parties**

*Applicant:* Cemex Polska sp. z o.o. (Warsaw, Poland) (represented by: F. Puel and M. Szpunar, lawyers)

*Defendant:* Commission of the European Communities (represented by: U.Wölker and K. Herrmann, Agents)

**Re:**

APPLICATION for annulment of Commission Decision C(2007) 1295 final of 26 March 2007 concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by the Republic of Poland 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).

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *Cemex Polska sp. z o.o. shall bear its own costs and pay those incurred by the Commission.*

<sup>(1)</sup> OJ C 170, 21.7.2007.

**Order of the Court of First Instance of 25 September 2008**  
— **Stepek v OHIM**

(Case T-294/07) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark ‘GOLF-FASHION MASTERS THE CHOICE TO WIN’ — Earlier national figurative mark ‘The Masters GOLF COMPANY’ — Withdrawal of appeal brought before the Board of Appeal — Costs incurred before the Board of Appeal)*

(2008/C 301/67)

Language of the case: German

**Parties**

*Applicant:* Wilhelm Stepek (Stadl-Paura, Austria) (represented by: H. Heigl, W. Berger and G. Lehner, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* The Masters Golf Company Ltd (Weston-super-Mare, United Kingdom)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 May 2007 (Case R 95/2007-1) concerning opposition proceedings between The Masters Golf Company Ltd and Mr Wilhelm Stepek.

**Operative part of the order**

1. *The action is dismissed.*
2. *Mr Wilhelm Stepek is ordered to pay the costs.*

<sup>(1)</sup> OJ C 235, 6.10.2007.