

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 11 September 2015 —  
Autorità Garante della Concorrenza e del Mercato v Albini & Pitigliani SpA**

(Case C-483/15)

(2015/C 381/24)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicant:* Autorità Garante della Concorrenza e del Mercato

*Defendant:* Albini & Pitigliani SpA

**Question referred**

Does the principle of proportionality, which must guide the process of quantifying fines — as affirmed by Article 49 of the Charter of Fundamental Rights of the European Union — preclude an interpretation of Article 23(2)(a) of Regulation No 1/2003<sup>(1)</sup>, in the version consolidated by the European Commission through the Guidelines on the method of setting fines (2006/C 201/02), and practice, including national practice, according to which the fine to be applied to undertakings which have breached the prohibition of anti-competitive agreements is to be calculated by applying the circumstances to the basic amount resulting from the calculation of the various factors which have to be taken into account under EU law, and in any event before the reduction to 10 % of turnover, with the risk that the application of the extenuating circumstances to the basic amount may prove entirely unsuitable for having the effect of personalising the fine, the circumstances of which, by contrast, are predetermined by the adjustment of the relevant amount according to the characteristics of the specific case?

<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

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**Appeal brought on 14 September 2015 by the European Commission against the judgment of the  
General Court (Sixth Chamber, Extended Composition) delivered on 2 July 2015 in Joined Cases T-  
425/04 RENV and T-444/04 RENV France and Orange v Commission**

(Case C-486/15 P)

(2015/C 381/25)

*Language of the case: French*

**Parties**

*Appellant:* European Commission (represented by: C. Giolito, B. Stromsky, D. Grespan, and T. Maxian Rusche, members of the Legal Service)

*Other parties to the proceedings:* French Republic, Orange, formerly France Télécom, Federal Republic of Germany

**Form of order sought**

The Commission claims that the Court should:

— set aside the judgment of the General Court of the European Union (Sixth Chamber, Extended Composition) of 2 July 2015 in Joined Cases T-425/04 *French Republic v Commission* and T-444/04 *France Télécom v Commission* in so far as it: