

- annul the Commission Decision C(2012) 5719 final of 6 August 2012 (Contested Decision) which rejected in part AGC's request for confidential treatment of certain information contained in the decision in Case COMP/39.125 — Car glass, or alternatively refer the case back to the General Court; and
- order the European Commission to pay the cost of the proceedings.

Pleas in law and main arguments

The Appellants rely on the three following grounds of appeal and main arguments:

1. The General Court erred in holding that the Hearing Officer's competence, under the Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings⁽¹⁾, does not encompass an assessment of the principles of legitimate expectations and equal treatment. In addition, the judgment distorts the facts by purporting that the Hearing Officer did assess the arguments raised by the Appellants in relation to the principles of legitimate expectations and equal treatment.
2. The General Court erred in concluding that the Contested Decision did not breach the principles of legitimate expectations and equal treatment. Given that the Appellants were the sole leniency applicants, they have a right not to have their confidential information published, as such publication would enable third parties to identify the source of self-incriminating statements submitted to the Commission in the context of the leniency programme.
3. The judgment is vitiated by a lack of reasoning in relation to the Hearing Officer's competence as well as in relation to the applicability of the principles of legitimate expectations and equal treatment. The General Court therefore breached its duty under Article 296 TFEU and Articles 36 and 53 of the Statute of the Court of Justice. In particular, the General Court does not address the reasons for which it departed from established case law that the Appellants referred to.

⁽¹⁾ OJ L 275, p. 29.

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 28 September 2015 —
Aiudapds — Associazione Italiana delle Unità Dedicare Autonome Private di Day Surgery e dei
Centri di Chirurgia Ambulatoriale v Agenzia Italiana del Farmaco (AIFA) and Ministero della Salute**

(Case C-520/15)

(2015/C 398/26)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Aiudapds — Associazione Italiana delle Unità Dedicare Autonome Private di Day Surgery e dei Centri di Chirurgia Ambulatoriale

Respondents: Agenzia Italiana del Farmaco (AIFA) and Ministero della Salute

Other parties: Roche SpA, Novartis Farma SpA, and Regione Marche

Question referred

Do the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union (2000/C 364/01), in which it is stated that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law and which guarantees the right to a fair trial, Article 54 of that Charter which prohibits abuse of that right, and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, in which it is stated that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, preclude national legislation which, pursuant to Article 10 of Presidential Decree No 1199 of 24 November 1971 and Article 48 of Legislative Decree No 104 of 2 July 2010, enables only one of the parties to extraordinary proceedings brought exclusively before the Consiglio di Stato to have those proceedings transferred at first instance to a Tribunale Amministrativo Regionale without the approval or participation of the appellant or any other party to those proceedings?

Opinion of the Court (Grand Chamber) of 1 September 2015 — Republic of Malta**(Opinion 1/14)** ⁽¹⁾

(2015/C 398/27)

*Language of the case: all the official languages***Applicant**

Republic of Malta (represented by: A. Buhagiar and P. Grech, acting as Agents)

The Opinion 1/14 is removed from the register of the Court.

⁽¹⁾ OJ C 315, 15.9.2014.

Order of the President of the Court of 2 September 2015 (request for a preliminary ruling from the Landgericht Aachen — Germany) — Horst Hoeck v Hellenic Republic**(Case C-196/14)** ⁽¹⁾

(2015/C 398/28)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 194, 24.6.2014.