

**Judgment of the Court (Third Chamber) of 27 June 2013**  
(request for a preliminary ruling from the *Giudice di pace di Mercato San Severino* — Italy) — *Ciro Di Donna v Società imballaggi metallici Salerno srl (SIMSA)*

(Case C-492/11) <sup>(1)</sup>

*(Judicial cooperation in civil matters — Mediation in civil and commercial matters — Directive 2008/52/EC — National legislation providing for a compulsory mediation procedure — No need to adjudicate)*

(2013/C 225/16)

Language of the case: Italian

#### Referring court

Giudice di pace di Mercato San Severino

#### Parties to the main proceedings

Applicant: *Ciro Di Donna*

Defendant: *Società imballaggi metallici Salerno srl (SIMSA)*

#### Re:

Request for a preliminary ruling — *Giudice di pace di Mercato San Severino* — Interpretation of Articles 6(1) and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 47 of the Charter of Fundamental Rights of the European Union and of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ 2008 L 136, p. 3) — National legislation imposing a compulsory attempt at conciliation before judicial proceedings can be brought, such as can affect the initiation, duration and the outcome of proceedings

#### Operative part of the judgment

There is no need to answer the question referred by the *Giudice di pace di Mercato San Severino (Italy)* by decision of 21 September 2011 for a preliminary ruling in Case C-492/11.

<sup>(1)</sup> OJ C 347, 26.11.2011.

**Judgment of the Court (First Chamber) of 8 May 2013 —**  
*Eni SpA v European Commission*

(Case C-508/11 P P) <sup>(1)</sup>

*(Appeals — Competition — Agreements, decisions and concerted practices — Butadiene rubber and emulsion styrene butadiene rubber market manufactured by emulsion polymerisation — Attributability of unlawful conduct of subsidiaries to their parent companies — Presumption of the actual exercise of a decisive influence — Obligation to state reasons — Gravity of the infringement — Multiplier for deterrence — Actual impact on the market — Aggravating circumstances — Repeated infringements)*

(2013/C 225/17)

Language of the case: Italian

#### Parties

Appellant: *Eni SpA* (represented by: G.M. Roberti and I. Perego, avvocati)

Other party to the proceedings: European Commission (represented by: V. Di Bucci, G. Conte and M.L. Malferrari, Agents)

#### Re:

Appeal against the judgment of the General Court (First Chamber) of 13 July 2011 — Case T-39/07 *Eni v Commission* by which the General Court dismissed in part the action seeking the annulment, as regards *Eni SpA*, of Commission Decision C(2006) 5700 final of 29 November 2006 relating to a proceeding under Articles 81 EC and 53 of the EEA Agreement (Case COMP/F/38.638 — butadiene rubber and emulsion styrene-butadiene rubber), or, in the alternative, the annulment or reduction of the fine imposed on *Eni* — Evidence of infringement — Imputability of the infringement — Failure to state reasons

#### Operative part of the judgment

The Court:

1. Dismisses the main appeal and the cross-appeal;
2. Orders *Eni SpA* to pay the costs of the main appeal;
3. Orders the European Commission to pay the costs of the cross-appeal.

<sup>(1)</sup> OJ C 340, 19.11.2011.