

The General Court ignored the disproportionate and inappropriate risks associated with such a broad interpretation of the legal concept of a single and continuing infringement for undertakings that have not taken part in all parts, but that may nonetheless be jointly liable under national law for the harm caused.

Given the current status of the harmonisation of the law of compensation at an EU-level, the recourse to parties who are also jointly liable on a national level is not an appropriate tool sufficiently to compensate the broad liability to third parties.

Sixth ground of appeal: infringement of Article 23(2) and (3) of Regulation 1/2003⁽¹⁾ and the principles of legality, proportionality and *ne bis in idem* when setting the fine

The General Court wrongly established 2004 as a reference year for the value of sales which was neither representative of the appellants, nor illustrative of their genuine size or economic power.

Further, the General Court failed to recognise that, first, the Commission could not rely, for the purposes of justifying liability, on a single and continuing infringement — that is to say, a single cartel — that covered both the A/R configuration and the R-configuration and, second, for the purposes of setting the fine, it was unable artificially to divide again the numerous and supposedly indivisible parts of the infringement.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

Order of the President of the Third Chamber of the Court of 2 August 2018 (request for a preliminary ruling from the Landgericht Berlin — Germany) — flihtright GmbH v Iberia Express SA

(Case C-186/17)⁽¹⁾

(2018/C 399/37)

Language of the case: German

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

⁽¹⁾ OJ C 221, 10.7.2017.

Order of the President of the Court of 21 August 2018 (request for a preliminary decision from the Tribunal Superior de Justicia de Galicia — Spain) — Simón Rodríguez Otero v Televisión de Galicia SA, Ministerio Fiscal

(Case C-212/17)⁽¹⁾

(2018/C 399/38)

Language of the case: Spanish

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

⁽¹⁾ OJ C 231, 17.7.2017.

Order of the President of the Court of 2 August 2018 — European Commission v Republic of Slovenia, supported by: Kingdom of Belgium, Federal Republic of Germany, Republic of Estonia, Kingdom of Spain, French Republic, Italian Republic

(Case C-594/17)⁽¹⁾

(2018/C 399/39)

Language of the case: Slovene

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

⁽¹⁾ OJ C 412, 4.12.2017.