



C/2023/115

16.10.2023

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on
28 June 2023 — Athenian Brewery SA, Heineken NV v Macedonian Thrace Brewery SA**

(Case C-393/23, Athenian Brewery and Heineken)

(C/2023/115)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicants: Athenian Brewery SA, Heineken NV

Defendant: Macedonian Thrace Brewery SA

Questions referred

1. In a case such as that at issue in these proceedings, must the court of the parent company's domicile, when assessing its jurisdiction under Article 8(1) of the Brussels Ia ⁽¹⁾ Regulation with regard to a subsidiary established in another Member State, in the context of the close-connection requirement referred to in that provision, rely on the presumption — accepted as regards substantive competition law — that the parent company exercises decisive influence on the economic activity of the subsidiary which is the subject of the proceedings?
2. If the first question is answered in the affirmative, how is the criterion formulated in the judgments *Kolassa* ⁽²⁾ and *Universal Music* ⁽³⁾ to be interpreted? In such a case, where the parent company's decisive influence on the economic activity of the subsidiary is disputed, is it sufficient for the assumption of jurisdiction under Article 8(1) of the Brussels Ia Regulation as regards the subsidiary concerned, that the existence of such a decisive influence cannot be excluded a priori?

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 289).

⁽²⁾ C-375/13.

⁽³⁾ C-12/15.