

Judgment of the Court (First Chamber) of 7 March 2018 — SNCF Mobilités, formerly Société nationale des chemins de fer français (SNCF) v European Commission, French Republic, Mory SA, in liquidation, Mory Team, in liquidation

(Case C-127/16 P) ⁽¹⁾

(Appeal — State aid — Aid implemented by the French Republic in favour of Sernam — Restructuring and recapitalisation aid, guarantees and waiving of Sernam's financial debts by SNCF — Decision declaring that aid incompatible with the internal market and ordering its recovery — Sale of assets en bloc — Concept of 'sale' — Confusion between object and price of the sale of assets en bloc — Open and transparent procedure — Private investor test — Application of that principle to an assignment of assets en bloc — Compensatory measures)

(2018/C 161/05)

Language of the case: French

Parties

Appellant: SNCF Mobilités, formerly Société nationale des chemins de fer français (SNCF) (represented by: P. Beurier, O. Billard, G. Fabre and V. Landes, avocats)

Other parties to the proceedings: European Commission (represented by: B. Stromsky and T. Maxian Rusche, acting as Agents), French Republic, Mory SA, in liquidation, Mory Team, in liquidation (represented by: B. Vatiez and F. Loubières, avocats)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders SNCF Mobilités to bear its own costs and to pay those incurred by the European Commission and by Mory SA and Mory Team.

⁽¹⁾ OJ C 145, 25.4.2016.

Judgment of the Court (Third Chamber) of 7 March 2018 (requests for a preliminary ruling from the Amtsgericht Düsseldorf and Bundesgerichtshof — Germany) — flightright GmbH v Air Nostrum, Líneas Aéreas del Mediterráneo SA (C-274/16), Roland Becker v Hainan Airlines Co. Ltd (C-447/16), Mohamed Barkan and Others v Air Nostrum, Líneas Aéreas del Mediterráneo SA (C-448/16)

(Joint cases C-274/16, C-447/16 and C-448/16) ⁽¹⁾

(Reference for a preliminary ruling — Area of Freedom, Security and Justice — Jurisdiction in civil and commercial matters — Regulation (EC) No 44/2001 — Article 5(1) — Regulation (EU) No 1215/2012 — Article 7(1) — Concept of 'matters relating to a contract' — Contract for the provision of services — Connecting flight operated by different air carriers — Concept of 'place of performance' — Regulation (EC) No 261/2004 — Right of air passengers to compensation for denied boarding and for the long delay of a flight — Action for compensation brought against an operating air carrier not domiciled in the territory of a Member State or with which the passengers do not have contractual relations)

(2018/C 161/06)

Language of the case: German

Referring court

Amtsgericht Düsseldorf, Bundesgerichtshof