

**Request for a preliminary ruling from the Tribunal da Relação de Lisboa (Portugal) lodged on 26 February 2018 — Agostinho da Silva Martins v Dekra Claims Services Portugal SA**

**(Case C-149/18)**

(2018/C 161/45)

*Language of the case: Portuguese*

**Referring court**

Tribunal da Relação de Lisboa

**Parties to the main proceedings**

*Appellant:* Agostinho da Silva Martins

*Respondent:* Dekra Claims Services Portugal SA

**Questions referred**

1. Must it be understood that the national legislation in force in Portugal prevails as an overriding, mandatory rule within the meaning of Article 16 of the Rome II Regulation? <sup>(1)</sup>
2. Does that rule constitute a provision of Community law laying down a conflict-of-laws rule within the meaning of Article 27 of the Rome II Regulation?
3. In the light of Article 28 of Directive 2009/103/EC, <sup>(2)</sup> must it be concluded that the limitation period set out in Article 498(3) of the Portuguese Civil Code is applicable where a Portuguese citizen suffers a traffic accident in Spain?

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<sup>(1)</sup> Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ 2007 L 199, p. 40).

<sup>(2)</sup> Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ 2009 L 263, p. 11).

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**Appeal brought on 23 February 2018 by Crédit mutuel Arkéa against the judgment of the General Court (Second Chamber, Extended Composition) delivered on 13 December 2017 in Case T-712/15, Crédit mutuel Arkéa v European Central Bank**

**(Case C-152/18 P)**

(2018/C 161/46)

*Language of the case: French*

**Parties**

*Appellant:* Crédit mutuel Arkéa (represented by: H. Savoie, avocat)

*Other parties to the proceedings:* European Central Bank, European Commission

**Form of order sought**

The appellant claims that the Court should:

- Set aside the judgment of 13 December 2017 (T-712/15) by which the General Court dismissed Crédit mutuel Arkéa's application seeking annulment of the decision of the European Central Bank of 5 October 2015 (ECB/SSM/2015 — 9695000CG7B84NLR5984/28) setting the prudential requirements applicable to Groupe Crédit mutuel.

### Grounds of appeal and main arguments

In support of its appeal, the appellant relies on two grounds, alleging that:

- the General Court erred in law when it held that Article 2(21)(c) of the SSM Framework Regulation allowed the ECB to exercise prudential supervision on a consolidated basis in respect of institutions affiliated to a central body despite the fact that that body does not have credit institution status;
- the General Court erred in its legal characterisation of the facts when it held that *Crédit mutuel* is a supervised group since it meets the criteria set out in Article 10(1) of Regulation No 575/2013.<sup>(1)</sup>

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<sup>(1)</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).

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### Appeal brought on 23 February 2018 by *Crédit mutuel Arkéa* against the judgment of the General Court (Second Chamber, Extended Composition) delivered on 13 December 2017 in Case T-52/16, *Crédit mutuel Arkéa v European Central Bank*

(Case C-153/18 P)

(2018/C 161/47)

*Language of the case: French*

### Parties

*Appellant:* *Crédit mutuel Arkéa* (represented by: H. Savoie, avocat)

*Other parties to the proceedings:* European Central Bank, European Commission

### Form of order sought

The appellant claims that the Court should:

- Set aside the judgment of 13 December 2017 (T-52/16) by which the General Court dismissed *Crédit mutuel Arkéa's* application seeking annulment of the decision of the European Central Bank of 4 December 2015 (ECB/SSM/2015 — 9695000CG7B84NLR5984/40) setting the prudential requirements applicable to *Groupe Crédit mutuel*.

### Grounds of appeal and main arguments

In support of its appeal, the appellant relies on two grounds, alleging that:

- the General Court erred in law when it held that Article 2(21)(c) of the SSM Framework Regulation allowed the ECB to exercise prudential supervision on a consolidated basis in respect of institutions affiliated to a central body despite the fact that that body does not have credit institution status;
- the General Court erred in its legal characterisation of the facts when it held that *Crédit mutuel* is a supervised group since it meets the criteria set out in Article 10(1) of Regulation No 575/2013.<sup>(1)</sup>

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<sup>(1)</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).