



C/2023/1106

4.12.2023

**Judgment of the Court (First Chamber) of 26 October 2023 (requests for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD), Supremo Tribunal Administrativo — Portugal) — Lineas — Concessões de Transportes SGPS SA (C-207/22), Global Roads Investimentos SGPS Lda (C-267/22), NOS-SGPS SA (C-290/22) v Autoridade Tributária e Aduaneira**

**(Joined Cases C-207/22, C-267/22 and C-290/22, <sup>(1)</sup> Lineas — Concessões de Transportes and Others)**

**(Reference for a preliminary ruling — Economic and monetary policy — Supervision of the European Union's financial sector — Directive 2013/36/EU — Regulation (EU) No 575/2013 — Financial institution — Concept — Undertaking whose activity is the acquisition of holdings)**

(C/2023/1106)

Language of the case: Portuguese

### Referring court

Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD), Supremo Tribunal Administrativo

### Parties to the main proceedings

*Applicants:* Lineas — Concessões de Transportes SGPS SA (C-207/22), Global Roads Investimentos SGPS Lda (C-267/22), NOS-SGPS SA (C-290/22)

*Defendant:* Autoridade Tributária e Aduaneira

### Operative part of the judgment

Point 22 of Article 3(1) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, and point 26 of Article 4(1) of 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,

must be interpreted as meaning that an undertaking, the activity of which is to acquire holdings in companies which do not carry out activities in the financial sector, is not included within the concept of 'financial institution' within the meaning of that directive and of that regulation.

---

<sup>(1)</sup> OJ C 318, 22.8.2022.