



C/2024/4840

12.8.2024

**Request for a preliminary ruling from the Supremo Tribunal de Justiça (Portugal) lodged on 23 April
2024 – Meliá Hotels International, S.A. v Associação Ius Omnibus**

(Case C-286/24, Meliá Hotels International)

(C/2024/4840)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Applicant: Meliá Hotels International, S.A.

Defendant: Associação Ius Omnibus

Questions referred

1. Is Article 5(1) of Directive 2014/104/EU of the European Parliament and of the Council ⁽¹⁾ of 26 November 2014 applicable to an action for access to evidence prior to the bringing of an action for damages within the meaning of Article 2(4) of that directive?

If the foregoing question is answered in the affirmative:

2. Does the requirement as to the plausibility of the [claim for damages] laid down in Article 5(1) of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 always compel the applicant to demonstrate that, in the case at issue, harm is more likely to have been caused to the consumers represented, in this instance those resident in Portugal, than not?
3. May national courts base the criterion as to the plausibility of the [claim for damages] laid down in Article 5(1) of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 exclusively on the existence of a decision adopted by the competent competition authorities[?] In particular, what bearing would it have on this analysis if the decision in question were one adopted as part of a settlement procedure relating to a vertical infringement by object of EU competition law?

⁽¹⁾ Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ 2014 L 349, p. 1).