C/2025/5070

29.9.2025

Request for a preliminary ruling from the Gyulai Törvényszék (Hungary) lodged on 15 April 2025 – Applicant I and Others v Defendant I and Others

(Case C-285/25, Lurdos [1])

(C/2025/5070)

Language of the case: Hungarian

Referring court

Gyulai Törvényszék

Parties to the main proceedings

Applicants: Applicant I, applicant II, applicant III, applicant VI, applicant VII and applicant VIII

Defendants: Defendant I, defendant II, defendant III, defendant IV, defendant V, defendant VI, defendant VII, defendant VIII, defendant IX, defendant X, defendant XI, defendant XII, defendant XIII, defendant XIV and defendant XV

Questions referred

1. Must Article 10 of Directive [2014/104], [2] Article 101 TFEU and the principle of effectiveness be interpreted as precluding legislation of a Member State that, in actions for damages for infringement of EU competition rules, establishes a limitation period of five years that starts to run from the date on which the damage occurred, irrespective of whether the injured party is aware of the damage and of the identity of the person liable to pay compensation and whether that person was aware that the conduct in question constitutes an infringement of competition law, and without it being necessary for that infringement to have ceased, which limitation period is, according to a legal interpretation that is binding on the courts, suspended in the case of follow-on actions for damages, owing to the existence of an obstacle to bringing an action, until the injured party becomes aware of all the relevant circumstances relating to the infringement of competition law, such that the obstacle to bringing an action continues to exist until the date of publication in the Official Journal of the European Union of the decision declaring the existence of the infringement (or, at least, of the summary of that decision), and the action for damages for infringement of competition law may be brought within one year of that date, even if the limitation period has already expired or less than one year remains before its expiry?

2. Must Article 10 of Directive [2014/104] be interpreted as precluding national legislation in so far as that legislation does not, in the case of an action for damages relating to an infringement of competition law that ended before the directive entered into force and that was brought after the provisions transposing that directive into national law entered into force, establish that the limitation period is to be suspended for at least one year from the date on which the decision establishing that that infringement was committed becomes final, if the limitation period applicable to such an action under the earlier legislation had not expired before the expiry of the period for transposition of the directive?

3. Having regard also to Article 267 TFEU, does EU law preclude a provision of a Member State – and can it therefore be disapplied – under which a court is bound by a decision intended to ensure the consistent interpretation of law delivered by the highest court, even if it considers that the assessment of the merits contained in that decision does not, in the light of the interpretation of the Court of Justice, guarantee the effectiveness of EU law or the protection of the rights conferred on individuals?

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[1] The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

[2] 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).