

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Orange to pay the costs.

⁽¹⁾ OJ C 245, 27.7.2015.

Judgment of the Court (Fifth Chamber) of 9 November 2016 (request for a preliminary ruling from the Tribunalul Mureş — Romania) — ENEFI Energiahatékonysági Nyrt v Direcția Generală Regională a Finanțelor Publice Braşov (DGRFP)

(Case C-212/15) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Insolvency proceedings — Regulation (EC) No 1346/2000 — Article 4 — Effects provided for by legislation of a Member State on claims which were not pursued by means of insolvency proceedings — Forfeiture — Fiscal nature of the claim — No effect — Article 15 — Concept of ‘lawsuits pending’ — Enforcement proceedings — Excluded)

(2017/C 006/18)

Language of the case: Romanian

Referring court

Tribunalul Mureş

Parties to the main proceedings

Applicant: ENEFI Energiahatékonysági Nyrt

Defendant: Direcția Generală Regională a Finanțelor Publice Braşov (DGRFP)

Operative part of the judgment

1. Article 4 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings must be interpreted as meaning that provisions of domestic law of the Member State on the territory of which insolvency proceedings are opened which provide, in relation to a creditor who has not taken part in those proceedings, for the forfeiture of its right to pursue its claim or for the suspension of the enforcement of such a claim in another Member State come within its scope of application.
2. The fiscal nature of the claim pursued by means of enforcement in a Member State other than that on the territory of which the insolvency proceedings are opened, in a situation such as that at issue in the main proceedings, has no bearing on the answer to be given to the first question referred for a preliminary ruling.

⁽¹⁾ OJ C 262, 10.8.2015, p. 4.