

Operative part of the judgment

The Court of Justice of the European Union does not have jurisdiction to answer the question referred for a preliminary ruling by the Landgericht Hannover (Hanover Regional Court, Germany) by decision of 22 April 2016.

⁽¹⁾ OJ C 279, 1.8.2016.

Judgment of the Court (Fifth Chamber) of 7 September 2017 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Austria Asphalt GmbH & Co OG v Bundeskartellanwalt
(Case C-248/16) ⁽¹⁾

(Reference for a preliminary ruling — Competition — Concentrations between undertakings — Regulation (EC) No 139/2004 — Article 3(1)(b) and (4) — Scope — Definition of ‘concentration’ — Change in the form of control of an existing undertaking which, previously exclusive, becomes joint — Creation of a joint venture performing on a lasting basis all the functions of an autonomous economic entity)

(2017/C 374/09)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Austria Asphalt GmbH & Co OG

Defendant: Bundeskartellanwalt

Operative part of the judgment

Article 3 of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) must be interpreted as meaning that a concentration is deemed to arise upon a change in the form of control of an existing undertaking which, previously exclusive, becomes joint, only if the joint venture created by such a transaction performs on a lasting basis all the functions of an autonomous economic entity.

⁽¹⁾ OJ C 260, 18.7.2016.

Judgment of the Court (Sixth Chamber) of 7 September 2017 (request for a preliminary ruling from the Tribunal da Relação do Porto — Portugal) — José Joaquim Neto de Sousa v Portuguese State
(Case C-506/16) ⁽¹⁾

(Reference for a preliminary ruling — Insurance against civil liability in respect of the use of motor vehicles — Directive 72/166/EEC — Directive 84/5/EEC — Directive 90/232/EEC — Driver responsible for the accident which caused the death of his spouse, a passenger in the vehicle — National legislation excluding compensation for material damage suffered by the driver responsible for the accident)

(2017/C 374/10)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Applicant: José Joaquim Neto de Sousa

Defendant: Portuguese State

Operative part of the judgment

Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, as amended by Directive 2005/14/EC of 11 May 2005, and Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, must be interpreted as not precluding national provisions which allow exclusion of the right of a driver of a motor vehicle responsible, by his own fault, for a traffic accident as a result of which his spouse, a passenger in that vehicle, has died, to receive compensation for the material harm which he has suffered as a result of that death.

⁽¹⁾ OJ C 454, 5.12.2016.

Judgment of the Court (Eighth Chamber) of 7 September 2017 (request for a preliminary ruling from the Amtsgericht Hamburg — Germany) — Birgit Bossen, Anja Bossen, Gudula Gräßmann v Brussels Airlines SA/NV

(Case C-559/16) ⁽¹⁾

(Reference for a preliminary ruling — Transport — Regulation (EC) No 261/2004 — Article 7(1) — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights — Flight consisting of several legs — Concept of ‘distance’ to be taken into account)

(2017/C 374/11)

Language of the case: German

Referring court

Amtsgericht Hamburg

Parties to the main proceedings

Applicants: Birgit Bossen, Anja Bossen, Gudula Gräßmann

Defendant: Brussels Airlines SA/NV