

Judgment of the Court (First Chamber) of 7 November 2018 — BPC Lux 2 Sàrl v European Commission, Portuguese Republic

(Case C-544/17 P) ⁽¹⁾

(Appeal — State aid — Action for annulment — Admissibility — Aid granted by the Portuguese authorities for the resolution of the financial institution Banco Espírito Santo SA — Creation and capitalisation of a Bridge Bank — Decision of the European Commission declaring the aid compatible with the internal market — Interest in bringing proceedings — Action before the national courts seeking annulment of the decision to put Banco Espírito Santo into resolution)

(2019/C 16/29)

Language of the case: English

Parties

Appellant: BPC Lux 2 Sàrl (represented by: J. Webber and M. Steenson, Solicitors, B. Woolgar, Barrister, and K. Bacon QC)

Other parties to the proceedings: European Commission (represented by: L. Flynn and P.-J. Loewenthal, acting as Agents), Portuguese Republic

Operative part of the judgment

The Court:

1. Sets aside the order of the General Court of the European Union of 19 July 2017, *BPC Lux 2 and Others v Commission* (T-812/14, not published, EU:T:2017:560);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

⁽¹⁾ OJ C 402, 27.11.2017.

Judgment of the Court (Ninth Chamber) of 15 November 2018 (request for a preliminary ruling from the Vestre Landsret — Denmark) — Skatteministeriet v Baby Dan A/S

(Case C-592/17) ⁽¹⁾

(Reference for a preliminary ruling — Common Customs Tariff — Combined Nomenclature — Tariff classification — Headings and subheadings 4421, 7326, 7318 15 90, 7318 19 00 and 9403 90 10 — Article specially designed to mount child safety gates — Dumping — Validity of Regulation (EC) No 91/2009 — Imports of certain iron or steel fasteners originating in China — World Trade Organisation (WTO) Anti-Dumping Agreement — Regulation (EC) No 384/96 — Article 3(2) and Article 4(1) — Definition of Community industry)

(2019/C 16/30)

Language of the case: Danish

Referring court

Vestre Landsret

Parties to the main proceedings

Applicant: Skatteministeriet

Defendant: Baby Dan A/S

Operative part of the judgment

1. The Combined Nomenclature listed in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in the versions resulting, successively, from Commission Regulation (EC) No 1214/2007 of 20 September 2007, and from Commission Regulation (EC) No 1031/2008 of 19 September 2008, must be interpreted as meaning that an article, such as that at issue in the main proceedings, which allows a movable child safety gate to be mounted to a wall or a door frame, does not constitute part of those gates and must be classified under subheading 7318 15 90 of the Combined Nomenclature.
2. Examination of the fourth question referred has not revealed any factors of such a kind as to affect the validity of Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China.

⁽¹⁾ OJ C 424, 11.12.2017.

Judgment of the Court (Sixth Chamber) of 15 November 2018 (request for a preliminary ruling from the Augstākā tiesa — Latvia) — ‘BTA Baltic Insurance Company’ AS, formerly ‘Balcia Insurance’ SE v ‘Baltijas Apdrošināšanas Nams’ AS

(Case C-648/17) ⁽¹⁾

(Reference for a preliminary ruling — Compulsory insurance against civil liability in respect of the use of motor vehicles — Directive 72/166/EEC — Article 3(1) — Concept of ‘use of vehicles’ — Accident involving two vehicles parked in a car park — Material damage to a vehicle caused by a passenger from a neighbouring vehicle opening the vehicle door)

(2019/C 16/31)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Applicant: ‘BTA Baltic Insurance Company’ AS, formerly ‘Balcia Insurance’ SE

Defendant: ‘Baltijas Apdrošināšanas Nams’ AS

Operative part of the judgment

Article 3(1) of 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, must be interpreted as meaning that the concept of ‘use of vehicles’, set out in that provision, covers a situation in which the passenger of a vehicle parked in a car park, in opening the door of that vehicle, scraped against and damaged the vehicle parked next to it.

⁽¹⁾ OJ C 72, 26.2.2017.