**Appeal brought on 18 September 2017 by BPC Lux 2 Sàrl, and Others against the order of the General Court (Second Chamber) delivered on 19 July 2017 in Case T-812/14: BPC Lux 2 Sàrl and Others v European Commission**

**(Case C-544/17 P)**

(2017/C 402/17)

*Language of the case: English*

## Parties

*Appellants:* BPC Lux 2 Sàrl and Others (represented by: K. Bacon QC, B. Woogar, Barristers, J. Webber, M. Steenson, Solicitors)

*Other parties to the proceedings:* European Commission, Portuguese Republic

## Form of order sought

The appellants claim that the Court should:

— set aside the order of the General Court;

— remit the case to the General Court for a further hearing on the merits; and

— order the Commission to pay the appellants' costs.

## Pleas in law and main arguments

This is an appeal against the order of the General Court dated 19 July 2017 in Case T-812/14 BPC Lux 2 Sàrl v European Commission EU:T:2017:560 ('the order under appeal'), by which the General Court dismissed as inadmissible the appellants' action seeking annulment of the Commission's Decision C(2014) 5682 on State Aid SA.39250 Resolution of Banco Espírito Santo ('the contested decision').

In the order under appeal, the General Court held of its own motion that the appellants do not have an interest in annulment, and as such that their application is inadmissible. The appellants now appeal to the Court of Justice, on the single ground that the General Court erred in law and/or manifestly distorted the evidence before it.

Specifically, the General Court erred in finding that the annulment of the contested decision could not have any effect in the domestic proceedings because they concerned questions of national law while these proceedings concern issues of EU law. In fact, as set out further below, the appellants had provided evidence from their Portuguese lawyer, uncontradicted by the Commission or the Portuguese Republic, that the annulment of the contested decision would substantially increase the likelihood of success in their domestic judicial review application, entitling them either to annulment of the resolution of BES or to claim damages. In reaching the contrary conclusion, and thereby denying the Portuguese courts the opportunity to consider the point for themselves, the General Court impermissibly substituted its own assessment of the interpretation of national law for that of the Portuguese courts, and/or manifestly distorted the evidence before it.

**Request for a preliminary ruling from the Svea hovrätt (Sweden) lodged on 21 September 2017 — Rebecka Jonsson v Société du Journal L'Est Républicain**

**(Case C-554/17)**

(2017/C 402/18)

*Language of the case: Swedish*

## Referring court

Svea hovrätt

**Parties to the main proceedings**

*Applicant:* Rebecka Jonsson

*Defendant:* Société du Journal L'Est Républicain

**Questions referred**

1. Does Article 16 of Regulation (EC) No 861/2007 [1] of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure constitute an obstacle to the application of a national provision under which the costs of proceedings may be set off or adjusted depending on whether the parties were successful in part and unsuccessful in part, where there are a number of claims in the proceedings or where a claim is upheld only in part?

2. If the answer to the first question is in the affirmative, how is the expression 'unsuccessful party' in Article 16 of the regulation to be interpreted?

(1) OJ 2007 L 199, p. 1.

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**Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 22 September 2017 — 2M-Locatel A/S v Skatteministeriet**

**(Case C-555/17)**

(2017/C 402/19)

*Language of the case: Danish*

**Referring court**

Østre Landsret

**Parties to the main proceedings**

*Applicant:* 2M-Locatel A/S

*Defendant:* Skatteministeriet

**Question referred**

Is the Combined Nomenclature in the Common Customs Tariff, as set out in Annex 1 to Commission Regulation (EC) No 1549/2006 of 17 October 2006 [1] [2]

(i) the subdivision '—Video tuners' of heading 8528,

(ii) subheading 8528 71 13 and

(iii) subheading 8528 71 90

to be interpreted as meaning that *a product* matching the product description in subheading 8528 71 13 and capable of receiving, decoding and processing Live TV television signals transmitted via internet technology, but not capable of receiving, decoding and processing Live TV television signals transmitted via antenna, cable TV or satellite, *is to be classified* under subheading 8528 71 13, subheading 8528 71 90 or under a third subheading?

(1) OJ 2006 L 301, p. 1. amending Annex I to Council Regulation (EEC) No 2658/87
(2) OJ 1987 L 256, p. 1. on the tariff and statistical nomenclature and on the Common Customs Tariff,