

Question referred

Is a holding company established in Portugal and governed by the provisions of Decree-law No 495/88 of 30 December 1988, which has as its sole object the management of shareholdings in other companies, as an indirect means of pursuing economic activities, and which, in that context, acquires and holds on a long-term basis such shareholdings, which, in general, amount to at least 10 % of the share capital of the companies in which it has a shareholding, where those companies do not operate in the insurance or financial sectors, covered by the definition of 'financial institution' within the meaning of point 22 of Article 3(1) of Directive 2013/36/EU⁽¹⁾ and point 26 of Article 4(1) of Regulation (EU) No 575/2013?⁽²⁾

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ 2013 L 176, p. 338).

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).

Request for a preliminary ruling from the *Nederlandstalige rechtbank van eerste aanleg Brussel* (Belgium) lodged on 13 April 2022 — *VITOL SA v Belgische Staat*

(Case C-268/22)

(2022/C 318/30)

Language of the case: Dutch

Referring court

Nederlandstalige rechtbank van eerste aanleg Brussel

Parties to the main proceedings

Applicant: VITOL SA

Defendant: Belgische Staat

Question referred

Is Implementing Regulation No 1194/2013,⁽¹⁾ as amended by Regulation 2017/1578,⁽²⁾ contrary to the basic regulation No 1225/2009,⁽³⁾ inter alia because:

- it has not been demonstrated that the conditions were met for disregarding, in the context of calculating the normal value of the like product, the costs associated with the production and sale of that product, as reflected in the records of the Argentinian exporting producers examined, in accordance with the rule laid down in Article 2(5) of the basic regulation,
- the effects of the imports were erroneously assessed cumulatively in accordance with Article 3(4) of the basic regulation and it was thus not adequately demonstrated that dumped imports had caused injury within the meaning of the basic regulation, as referred to in Article 3(6) and (7) of that regulation,
- and there was thus no question of dumping and no anti-dumping duty could be imposed as referred to in Article 1 of the basic regulation?

⁽¹⁾ Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ 2013 L 315, p. 2).

⁽²⁾ Commission Implementing Regulation (EU) 2017/1578 of 18 September 2017 amending Council Implementing Regulation (EU) No 1194/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ 2017 L 239, p. 9).

⁽³⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51).
