

- (c) does not include any provision requiring or authorising the suspension or interruption of that period simply because a competition authority has taken measures in the context of an investigation or a process relating to an infringement of competition law to which the action for compensation relates?
3. May Article 9(1) of the Directive, as well as the remaining provisions of the Directive or general principles of EU law applicable, be interpreted as precluding, as incompatible therewith, a national provision, such as Article 623 of the Portuguese Civil Procedure Code which, when applied to facts which occurred before the Directive entered into force and before the date laid down for its transposition, in an action also brought before that last date:
- (a) provides that a final order in infringement proceedings does not produce effects in any civil actions in which legal relationships depending on the commission of the infringement are discussed? Or (depending on the interpretation)
- (b) lays down that such a final order in infringement proceedings constitutes, in relation to third parties, only a rebuttable presumption as regards the existence of the facts which satisfy the conditions for the imposition of a penalty and the elements of an offence, in any civil actions in which legal relationships depending on the commission of the infringement are discussed?
4. May Articles 9(1) and 10(2),(3) and (4) of the Directive, the third paragraph of Article 288 of the Treaty on the Functioning of the European Union, or any other provisions of primary or secondary law, case-law precedents or general principles of the European Union applicable, be interpreted as precluding, as incompatible therewith, the application of provisions of national law, such as Article 498(1) of the Portuguese Civil Code and Article 623 of the Portuguese Civil Procedure Code which, when applied to facts which occurred before the publication of the Directive, before its entry into force and before the date laid down for its transposition, in an action also brought before that last date, do not take into consideration the text and purpose of the Directive and do not seek to achieve the result pursued by it?
5. In the alternative, and only if the Court of Justice of the European Union answers any of the preceding questions in the affirmative, may Article 22 of the Directive, as well as the remaining provisions of the Directive or general principles of EU law applicable, be interpreted as precluding, as incompatible therewith, the application to the case by the national court of Article 498(1) of the Portuguese Civil Code or Article 623 of the Portuguese Civil Procedure Code in their current version, but interpreted and applied in such a way as to be compatible with the provisions of Article 10 of the Directive?
6. If question 5 is answered in the affirmative, may a private party rely on Article 22 of the Directive against another private party before a national court in an action seeking compensation for the alleged damage sustained as a result of an infringement of competition law?

⁽¹⁾ Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union ('the Directive') (OJ 2014 L 349, p. 1).

**Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije lodged on
27 November 2017 — E. G. v Republic of Slovenia**

(Case C-662/17)

(2018/C 032/22)

Language of the case: Slovenian

Referring court

Vrhovno sodišče Republike Slovenije

Parties to the main proceedings

Appellant: E. G.

Respondent: Republic of Slovenia

Questions referred

1. Is the appellant's interest within the meaning of the second paragraph of Article 46(2) of Procedural Directive II ⁽¹⁾ to be interpreted to the effect that subsidiary protection status does not grant the same rights and benefits as refugee status if, under national law, foreign nationals granted international protection do enjoy the same rights and benefits but a different approach is adopted in defining the duration or cessation of international protection, inasmuch as refugee status is granted to refugees for an indefinite period but ceases when the circumstances on the basis of which it was granted cease, whereas subsidiary protection is granted for a specified period and is extended if the reasons for it continue to exist?
2. Must the appellant's interest within the meaning of the second paragraph of Article 46(2) of Procedural Directive II be interpreted to the effect that subsidiary protection status does not offer the same rights and benefits as refugee status, if, under national law, foreign nationals granted international protection do enjoy the same rights and benefits but the ancillary rights on which those rights and benefits are based are different?
3. Is it necessary, in the light of the appellant's individual situation, to examine whether, in view of his particular circumstances, the grant of refugee status would confer on him more rights than those afforded by the grant of subsidiary protection, or whether, for the interest referred to in the second paragraph of Article 46(2) of Procedural Directive II to continue to exist, it is sufficient for there to be legislative provisions [Or. 8] that draw a distinction between the ancillary rights that are based on the rights and benefits of the two forms of international protection?

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

Appeal brought on 24 November 2017 by European Central Bank against the order of the General Court (Second Chamber) delivered on 12/09/2017 in Case T-247/16: Fursin and others v European Central Bank

(Case C-663/17 P)

(2018/C 032/23)

Language of the case: English

Parties

Appellant: European Central Bank (represented by: E. Koupepidou and C. Hernández Saseta, Agents, B. Schneider, Rechtsanwalt)

Other parties to the proceedings: Trasta Komerbanka AS, Ivan Fursin, Igors Buimisters, C & R Invest SIA, Figon Co. Ltd, GCK Holding Netherlands BV, Rikam Holding SA

Form of order sought

The applicant claims that the Court should:

- (i) annul the appealed order insofar as it holds that the shareholder applicants had an interest and legal standing in the General Court regarding the action for annulment of the contested decision (operative point 2 of the appealed order);
- (ii) give a final decision on the substance and dismiss the action brought by the shareholder applicants as inadmissible; and
- (iii) order the Applicants to bear the costs.