

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 Komerčbanka 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.

Pleas in law and main arguments

In support of the appeal, the appellant relies on three pleas in law.

1. First plea in law, alleging that the shareholder applicants (i.e. the shareholders of Trasta Komerbanka, as opposed to Trasta Komerbanka itself) had no interest in bringing an application for annulment that is separate from the legal interest of Trasta Komerbanka.

The first plea in law is based on the following Arguments:

- The applicant submits that the General Court has misinterpreted the case law requiring that shareholders show that they possess a separate interest in bringing proceedings against a Decision addressed to the undertaking which they partly controlled. In particular, the General Court erred in law when it held, in its order of 12 September 2017, that this case law did not apply in Case T-247/16
 - The shareholder applicants have failed to show they possess a separate interest from the one possessed by Trasta Komerbanka: their legal position has not been affected by the contested decision (as opposed to the initiation of liquidation, which is a distinct act). The shareholder applicants cannot be said to have a legal interest in Trasta Komerbanka having a banking licence which differs from Trasta Komerbanka's own legal interest in having a banking licence.
 - In particular, the interest in claiming damages or the shareholders' economic interest in receiving dividends should not be considered a separate legal interest.
2. Second plea in law, alleging that the shareholder applicants had no *locus standi*, given that the contested decision was not of individual concern to them.

The second plea in law is based on the following Arguments:

- The shareholder applicants are not individually concerned by the contested decision as it does not affect them by reason of certain qualities peculiar to them.
 - The contested decision has not placed the shareholder applicants in a different legal position than the rest of shareholders or Trasta Komerbanka itself.
3. Third plea in law, alleging that the shareholder applicants had no *locus standi*, given that the contested decision was not of direct concern to them.

The third plea in law is based on the following Arguments:

- The shareholder applicants are not directly concerned by the contested decision as their rights have not been substantially affected within the meaning of the case law.
- A mere economic loss as a result of the contested decision does not lead to the conclusion that their legal position (as opposed to that of Trasta Komerbanka) has been affected, irrespectively of the intensity of those economic effects.

**Request for a preliminary ruling from the Areios Pagos (Greece) lodged on 27 November 2017 —
Ellinika Nafpigeia AE v Panagiotis Anagnostopoulos and Others**

(Case C-664/17)

(2018/C 032/24)

Language of the case: Greek

Referring court

Areios Pagos

Parties to the main proceedings

Appellant: Ellinika Nafpigeia AE

Respondents: Panagiotis Anagnostopoulos and Others