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(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 17 September 2018

in Case E-10/17

Nye Kystlink AS Color Group AS and Color Line AS

(Article 53 EEA — Article 54 EEA — Principle of equivalence — Principle of effectiveness — National rules on the limitation period for claims for damages)

(2018/C 459/16)

In Case E-10/17, Nye Kystlink AS v Color Group AS and Color Line AS — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Borgarting Court of Appeal (*Borgarting lagmannsrett*) concerning the interpretation of the principles of equivalence and effectiveness in the context of national rules on the limitation period for claims for damages in cases where fines have been imposed under Articles 53 and 54 of the Agreement on the European Economic Area, the Court, composed of Páll Hreinsson, President and Judge-Rapporteur, Per Christiansen and Bernd Hammermann, Judges, gave judgment on 17 September 2018, the operative part of which is as follows:

1. The principle of equivalence requires that a national limitation rule that lays down a separate limitation period of one year for bringing an action for damages arising from a criminal offence that has been established by a final criminal conviction must be applied correspondingly to an action for damages for infringement of Articles 53 and 54 EEA that has been established by a final decision by the EFTA Surveillance Authority imposing a fine, in so far as those actions have a similar purpose, cause of action and essential characteristics.
 2. The principle of effectiveness does not restrict the EEA States' right to apply a limitation period of three years for bringing an action for damages for infringement of Articles 53 and 54 EEA, when this limitation period is combined with a duty of investigation on the part of the injured party that could lead to the limitation period expiring before the EFTA Surveillance Authority has reached a decision in a case concerning infringement of Articles 53 and 54 EEA based on a complaint from the injured party, as long as the application of such a limitation period does not make it impossible or excessively difficult to bring an action for damages for infringement of EEA competition rules. That assessment must take into account the special characteristics of competition cases.
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