

**Request for a preliminary ruling from the Landgericht Dortmund (Germany) lodged on 20 April 2023 — ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen**

**(Case C-253/23, ASG)**

(2023/C 261/16)

*Language of the case: German*

**Referring court**

Landgericht Dortmund

**Parties to the main proceedings**

*Applicant:* ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH

*Defendant:* Land Nordrhein-Westfalen

**Questions referred**

1. Is EU law, particularly Article 101 TFEU, Article 4(3) TEU, Article 47 of the Charter of Fundamental Rights of the European Union, and Articles 2(4) and 3(1) of Directive 2014/104/EU<sup>(1)</sup> to be interpreted as precluding an interpretation and application of the law of a Member State which has the effect of prohibiting a person who may have suffered harm by an infringement of Article 101 TFEU — established, with binding effect, on the basis of Article 9 of Directive 2014/104/EU or the national provisions transposing that article — from assigning on a fiduciary basis his or her claims for compensation — particularly in cases of collective or scattered harm — to a licensed provider of legal services, so that that provider can claim together with the claims of other alleged injured parties, by means of a follow-on action if other equivalent legal or contractual possibilities for consolidating claims for damages do not exist, in particular because they do not allow a judgment requiring performance [of payment of damages] to be sought, of if they are not practicable for other procedural reasons or are objectively unreasonable for economic reasons, with the consequence, in particular, that it would be practically impossible, or in any event excessively difficult, to bring an action for damages for a small amount?
2. Is EU law in any event be interpreted in this way if the claims for damages at issue have to be pursued without a prior decision on the alleged infringement from the European Commission or national authorities that has a binding effect within the meaning of national provisions based on Article 9 of Directive 2014/104/EU (known as a 'stand-alone action'), if other equivalent legal or contractual possibilities for consolidating civil law claims for damages do not exist for the reasons already set out in question 1, and, in particular, on the contrary, an action based on an infringement of Article 101 TFEU would not be brought, either via public enforcement nor via private enforcement?
3. If at least one of those two questions is answered in the affirmative, must the relevant provisions of German law remain unapplied if an interpretation which complies with EU law is ruled out, which would have the consequence that assignments [of claims for compensation] are in any event effective from that point of view and would render effective enforcement of law possible?

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<sup>(1)</sup> 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 (OJ 2014 L 349, p. 1).

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**Request for a preliminary ruling from the Ustavni sud Republike Hrvatske (Croatia) lodged on 28 April 2023 — E.P. v Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugostupanjski upravni postupak**

**(Case C-277/23, Ministarstvo financija)**

(2023/C 261/17)

*Language of the case: Croatian*

**Referring court**

Ustavni sud Republike Hrvatske