



C/2024/2591

22.4.2024

**Request for a preliminary ruling from the Juzgado de lo Mercantil n.º 1 de Zaragoza (Spain) lodged on
12 January 2024 – CP v Nissan Iberia S.A.**

(Case C-21/24)

(C/2024/2591)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil n.º 1 de Zaragoza

Parties to the main proceedings

Applicant: CP

Defendant: Nissan Iberia S.A.

Questions referred

1. Is there a legal basis in EU law for a distinction between the possibility and the obligation to bring an action for damages in respect of an infringement of competition or, conversely, once the injured party is aware or could reasonably have been aware both of the fact that he, she or it has suffered damage as a result of that infringement and of the identity of the perpetrator of the infringement, must that party bring such an action, and does the limitation period begin to run?
2. For an action for damages to be brought before the judicial authority, must the party wishing to bring that action wait until the penalty has become final before the courts or, conversely, if the decision of the competition authority, published in full, contains information about the identity of the perpetrators of the infringement in question, its exact duration and the products concerned by that infringement, must it be assumed that an action for damages may be brought before the courts and the limitation period begins to run?
3. Should the publication of the full penalty on the official, public website of the competition authority be treated as equivalent to the publication of the summary of the European Commission's decision in the Official Journal of the European Union for the purposes of the limitation period, given that the decisions of the competition authority are only published on the official website?
