

CP

v

Nissan Iberia SA

(Request for a preliminary ruling from the Juzgado de lo Mercantil nº 1 Zaragoza)

Judgment of the Court (Fourth Chamber) of 4 September 2025

(Reference for a preliminary ruling – Article 101 TFEU – Principle of effectiveness – Actions for damages for infringements of the competition law provisions of the Member States and of the European Union – Limitation period – Determination of the *dies a quo* – Knowledge of the information necessary for bringing an action for damages – Publication on the website of a national competition authority of its decision finding an infringement of the competition rules – Binding effect of a decision of a national competition authority which is not yet final – Suspension or interruption of the limitation period – Stay of the main proceedings before the court hearing an action for damages – Directive 2014/104/EU – Article 10 – Temporal application)

1. Judicial proceedings – Request that the oral procedure be reopened – Request to lodge observations following the Advocate General’s Opinion – Conditions for reopening – Conditions not fulfilled – Possibility of sending a request for clarification to the referring court in preliminary ruling proceedings – Exclusive prerogative of the Court

(Art. 252, second para., TFEU; Rules of Procedure of the Court of Justice, Arts 83 and 101)

(see paragraphs 28-36)

2. Competition – Actions for compensation for the harm caused by infringements of competition rules – Directive 2014/104 – Temporal application – Provision laying down certain requirements in relation to the limitation period applicable to actions for damages – Substantive provision – Prohibition of retroactive application of national transposing legislation – Obligation to interpret national law in conformity with EU law as from the expiry of the period prescribed for transposition of the directive

(European Parliament and Council Directive 2014/104, Arts 10 and 22)

(see paragraphs 44, 45)

3. Competition – Actions for compensation for the harm caused by infringements of competition rules – Directive 2014/104 – Temporal application – Actions for compensation for the harm caused by infringements committed before the entry into force of the directive – Temporal applicability of the provision of the directive laying down certain requirements in relation to the limitation period – Conditions – Actions for compensation not yet time-barred on the date on which the transposition period of the directive expired – Determination of the starting point of the limitation period for those actions – Applicability of national law – Limits – Compliance with Article 101 TFEU and with the principle of effectiveness – National limitation period being able to begin to run only after the infringement has ceased and the injured party knows the information necessary to bring the action for compensation – Infringement of the competition rules established by a decision of the national competition authority which is the subject of an action for annulment – Moment when the necessary information is known – Date of the official publication of the court decision definitively upholding the decision of the national competition authority

(Art. 101 TFEU; European Parliament and Council Directive 2014/104, Arts 10 and 22)

(see paragraphs 46-68, 74-80, operative part)

4. Competition – Actions for compensation for the harm caused by infringements of competition rules – Directive 2014/104 – Limitation period applicable to actions for damages – Starting point of the limitation period – Limitation period being able to begin to run only after the infringement has ceased and the injured party knows the information necessary to bring the action for compensation

(European Parliament and Council Directive 2014/104, Art. 10(2))

(see paragraph 81, operative part)

Résumé

Hearing a request for a preliminary ruling from the Juzgado de lo Mercantil nº 1 Zaragoza (Commercial Court No 1, Zaragoza, Spain), the Court of Justice determines the starting point of the limitation period applicable to actions for damages brought before national courts for infringements of competition law found by a national competition authority.

In 2015, the Comisión Nacional de los Mercados y la Competencia (National Commission for Markets and Competition, Spain; ‘the CNMC’) adopted a decision finding that a number of undertakings, including Nissan Iberia SA, had infringed Article 101 TFEU and the Spanish rules on competition law. That decision was the subject of a press release, published on the CNMC’s website on 28 July 2015. On 15 September 2015, that decision was published in its entirety on that website.

A number of actions for annulment were brought against the decision of the CNMC by the perpetrators of the alleged infringement, including Nissan, but it was upheld, as regards Nissan, by the Tribunal Supremo (Supreme Court, Spain) in 2021.

In March 2023, CP brought an action for damages before the referring court seeking an order that Nissan pay compensation for the losses which CP allegedly suffered as a result of the purchase of a vehicle the price of which had been affected by the infringement found in that decision.

In its defence, Nissan argued that the action for damages was time-barred.

In that respect, the referring court explains that, under national law, the limitation periods applicable to actions for damages for infringements of the competition rules cannot begin to run before the infringement concerned ceased and before the injured party knew, or could reasonably have known, of the information necessary for bringing his or her action for damages.

In cases where that infringement was established by a decision of the CNMC, that court considers that the view may be taken that the injured parties became aware of that information at the time the decision of the CNMC was published on its website, irrespective of whether that decision was final. According to that interpretation, the action for damages brought by CP is time-barred in the present case.

The referring court observes, however, that there is also a line of national case-law according to which the limitation period applicable to actions for damages in respect of anticompetitive conduct found by a decision of the CNMC and which is the subject of an action for annulment does not begin to run until the point when that decision has become final following judicial review.

In those circumstances, the referring court submits three questions for a preliminary ruling asking, in essence, whether Article 101 TFEU, read in the light of the principle of effectiveness, and, as the case may be, Article 10(2) of Directive 2014/104 ([1](#)) preclude national legislation, as interpreted by the national courts having jurisdiction, according to which, for the purposes of determining the starting point of the limitation period applicable to actions for damages for infringements of the competition rules following a decision of the national competition authority finding an infringement of those rules, it may be concluded that a person who considers himself or herself to have been harmed was aware of the information necessary to enable him or her to bring an action for damages before that decision became final.

Findings of the Court

First, the Court reviews the temporal applicability of Article 10 of Directive 2014/104 to the main proceedings. Article 10(2) provides that the national limitation periods applicable to actions for damages for infringements of competition law do not begin to run before that infringement has ceased and before the applicant knew, or could reasonably be expected to have known, the information necessary for bringing his or her action for damages.

In order to determine whether that provision is applicable to the case in the main proceedings, the Court examines whether, on the date of expiry of the period for transposing Directive 2014/104, namely 27 December 2016, the national limitation period applicable to the action for damages brought by CP had expired.

On that point, the Court emphasises that, even before the expiry of the period for transposing Directive 2014/104, national legislation laying down the date on which the limitation period applicable to actions for damages for infringements of competition law starts to run, the duration of that period and the rules for its suspension or interruption must be adapted to the specificities of competition law and the objectives of the implementation of the rules of that law by the persons concerned, so as not to undermine completely the full effectiveness of Articles 101 and 102 TFEU.

The Court also points out that the practical effect of the prohibition laid down in Article 101(1) TFEU would be put at risk if it were not open to any individual to claim damages for loss caused to him or her by an infringement of competition law. It follows that any person can claim compensation for the harm suffered where there is a causal relationship between that harm and an agreement or practice prohibited under Article 101 TFEU.

In accordance with the case-law, the exercise of that right to claim compensation would be made practically impossible or excessively difficult if the limitation periods began to run before the infringement ceased and the injured party knew, or could reasonably be expected to have known, the information necessary to bring his or her action for damages, which includes the existence of an infringement of competition law, the existence of harm, a causal link between that harm and that infringement, and the identity of the infringer.

In that context, it is apparent from the explanations provided by the referring court that a decision of the CNMC finding an infringement of the competition rules, the validity of which has been called into question through judicial proceedings, is not binding on the court hearing an action for damages following that decision. Thus, the person harmed by the infringement concerned could not effectively rely on that decision in support of his or her action for damages. It follows that, since the court hearing the action for damages is bound by the finding of the existence of the infringement concerned only when that decision has become final, the injured party can reasonably be expected to have become aware of the information necessary for bringing the action only when the CNMC's decision has become final following judicial review. Accordingly, the limitation period for the injured party's action for damages cannot begin to run before the date on which that decision has become final.

That being said, the Court also states that the condition relating to knowledge of the information necessary to bring an action for damages following a decision of a national competition authority requires not only that that decision becomes final but also that that information arising from the final decision has been made public in an appropriate manner. For those purposes, the judgment definitively upholding the decision of the national competition authority must be officially published and be freely accessible to the general public, and the date of its publication must be clearly set out in that judgment.

In the light of the foregoing, the Court recalls that, in the main proceedings, CP brought his action for damages in March 2023 following a decision of the CNMC which became final as regards Nissan following a judgment of the Tribunal Supremo (Supreme Court). Since that judgment was not pronounced until 2021, it may reasonably be supposed that, on the date on which the period for transposing Directive 2014/104 expired, namely 27 December 2016, not only had the limitation period applicable to the action for damages brought by CP not expired, but it had not even started to run.

Secondly, the Court considers that the content of the Article 10(2) of Directive 2014/104 reflects, as regards determining the moment from which the limitation period begins to run, in essence, its case-law relating to Articles 101 and 102 TFEU and the principle of effectiveness.

Thus, the Court finds that its considerations concerning the starting point of the limitation period for actions for damages for infringements of the competition rules before the entry into force of Directive 2014/104 are also applicable to the interpretation of Article 10(2) of that directive.

In those circumstances, the Court's answer to the questions posed is that Article 101 TFEU, read in the light of the principle of effectiveness, and Article 10(2) of Directive 2014/104 must be interpreted as meaning that they preclude national legislation, as interpreted by the national courts having jurisdiction, according to which, for the purposes of determining the starting point of the limitation period applicable to actions for damages for infringements of the competition rules following a decision of the national competition authority finding an infringement of those rules, it may be concluded that a person who considers himself or herself to have been harmed was aware of the information necessary to enable him or her to bring an action for damages before that decision became final.

([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 ([OJ 2014 L 349, p. 1](#)).