

## European Union

### “Cogeco Communications”

**Decision of the European Court of Justice (Second Chamber)  
28 March 2019 – Case No. C-637/17**

*Cogeco Communications Inc. v. Sport TV Portugal SA,  
Controlinveste-SGPS SA and NOS-SGPS SA*

**Treaty on the Functioning of the European Union, Art.  
102; Directive 2014/104/EU, Arts. 9(1), 10(2)–(4), 21, 22**

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**Keywords** Actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union · Effects of national decisions · Limitation periods · Transposition · Temporal application · Retroactive effect

1. Article 22 of 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 must be interpreted as meaning that that directive is not applicable to the dispute in the main proceedings.
2. Article 102 TFEU and the principle of effectiveness must be interpreted as precluding national legislation which, first, provides that the limitation period in respect of actions for damages is three years and starts to run from the date on which the injured party was aware of its right to compensation, even if unaware of the identity of the person liable and, secondly, does not include any possibility of suspending or interrupting that period during proceedings before the national competition authority.

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