

Appeal brought on 4 February 2016 by Actega Terra GmbH against the order of the General Court (Seventh Chamber) delivered on 23 November 2015 in Case T-766/14 Actega Terra GmbH v European Union Intellectual Property Office

(Case C-63/16 P)

(2016/C 260/19)

Language of the case: German

Parties

Appellant: Actega Terra GmbH (represented by: C. Onken, lawyer)

Other party to the proceedings: European Union Intellectual Property Office, Heidelberger Druckmaschinen

By order of 24 May 2016, the Court of Justice of the European Union (Seventh Chamber) dismissed the appeal and ordered the appellant to bear its own costs.

Request for a preliminary ruling from the Amtsgericht München (Germany) lodged on 29 February 2016 — Criminal proceedings against Ianos Tranca

(Case C-124/16)

(2016/C 260/20)

Language of the case: German

Referring court

Amtsgericht München

Parties to the main proceedings

Ianos Tranca

Other party: Staatsanwaltschaft München I

Questions referred

1. Do Article 2 and Article 6(1) and (3) of Directive 2012/13/EU ⁽¹⁾ of the European Parliament and of the Council of 22 May 2012 preclude a provision of law enacted by a Member State under which, in criminal proceedings, an accused person who is not resident in that Member State must nominate a person authorised to accept service of a penalty order made against him, even though the accused person does not subsequently have the benefit of the whole of the period for lodging an objection to that penalty order, but he also has no address at which the penalty order can verifiably be notified to him, and the nomination of a person authorised to accept service and in possession of an address enables him to keep the authorised person informed of where a penalty order can be sent to him with proof of notification?

2. Do Article 2(1) and Article 6(1) and (3) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 preclude a provision of law enacted by a Member State under which, in criminal proceedings, an accused person who is not resident in that Member State must nominate a person authorised to accept service of a penalty order made against him, and service on a person authorised to accept service is automatically sufficient for the purpose of calculating the period within which an objection may be lodged, where, in the event of failure to comply with the period calculated in this way, the accused person can apply to have his position restored to the *status quo ante* and, in those circumstances, an adequate excuse for such failure is that the penalty order was forwarded to him and, after it had been forwarded, he lodged an objection within the prescribed period, that is to say where, by having his position restored to the *status quo ante*, he can retroactively rely on the unreduced period for lodging an objection, even though, by law, a penalty order is generally declared enforceable in the event of failure to comply with the period for lodging an objection?

(¹) Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142, p. 1).

Request for a preliminary ruling from the Landgericht München I (Germany) lodged on 4 April 2016 — Criminal proceedings against Ionel Opria

(Case C-188/16)

(2016/C 260/21)

Language of the case: German

Referring court

Landgericht München I

Parties to the main proceedings

Ionel Opria

Other party: Staatsanwaltschaft München I

Question referred

Must Article 2, Article 3(1)(c) and Article 6(1) and (3) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (¹) be interpreted as precluding legislation of a Member State under which, in criminal proceedings against an accused person with no fixed domicile or residence in that Member State, a penalty order made against the accused can be served on a person appointed by him as being authorised to accept service on his behalf, with the result that the penalty order acquires the force of *res judicata* upon expiry of the (two-week) period for lodging an objection, which begins to run from the time of service on the authorised person, even where, in accordance with the legislation of that Member State, any such accused person who lodges a written objection against the penalty order with the court having jurisdiction within two weeks of actually becoming aware of that order must *ex officio* have his position restored to the *status quo ante*, with the result that, following the adoption of the decision to restore the *status quo ante*, proceedings must continue as they would in the case of an objection lodged in good time?

(¹) OJ 2012 L 142, p. 1.