

Appeal brought on 12 February 2016 by European Dynamics Luxembourg SA, Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE against the judgment of the General Court (Fourth Chamber) delivered on 2 December 2015 in Case T-553/13: European Dynamics Luxembourg and Evropaïki Dynamiki v Fusion for Energy

(Case C-88/16 P)

(2016/C 335/38)

Language of the case: English

Parties

Appellants: European Dynamics Luxembourg SA, Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (represented by: M. Sfyri, C.-N. Dede, D. Papadopoulou, dikigoroï)

Other party to the proceedings: European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)

By order of 7 July 2016 the Court of Justice (Ninth Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Sąd Okręgowy w Gorzowie Wielkopolskim (Poland) lodged on 19 April 2016 — Aleksandra Kubicka

(Case C-218/16)

(2016/C 335/39)

Language of the case: Polish

Referring court

Sąd Okręgowy w Gorzowie Wielkopolskim

Applicant in the main proceedings

Aleksandra Kubicka

Question referred

Must Article 1(2)(k), Article 1(2)(1) and Article 31 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession ⁽¹⁾ be interpreted as permitting refusal to recognise the material effects of a legacy by vindication (*legatum per vindicationem*), as provided for by [Polish] succession law, if that legacy concerns the right of ownership of immovable property located in a Member State the law of which does not provide for legacies having direct material effect?

⁽¹⁾ OJ 2012 L 201, p. 107.

Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 17 May 2016 — Polkomtel Sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej

(Case C-277/16)

(2016/C 335/40)

Language of the case: Polish

Referring court

Sąd Najwyższy

Parties to the main proceedings

Appellant: Polkomtel Sp. z o.o.

Respondent: Prezes Urzędu Komunikacji Elektronicznej

Questions referred

- (1) Must Article 13, in conjunction with Article 8(4), of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), ⁽¹⁾ in its original version, be interpreted as meaning that, where an obligation for cost orientation of prices is imposed on an operator with significant market power, the national regulatory authority may, in order to promote efficiency and sustainable competition, set the price for the service covered by that obligation below the level of the costs of supplying that service that are incurred by the operator, verified by the national regulatory authority and regarded as costs attributable to that service?
- (2) Must Article 13(3), in conjunction with Article 8(4), of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), in its original version, in conjunction with Article 16 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the national regulatory authority may impose on an operator obliged to orientate prices to costs an obligation to set the price annually on the basis of the most up-to-date data on costs and submit the price thus set, together with a cost justification, to the national regulatory authority for verification before that price becomes applicable in trade?
- (3) Must Article 13(3) of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), in its original version, in conjunction with Article 16 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the national regulatory authority may request the operator required to orientate prices to costs to adjust the price only where that operator first sets the amount of the price independently and starts to apply it, or also where the operator applies the price at the amount set previously by the national regulatory authority but it follows from the cost justification for the subsequent reporting period that the price set previously by the national regulatory authority is above the level of costs incurred by the operator?

⁽¹⁾ OJ 2002 L 108, p. 7.

Request for a preliminary ruling from the Landgericht Aachen (Germany) lodged on 19 May 2016 — Frank Sleutjes

(Case C-278/16)

(2016/C 335/41)

Language of the case: German

Referring court

Landgericht Aachen

Parties to the main proceedings

Applicant: Frank Sleutjes

Other party: Staatsanwaltschaft Aachen

Question referred

Is Article 3 of Directive 2010/64/EU ⁽¹⁾ of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (Celex No 32010L0064) to be interpreted as meaning that the term ‘judgment’ in Paragraph 37(3) of the [Strafprozessordnung (StPO); the Code of Criminal Procedure] also includes penal orders within the meaning of Paragraph 407 et seq. of the Code of Criminal Procedure?

⁽¹⁾ OJ L 280, 26.10.2010, p. 1.