

— Order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

In accordance with Article 29(1) of Directive 2014/92/EU, the Member States were required to adopt and publish, by 18 September 2016 at the latest, the laws, regulations and administrative provisions necessary to comply with that directive, and notify those measures to the Commission.

Given that the Kingdom of Spain has failed to transpose Directive 2014/92/EU in full and notify the transposition measures to the Commission, the Commission decided to bring the present action before the Court of Justice.

The Commission suggests that a daily penalty payment of EUR 48 919,20 be imposed on the Kingdom of Spain, with effect from the date of delivery of the judgment, calculated on the basis of the seriousness and duration of the infringement and the dissuasive effect with regard to that Member State's ability to play.

⁽¹⁾ OJ 2014 L 257, p. 214

Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 2 July 2018 — ML v OÜ Aktiva Finants

(Case C-433/18)

(2018/C 352/23)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Applicant: ML

Defendant: OÜ Aktiva Finants

Questions referred

1. Is the procedure for granting leave for further consideration which is part of the national system of appeals compatible with the effective rights of appeal that are guaranteed for both parties in Article 43(1) of Regulation No 44/2001 ⁽¹⁾ where an appeal is lodged against the decision of a district court which relates to the recognition or enforcement of a judgment under Regulation No 44/2001?
2. In the procedure for granting leave for further consideration, are the requirements in relation to a procedure in contradictory matters within the meaning of Article 43(3) of Regulation No 44/2001 satisfied if the respondent is not heard in relation to the appeal before the decision on leave is taken? Are they satisfied if the respondent is heard before the decision on leave for further consideration is taken?
3. Does the fact that the appellant may be not only the party who has applied for enforcement and whose application has been refused, but also the party against whom enforcement has been applied for when that application has been allowed, have any significance for the above interpretation?

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).