

Respondent: Prezes Urzędu Komunikacji Elektroniczej

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.