

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 10 January 2018 — Eva Glawischnig-Piesczek v Facebook Ireland Limited

(Case C-18/18)

(2018/C 104/26)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Eva Glawischnig-Piesczek

Defendant: Facebook Ireland Limited

Questions referred

1. Does Article 15(1) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')⁽¹⁾ generally preclude any of the obligations listed below of a host provider which has not expeditiously removed illegal information, specifically not just this illegal information within the meaning of Article 14 (1)(a) of the Directive, but also other identically worded items of information:
 - a.a. worldwide?
 - a.b. in the relevant Member State?
 - a.c. of the relevant user worldwide?
 - a.d. of the relevant user in the relevant Member State?
2. In so far as Question 1 is answered in the negative: Does this also apply in each case for information with an equivalent meaning?
3. Does this also apply for information with an equivalent meaning as soon as the operator has become aware of this circumstance?

⁽¹⁾ OJ 2000 L 178, p. 1.

Action brought on 9 January 2018 — European Commission v Grand Duchy of Luxembourg

(Case C-20/18)

(2018/C 104/27)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Hottiaux, J. Samnadda and G. von Rintelen, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

The Commission claims that the Court should:

- find that, by failing to adopt, by no later than 10 April 2016, the laws, regulations and administrative provisions necessary to ensure compliance with Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ 2014 L 84, p. 72), or in any event by failing to communicate those provisions to the Commission, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 43(1) of that directive;
- order the Grand Duchy of Luxembourg to pay, pursuant to Article 260(3) TFEU, a penalty payment of EUR 12 920 per day, from the date on which judgment is delivered in the present case, for failure to comply with the obligation to notify the measures transposing Directive 2014/26/EU;
- order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

Member States were required, under Article 43(1) of Directive 2014/26/EU, to adopt the national measures required to transpose the obligations under that directive by no later than 10 April 2016. As Luxembourg failed to notify any measures transposing that directive, the Commission decided to bring the present action before the Court of Justice.

In its application, the Commission proposes that Luxembourg should be ordered to pay a penalty payment of EUR 12 920 per day. The amount of the penalty payment has been calculated by taking into account the gravity and duration of the infringement, as well as the deterrent effect in the light of that Member State's ability to pay.

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 17 January 2018 — Verein für Konsumenteninformation v Deutsche Bahn AG

(Case C-28/18)

(2018/C 104/28)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Verein für Konsumenteninformation

Defendant: Deutsche Bahn AG

Question referred

Must Article 9(2) of Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (the SEPA Regulation) ⁽¹⁾ be interpreted to mean that the payee is prohibited from making payment under the SEPA direct debit scheme dependent on the payer's place of residence being in the Member State in which the payee also has his establishment (residence), if payment in a different way, for example with a credit card, is also allowed?

⁽¹⁾ OJ 2012 L 94, p. 22.