

3. Is the national legislation laid down in point 4.5.4 of the Procedure for access of subscribers and/or users to services of authorities providing emergency services (version in force from 11 November 2011 to 15 April 2016), which inter alia provides that public mobile network providers are to supply location information with an accuracy of base station (sector) coverage (Cell-ID), but which does not specify the minimum accuracy (in terms of distance) with which base stations must establish the caller's location or the density (in terms of distance) at which base stations must be distributed, compatible with Article 26(5) of Directive 2002/22/EC, as amended by Directive 2009/136/EC, which provides that competent regulatory authorities are to lay down criteria for the accuracy and reliability of the caller location information provided?
4. If the answers to the first question and/or second question are such that a Member State has to ensure that location information is established under Article 26(5) of Directive 2002/22/EC, as amended by Directive 2009/136/EC, and/or the answer to the third question is such that the national legislation is incompatible with Article 26(5) of Directive 2002/22/EC, as amended by Directive 2009/136/EC, which provides that competent regulatory authorities are to lay down criteria for the accuracy and reliability of the caller location information provided, is a national court required, when deciding on the issue of compensation for damage, to establish a direct causal link between the breach of EU law and the damage sustained by the individuals, or is it sufficient to establish an indirect causal link between the breach of EU law and the damage sustained by the individuals, where, under provisions of national law and/or national case-law, the establishment of an indirect causal link between the unlawful actions and the damage sustained by the individuals is sufficient to give rise to liability?

⁽¹⁾ Directive of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ 2002 L 108, p. 51).

⁽²⁾ Directive of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ 2009 L 337, p. 11).

Action brought on 29 June 2018 — European Commission v Kingdom of Spain

(Case C-430/18)

(2018/C 352/22)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: T. Scharf, J. Rius, G. von Rintelen, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court of Justice should:

- Declare that, by failing to adopt, by 18 September 2016, all of the laws, regulations and administrative provisions necessary to comply with Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features ⁽¹⁾, or in any case, by failing to notify those measures to the Commission, the Kingdom of Spain has failed to fulfil its obligations under Article 29(1) of that directive;
- Impose on the Kingdom of Spain, in accordance with Article 260(3) TFEU, a daily penalty payment of EUR 48 919,20, with effect from the date of delivery of the judgment declaring the failure to fulfil the obligation to adopt or, in any case, to notify to the Commission, the measures necessary to comply with Directive 2014/92/EU;

— 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).