

- to order Ireland to pay to the Commission a penalty payment of EUR 12,264 per day from the date of the judgment in the present proceedings to the date of compliance by Ireland with the ruling in Case C-215/06; and
- order Ireland to pay the costs of this action.

Pleas in law and main arguments

Ireland is required, under Article 260 (1) TFEU, to take the necessary measures to comply with the judgment of the Court in C-215/06. As Ireland has not taken the necessary measures to comply with the second ground of that judgment, the Commission decided to refer the matter to the Court of Justice.

In its application, the Commission proposes that the Court of Justice impose a lump sum payment of EUR 1 343,2 per day and a penalty payment of EUR 12,264 per day on Ireland. The amount of the lump sum and of the penalty payment has been calculated taking into account the seriousness and duration of the infringement and the deterrent effect based on that Member State's ability to pay.

⁽¹⁾ judgment of 3 July 2008, *Commission v Ireland*, C-215/16, EU:C:2008:380.

Request for a preliminary ruling from the Markkinaoikeus (Finland) lodged on 27 April 2018 — Oulun Sähkönmyynti Oy

(Case C-294/18)

(2018/C 240/30)

Language of the case: Finnish

Referring court

Markkinaoikeus

Parties to the main proceedings

Appellant: Oulun Sähkönmyynti Oy

Other party: Energiavirasto

Questions referred

1. Is Article 11(1) of Directive 2012/27/EU ⁽¹⁾ of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC to be interpreted as meaning that the granting of a discount on a basic electricity charge which is based on the method of billing chosen by the final customer means that billing and billing information has not been given free of charge to final customers other than those receiving the discount?
2. If the answer to the first question referred is in the negative and the grant of the abovementioned discount is permitted, does it follow from Directive 2012/27/EU that, in order to determine whether the discount is permitted, additional special conditions must be taken into account, such as whether the discount corresponds to the cost savings achieved with the chosen type of billing, whether or not the discount is given with each bill, or whether the discount can be given to the group of final customers who make cost savings with their choice of billing method?
3. If the grant of a discount referred to in Question 1 means that final customers other than those who have chosen a particular billing method would be required to pay charges contrary to Article 11(1) of Directive 2012/27/EU, are there any specific requirements of EU law to be taken into account in the decision on reimbursement of the charges?

⁽¹⁾ OJ 2012 L 315, p. 1.