

**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 29 June 2018 —
Otis Gesellschaft m.b.H. and Others v Land Oberösterreich and Others**

(Case C-435/18)

(2018/C 352/24)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellants: Otis Gesellschaft m.b.H., Schindler Liegenschaftsverwaltung GmbH, Schindler Aufzüge und Fahrtreppen GmbH, Kone Aktiengesellschaft, ThyssenKrupp Aufzüge Gesellschaft m.b.H.

Respondents: Land Oberösterreich, Gemeinnützige Wohnungsgenossenschaft 'Lebensräume' eingetragene Gen.m.b.H., EBS Wohnungsgesellschaft mbH, WAG Wohnungsanlagen Gesellschaft m.b.H., WSG Gemeinnützige Wohn- und Siedlergemeinschaft reg. Gen.m.b.H., Neue Heimat Oberösterreich Gemeinnützige Wohnungs- und SiedlungsgesmbH, BRW Gemeinnützige Wohnungs- und Siedlungsgenossenschaft 'Baureform Wohnstätte' eingetragene Gen.m.b.H., Gemeinnützige Wohnungs- und Siedlungsgenossenschaft 'Familie' eingetragene Gen.m.b.H., VLW Vereinigte Linzer Wohnungsgenossenschaften Gemeinnützige GmbH, Gemeinnützige Steyrer Wohn- und Siedlungs Genossenschaft 'Styria' reg.Gen.m.b.H., Innviertler Gemeinnützige Wohnungs- und Siedlungsgenossenschaft reg.Gen.m.b.H., Gemeinnützige Wohnungsgesellschaft der Stadt Steyr GmbH, Gemeinnützige Industrie-Wohnungsaktiengesellschaft, Gemeinnützige Siedlungsgesellschaft m.b.H. für den Bezirk Vöcklabruck, GEWOG Neues Heim Gemeinnützige Wohnungsgesellschaft m.b.H.

Question referred

Are Article 85 TEC, Article 81 EC and Article 101 TFEU to be interpreted as meaning that, in order to maintain the full effectiveness of those provisions and the practical effectiveness of the prohibition resulting from those provisions, it is necessary that compensation for losses may also be claimed from members of a cartel by persons who are not active as suppliers or customers on the relevant product and geographic market affected by a cartel, but who grant loans to buyers of the products offered on the market affected by the cartel under preferential terms as funding bodies within the scope of statutory provisions, and whose loss lies in the fact that the loan amount granted as a percentage of the product costs was higher than what it would have been without the cartel agreement, which means that they were unable profitably to invest those amounts?

**Request for a preliminary ruling from the Förvaltningsrätten i Linköping (Sweden) lodged on 12 July
2018 — Baltic Cable AB v Energimarknadsinspektionen**

(Case C-454/18)

(2018/C 352/25)

Language of the case: Swedish

Referring court

Förvaltningsrätten i Linköping

Parties to the main proceedings

Applicant: Baltic Cable AB

Defendant: Energimarknadsinspektionen

Questions referred

1. Is Article 16(6) of the Electricity Regulation ⁽¹⁾ to apply in all cases where a person obtains revenues resulting from the allocation of interconnection, regardless of his circumstances, or is it to apply only where the person who receives the revenues is a transmission system operator, as defined in Article 2(4) of the Electricity Market Directive?
2. If the answer to Question 1 is that Article 16(6) of the Electricity Regulation is to apply only to transmission system operators, is an undertaking which merely operates an interconnector a transmission system operator?
3. If the answer to Question 1 or 2 means that Article 16(6) of the Electricity Regulation is to apply to an undertaking which merely operates an interconnector, can the costs relating to the operation and maintenance of an interconnector in any event be regarded as network investments to maintain or increase transmission capacities, as referred to in point (b) of first subparagraph of Article 16(6)?
4. If the answer to Question 1 or 2 means that Article 16(6) of the Electricity Regulation is to apply to an undertaking which merely operates an interconnector, can the regulatory authority, pursuant to the second subparagraph of Article 16(6) of the Electricity Regulation, approve that an undertaking which merely operates an interconnector, which has a methodology for fixing tariffs but does not have customers making direct payments with network charges (tariffs) which can be reduced, may use revenues from the allocation of interconnection to make [Or.22] a return or, if the answer to Question 3 is in the negative, to operate and maintain?
5. If the answer to Question 1 or 2 means that Article 16(6) of the Electricity Regulation is to apply to an undertaking which merely operates an interconnector, and the answer to Question 3 and 4 means either that the company may not use revenues resulting from the allocation of interconnection to operate or maintain or to make a return, or that the undertaking may use the revenues to operate or maintain, but not to make a return, is application of Article 16(6) of the Electricity Regulation to an undertaking which merely operates an interconnector contrary to the EU-law principle of proportionality or any other applicable principle?

⁽¹⁾ Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity, and repealing Regulation (EC) No 1228/2003 (OJ 2009, L 211 p. 15).

**Request for a preliminary ruling from the Rayonen Sad Lukovit (Bulgaria) lodged on 17 July 2018 —
criminal proceedings against EP**

(Case C-467/18)

(2018/C 352/26)

Language of the case: Bulgarian

Referring court

Rayonen Sad Lukovit

Parties to the main proceedings

Proceedings instituted at the request of: Rayonna prokuratura Lom

Other party to the proceedings: EP