

Referring courts

High Court of Ireland, Verfassungsgerichtshof

Parties to the main proceedings

Applicants: Digital Rights Ireland Ltd (C-293/12), Kärntner Landesregierung, Michael Seitlinger, Christof Tschohl and others (C-594/12)

Defendants: Minister for Communications, Marine and Natural Resources, Minister for Justice, Equality and Law Reform, The Commissioner of the Garda Síochána, Ireland and the Attorney General (C-293/12)

intervener: Irish Human Rights Commission

Re:

(Case C-293/12)

Request for a preliminary ruling — High Court of Ireland — Interpretation of Articles 3, 4 and 6 of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54) — Limitation of the rights of the applicant with regard to mobile telephony — Compatibility with Article 5(4) TEU and with Article 21 TFEU — Compatibility with Articles 7, 8, 11 and 41 of the Charter of Fundamental Rights of the European Union

(Case C-594/12)

Request for a preliminary ruling — Verfassungsgerichtshof — Validity of Articles 3 to 9 of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54) in the light of Articles 7, 9 and 11 of the Charter of Fundamental Rights of the European Union — Interpretation of the Charter of Fundamental Rights of the European Union, in particular Articles 7, 8, 52 and 53 thereof, of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31), and of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1) — Constitutional application concerning the possible unconstitutionality of certain provisions of the Austrian Federal Law on Telecommunications transposing Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks

Operative part of the judgment

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC is invalid.

⁽¹⁾ OJ C 258, 25.8.2012.
OJ C 79, 16.3.2013.

Judgment of the Court (Fourth Chamber) of 10 April 2014 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — ACI Adam BV and Others v Stichting de ThuisKopie, Stichting Onderhandeligen ThuisKopie vergoeding

(Case C-435/12) ⁽¹⁾

(Reference for a preliminary ruling — Intellectual property — Copyright and related rights — Harmonisation of certain aspects of copyright and related rights in the information society — Directive 2001/29/EC — Article 5(2)(b) and (5) — Reproduction right — Exceptions and limitations — Reproduction for private use — Lawful nature of the origin of the copy — Directive 2004/48/EC — Scope)

(2014/C 175/08)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicants: ACI Adam BV, Alpha International BV, AVC Nederland BV, B.A.S. Computers & Componenten BV, Despec BV, Dexxon Data Media and Storage BV, Fuji Magnetics Nederland, Imation Europe BV, Maxell Benelux BV, Philips Consumer Electronics BV, Sony Benelux BV, Verbatim GmbH

Defendants: Stichting de Thuis kopie, Stichting Onderhandelingen Thuis kopie vergoeding

Re:

Request for a preliminary ruling — Hoge Raad der Nederlanden — Netherlands — Interpretation of Article 5(2) and (5) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10) and of Article 14 of Directive 2004/48/CE of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ 2004 L 157, p. 45) — Reproduction right — Exceptions and limitations — Enforcement of intellectual property rights — Legal costs — Scope

Operative part of the judgment

- 1) *EU law, in particular Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, read in conjunction with paragraph 5 of that article, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which does not distinguish the situation in which the source from which a reproduction for private use is made is lawful from that in which that source is unlawful.*
- 2) *Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights must be interpreted as not applying to proceedings, such as those in the main proceedings, in which those liable for payment of the fair compensation bring an action before the referring court for a ruling against the body responsible for collecting that remuneration and distributing it to copyright holders, which defends that action.*

⁽¹⁾ OJ C 399, 22. 12. 2012.

Judgment of the Court (First Chamber) of 10 April 2014 (request for a preliminary ruling from the College van Beroep voor het bedrijfsleven — Netherlands) — Maatschap T. van Oosterom en A. van Oosterom-Boelhouwer v Staatssecretaris van Economische Zaken, Landbouw en Innovatie

(Case C-485/12) ⁽¹⁾

(Agriculture — Common agricultural policy — Direct support schemes — Regulation (EC) No 73/2009 — Integrated administration and control system for certain aid schemes — Identification system for agricultural parcels — Eligibility conditions for aid — Administrative controls — On-the-spot checks — Regulation (EC) No 796/2004 — Determination of the areas eligible for aid — Remote sensing — Physical inspection of agricultural parcels)

(2014/C 175/09)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicant: Maatschap T. van Oosterom en A. van Oosterom-Boelhouwer

Defendant: Staatssecretaris van Economische Zaken, Landbouw en Innovatie