

Judgment of the Court (Grand Chamber) of 8 April 2014 — European Commission v Hungary(Case C-288/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 95/46/EC — Protection of individuals with regard to the processing of personal data and the free movement of such data — Article 28(1) — National supervisory authorities — Independence — National legislation prematurely bringing to an end the term served by the supervisory authority — Creation of a new supervisory authority and appointment of another person as head of that authority)

(2014/C 175/06)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: K. Talabér-Ritz and B. Martenczuk, Agents)

Defendant: Hungary (represented by: M.Z. Fehér, Agent)

Intervener in support of the applicant: European Data Protection Supervisor (EDPS) (represented by: I. Chatelier, A. Buchta, Z. Belényessy and H. Kranenborg, Agents)

Re:

Failure to fulfil obligations — Infringement 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) — Obligation of Member States to provide that the application of measures adopted pursuant to Directive 95/46 is monitored by one or more public authorities exercising their functions with complete independence — Adoption of national legislation ending the six-year term of the data protection supervisor before its expiry — Creation of a national authority for data protection and freedom of information — Appointment, for a nine-year term, of a person other than the data protection supervisor as head of that authority

Operative part of the judgment

The Court:

- 1) Declares that, by prematurely bringing to an end the term served by the supervisory authority for the protection of personal data, Hungary has failed to fulfil its obligations under 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;
- 2) Orders Hungary to pay the costs;
- 3) Orders the European Data Protection Supervisor (EDPS) to bear its own costs.

⁽¹⁾ OJ C 227, 28. 7. 2012.

Judgment of the Court (Grand Chamber) of 8 April 2014 (requests for a preliminary ruling from the High Court of Ireland (Ireland) and the Verfassungsgerichtshof (Austria)) — Digital Rights Ireland Ltd (C-293/12) v 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, and Kärntner Landesregierung, Michael Seitlinger, Christof Tschohl and Others (C-594/12)

(Joined Cases C-293/12 and C-594/12) ⁽¹⁾

(Electronic communications — Directive 2006/24/EC — Publicly available electronic communications services or public communications networks services — Retention of data generated or processed in connection with the provision of such services — Validity — Articles 7, 8 and 11 of the Charter of Fundamental Rights of the European Union)

(2014/C 175/07)

Languages of the case: English and German

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