

ePrivacy

CASE LAW

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CASE LAW

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- [C-673/17](#) - Planet49

Judgment of the Court (Grand Chamber) of 1 October 2019

Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V. v Planet49 GmbH

Request for a preliminary ruling from the Bundesgerichtshof

Reference for a preliminary ruling — Directive 95/46/EC — Directive 2002/58/EC — Regulation (EU) 2016/679 — Processing of personal data and protection of **privacy in the electronic communications sector** — **Cookies** — Concept of consent of the data subject — Declaration of consent by means of a pre-ticked checkbox

- [C-623/17](#) - Privacy International

Judgment of the Court (Grand Chamber) of 6 October 2020

Privacy International v Secretary of State for Foreign and Commonwealth Affairs and Others

Request for a preliminary ruling from the Investigatory Powers Tribunal - London

Reference for a preliminary ruling – **Processing of personal data in the electronic communications sector** – Providers of electronic communications services – **General and indiscriminate transmission of traffic data and location data** – Safeguarding of national security – Directive 2002/58/EC – Scope – Article 1(3) and Article 3 – **Confidentiality of electronic communications** – Protection – Article 5 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – Article 4(2) TEU

- [C-207/16](#) - Ministerio Fiscal

Judgment of the Court (Grand Chamber) of 2 October 2018

¹ To consult the ECHR case law related to the *Privacy and Electronic Communications* go to the PANELFIT Repository - Data Protection legal framework in a nutshell – Case law – ECHR.

Proceedings brought by Ministerio Fiscal

Request for a preliminary ruling from the Audiencia Provincial de Tarragona
 Reference for a preliminary ruling — Electronic communications — Processing of personal data — Directive 2002/58/EC — Articles 1 and 3 — Scope — Confidentiality of electronic communications — Protection — Article 5 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7 and 8 — Data processed in connection with the provision of **electronic communications services** — **Access of national authorities to the data for the purposes of an investigation** — Threshold of **seriousness of an offence capable** of justifying access to the data

- [C-536/15](#) - Tele2 (Netherlands) and Others
 Judgment of the Court (Second Chamber) of 15 March 2017
Tele2 (Netherlands) BV and Others v Autoriteit Consument en Markt (ACM)

Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven
 Reference for a preliminary ruling — Electronic communications networks and services — Directive 2002/22/EC — Article 25(2) — Directory enquiry services and directories — Directive 2002/58/EC — Article 12 — Directories of subscribers — Making available personal data concerning **subscribers for the purposes of the provision of publicly available directory enquiry services and directories** — **Subscriber's consent** — Distinction on the basis of the Member State in which publicly available directory enquiry services and directories are provided — **Principle of non-discrimination**

- [C-424/15](#) - Ormaetxea Garai and Lorenzo Almendros
 Judgment of the Court (Second Chamber) of 19 October 2016
Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros v Administración del Estado

Request for a preliminary ruling from the Tribunal Supremo
 Reference for a preliminary ruling — Electronic communications networks and services — Directive 2002/21/EC — Article 3 — Impartiality and independence of national regulatory authorities — Institutional reform — **Merger of national regulatory authority with other regulatory authorities** — Dismissal of the President and a board member of the merged national regulatory authority before the expiry of their terms of office — Ground for dismissal not provided for under national law

- [C-203/15](#) - Tele2 Sverige
 Judgment of the Court (Grand Chamber) of 21 December 2016
Tele2 Sverige AB v Post- och telestyrelsen and Secretary of State for the Home Department v Tom Watson and Others

Requests for a preliminary ruling from the Kammarrätten i Stockholm and the Court of Appeal (England & Wales) (Civil Division)

Reference for a preliminary ruling — Electronic communications — Processing of personal data — **Confidentiality of electronic communications** — Protection — Directive 2002/58/EC — Articles 5, 6 and 9 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7, 8 and 11 and Article 52(1) — National legislation — **Providers of electronic communications services** — Obligation relating to the general and **indiscriminate retention of traffic and location data** — National authorities — Access to data — No prior review by a court or independent administrative authority — Compatibility with EU law

- [C-473/12](#) – IPI
Judgment of the Court (Third Chamber), 7 November 2013
Institut professionnel des agents immobiliers (IPI) v Geoffrey Englebort and Others

Request for a preliminary ruling from the Cour constitutionnelle (Belgium)

Processing of personal data — Directive 95/46/EC — Articles 10 and 11 — **Obligation to inform** — Article 13(1)(d) and (g) — Exceptions — Scope of exceptions — **Private detectives acting** for the supervisory body of a regulated profession — Directive 2002/58/EC — Article 15(1)

- [C-293/12](#) - Digital Rights Ireland and Seitlinger and Others
Judgment of the Court (Grand Chamber), 8 April 2014
Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources and Others and Kärntner Landesregierung and Others

Requests for a preliminary ruling from the High Court (Ireland) and the Verfassungsgerichtshof

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

- [C-119/12](#) – Probst
Judgment of the Court (Third Chamber), 22 November 2012
Josef Probst v mr.nexnet GmbH

Reference for a preliminary ruling from the Bundesgerichtshof

Electronic communications — Directive 2002/58/EC — Article 6(2) and (5) — Processing of personal data — **Traffic data necessary for billing and debt collection**

— Debt collection by a third company — Persons acting under the authority of the providers of public communications networks and electronic communications services

- [C-360/10](#) – SABAM
Judgment of the Court (Third Chamber), 16 February 2012
Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Netlog NV

Reference for a preliminary ruling from the rechtbank van eerste aanleg te Brussel
Information society — Copyright — Internet — Hosting service provider — Processing of information stored on an **online social networking platform** — Introducing a system for filtering that information in order to prevent files being made available which **infringe copyright** — No general obligation to monitor stored information

- [C-70/10](#) - Scarlet Extended
Judgment of the Court (Third Chamber) of 24 November 2011.
Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM).

Reference for a preliminary ruling: Cour d'appel de Bruxelles - Belgium.
Information society - **Copyright - Internet** - 'Peer-to-peer' software - Internet service providers - Installation of a system for filtering electronic communications in order to prevent file sharing which **infringes copyright** - No general obligation to monitor information transmitted.

- [C-543/09](#) - Deutsche Telekom
Judgment of the Court (Third Chamber) of 5 May 2011.
Deutsche Telekom AG v Bundesrepublik Deutschland.

Reference for a preliminary ruling: Bundesverwaltungsgericht - Germany.
Electronic communications - Directive 2002/22/EC - Article 25(2) - Directive 2002/58/EC - Article 12 - Provision of **directory enquiry services and directories** - Obligation placed on an undertaking assigning **telephone numbers** to pass to other undertakings data in its possession relating to the **subscribers of third-party undertakings**.

- [C-202/09](#) - Commission v Ireland
Judgment of the Court (Eighth Chamber) of 26 November 2009.
Commission of the European Communities v Ireland.

Failure of a Member State to fulfil obligations - Directive 2006/24/EC - Electronic communications - **Respect for private life** - Retention of data generated or processed in

connection with the provision of electronic communications services - **Failure to transpose** within the prescribed period.

- [C-557/07](#) - LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten
Order of the Court (Eighth Chamber) of 19 February 2009.
LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten GmbH v Tele2 Telecommunication GmbH.

Reference for a preliminary ruling: Oberster Gerichtshof - Austria.

Article 104(3) of the Rules of Procedure - Information society - Copyright and related right - Retention and disclosure of **certain traffic data** - **Protecting the confidentiality** of electronic communication - 'Intermediaries' within the meaning of Article 8(3) of Directive 2001/29/EC.

- [C-301/06](#) - Ireland v Parliament and Council
Judgment of the Court (Grand Chamber) of 10 February 2009.
Ireland v European Parliament and Council of the European Union.

Action for annulment - Directive 2006/24/EC - **Retention of data** generated or processed in connection with the provision of **electronic communications services** - Choice of legal basis.

- [C-275/06](#) – Promusicae
Judgment of the Court (Grand Chamber) of 29 January 2008.
Productores de Música de España (Promusicae) v Telefónica de España SAU.

Reference for a preliminary ruling: Juzgado de lo Mercantil nº 5 de Madrid - Spain.

Information society - Obligations of providers of services - **Retention and disclosure of certain traffic data** - Obligation of disclosure - **Limits** - Protection of the **confidentiality of electronic communications** - Compatibility with the protection of **copyright** and related rights - Right to effective protection of intellectual property.

- [C-475/04](#) - Commission v Greece
Judgment of the Court (Sixth Chamber) of 1er juin 2006.
Commission of the European Communities v Hellenic Republic.

Failure of a Member State to fulfil obligations - Directive 2002/58/EC - Electronic communications - Processing of personal data - **Protection of privacy** - Protection of natural persons - **Failure to transpose within the prescribed period.**

- [C-350/02](#) - Commission v Netherlands
Judgment of the Court (First Chamber) of 24 June 2004.
Commission of the European Communities v Kingdom of the Netherlands.

Failure of a Member State to fulfil its obligations - **Processing of personal data** and the protection of privacy in the electronic communications sector - Articles 6 and 9 of Directive 97/66/EC - **Requirement for specific statement of grounds of complaint** in the reasoned opinion.

- [C-211/02](#) - Commission v Luxembourg
Judgment of the Court (Fourth Chamber) of 6 March 2003.
Commission of the European Communities v Grand Duchy of Luxemburg.

Failure by a Member State to fulfil obligations - Failure to transpose Directive 97/66/EC within the **prescribed periods**.

- [C-151/00](#) - Commission v France
Judgment of the Court (Fourth Chamber) of 18 January 2001.
Commission of the European Communities v French Republic.

Failure by a Member State to fulfil its obligations - Directive 97/66/EC - Processing of personal data and **protection of privacy in the telecommunications sector** - Non-transposition

- [T-321/02](#) - Vannieuwenhuyze-Morin v Parliament and Council
Order of the Court of First Instance (Fourth Chamber) of 6 May 2003.
Paul Vannieuwenhuyze-Morin v Council of the European Union and European Parliament

Action for annulment - Directive 2002/58/CE - **Inadmissibility**.