Question referred

Are the terms 'judicial authority' within the meaning of Article 1(1) of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order ([1]) in criminal matters and 'public prosecutor' within the meaning of Article 2(c)(i) of the aforementioned Directive to be interpreted as also including the public prosecutor's offices of a Member State which are exposed to the risk of being directly or indirectly subject to orders or individual instructions from the executive, such as the Senator of Justice in Hamburg, in the context of the adoption of a decision on the issuance of a European investigation order?

([1]) OJ 2014 L 130, p. 1.

Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen (Belgium) lodged on 6 August 2019 — M.I.C.M. Mircom International Content Management & Consulting Limited v Telenet BVBA

(Case C-597/19)

(2019/C 383/49)

Language of the case: Dutch

Referring court

Ondernemingsrechtbank Antwerpen

Parties to the main proceedings

Applicant: M.I.C.M. Mircom International Content Management & Consulting Limited

Defendant: Telenet BVBA

Questions referred

1. (a) Can the downloading of a file via a peer-to-peer network and the simultaneous provision for uploading of parts ('pieces') thereof (which may be very fragmentary as compared to the whole) ('seeding') be regarded as a communication to the public within the meaning of Article 3(1) of Directive 2001/29, ([1]) even if the individual pieces as such are unusable?

   If so,

   (b) is there a *de minimis* threshold above which the seeding of those pieces would constitute a communication to the public?

   (c) is the fact that seeding can take place automatically (as a result of the torrent client's settings), and thus without the user's knowledge, relevant?

2. (a) Can a person who is the contractual holder of the copyright (or related rights), but does not himself exploit those rights and merely claims damages from alleged infringers — and whose economic business model thus depends on the existence of piracy, not on combating it — enjoy the same rights as those conferred by Chapter II of Directive 2004/48 ([2]) on authors or licence holders who do exploit copyright in the normal way?

   (b) How can the licence holder in that case have suffered 'prejudice' (within the meaning of Article 13 of Directive 2004/48) as a result of the infringement?

3. Are the specific circumstances set out in questions 1 and 2 relevant when assessing the correct balance to be struck between, on the one hand, the enforcement of intellectual property rights and, on the other, the rights and freedoms safeguarded by the Charter, such as respect for private life and protection of personal data, in particular in the context of the assessment of proportionality?

4. Is, in all those circumstances, the systematic registration and general further processing of the IP-addresses of a 'swarm' of 'seeders' (by the licence holder himself, and by a third party on his behalf) legitimate under the General Data Protection Regulation, ([3]) and specifically under Article 6(1)(f) thereof?

([1]) 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).

([2]) Directive 2004/48/EC 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).

([3]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ 2016 L 119, p. 1).

Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu (Poland) lodged on 9 August 2019 — Gmina Wrocław v Dyrektor Krajowej Informacji Skarbowej

(Case C-604/19)

(2019/C 383/50)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny we Wrocławiu

Parties to the main proceedings

Applicant: Gmina Wrocław

Defendant: Dyrektor Krajowej Informacji Skarbowej

Questions referred

1. Does the transformation of the right of perpetual usufruct into immovable property ownership rights by operation of law, such as in the circumstances of the present case, constitute a supply of goods within the meaning of Article 14(2)(a) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, ([1]) read in conjunction with Article 2(1)(a) thereof, which is subject to value added tax ('VAT')?

2. If the answer to Question 1 is in the negative, does the transformation of the right of perpetual usufruct into immovable property ownership rights by operation of law constitute a supply of goods within the meaning of Article 14(1) of Directive 2006/112, read in conjunction with Article 2(1)(a) thereof, which is subject to VAT?