

3. If the Court of Justice considers, in its answer to Question 2, that an interpretation of national law such as that in the present case constitutes a restriction of freedom of movement, is such a restriction none the less justifiable on compelling grounds of the public interest in connection with the obligation of the municipality to supervise the arranging of personal assistance, the municipality's possibilities of choosing the most suitable way of arranging assistance, and the maintenance of the coherence and efficacy of the system of personal assistance in accordance with the Disability Services Law?

⁽¹⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 9 January 2017 — Maria Tirkkonen

(Case C-9/17)

(2017/C 086/21)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Appellant: Maria Tirkkonen

Other party: Maaseutuvirasto

Question referred

Is Article 1(2)(a) of Procurement Directive 2004/18/EC ⁽¹⁾ to be interpreted as meaning that the definition of 'public contract' within the meaning of that directive encompasses a scheme

- by which a public body seeks to obtain services in the market for a contractual period limited in advance by entering into contracts, subject to the conditions of a draft framework agreement annexed to the invitation to tender, with all economic operators who meet the individual requirements laid down in the tender documents in regard to the suitability of the offeror and to the service offered, and pass an examination more particularly described in the invitation to tender, and
- which can no longer be joined during the currency of the contract?

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114).

Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 13 January 2017 — Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos

(Case C-15/17)

(2017/C 086/22)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Applicant: Bosphorus Queen Shipping Ltd Corp.

Defendant: Rajavartiolaivos

Questions referred

1. Is the expression 'coastline or related interests' in Article 220(6) of the Convention on the Law of the Sea and the expression 'coastline or related interests' in Article 7(2) of Directive 2005/35/EC ⁽¹⁾ to be interpreted by reference to the definition of the expression 'coastline or related interests' contained in Article II(4) of the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties?
2. In accordance with the definition contained in Article II(4)(c) of the 1969 Convention referred to in Question 1, 'related interests' means, inter alia, the well-being of the area concerned, including conservation of living marine resources and of wildlife. Does that provision also apply to the conservation of living resources and wildlife in the exclusive economic zone, or is that provision of the Convention concerned only with conservation of the interests of the coastal area?
3. If Question 1 is answered in the negative, what meaning is to be ascribed to the expression 'coastline or related interests' in Article 220(6) of the Convention on the Law of the Sea and the expression 'coastline or related interests' in Article 7(2) of Directive 2005/35/EC?
4. What meaning is to be ascribed to the expression 'resources of its territorial sea or exclusive economic zone' as it is used in Article 220(6) of the Convention on the Law of the Sea and Article 7(2) of Directive 2005/35/EC? Are living resources to be taken to mean only exploitable species or does that term also include species associated with or dependent upon exploitable species within the meaning of Article 61(4) of the Convention on the Law of the Sea, such as, for example, species of flora and fauna which are used by exploitable species as food?
5. What definition is to be adopted of the expression 'causing ... [a] threat' in Article 220(6) of the Convention on the Law of the Sea and Article 7(2) of Directive 2005/35/EC? Is the threat of damage being caused to be determined by reference to the concept of abstract or specific risk or in some other way?
6. In the assessment of the conditions governing the exercise of power by the coastal State, laid down in Article 220(6) of the Convention on the Law of the Sea and Article 7(2) of Directive 2005/35/EC, must it be assumed that major damage or the threat of major damage is a more serious consequence than significant pollution of the marine environment or the threat of such pollution within the meaning of Article 220(5)? What definition is to be adopted of 'significant pollution of the marine environment' and how is account to be taken of such pollution in the assessment of major damage or the threat of major damage?
7. What factors are to be taken into account in the assessment of whether damage or the threat of damage is major? Is account to be taken, for example, of the duration and geographical extent of the adverse effects that manifest themselves as damage? If so, how are the duration and the extent of the damage to be assessed?
8. Directive 2005/35/EC is a directive laying down minimum standards and does not prevent Member States from taking more stringent measures against ship-source pollution in conformity with international law (Article 2). Does the possibility of applying more stringent rules apply to Article 7(2) of that directive, which governs the power of the coastal State to take action against a vessel in transit?
9. May any account be taken of the specific geographical and ecological characteristics and sensitivity of the Baltic Sea Area in the assessment of the conditions governing the exercise of power by the coastal State which are laid down in Article 220(6) of the Convention on the Law of the Sea and Article 7(2) of the Directive?

10. Does 'clear objective evidence' within the meaning of Article 220(6) of the Convention on the Law of the Sea and Article 7(2) of Directive 2005/35/EC include not only evidence that a vessel has committed the infringements to which the aforementioned provisions refer but also evidence of the consequences of the spill? What form of evidence is to be required to show that there is a threat of major damage to the coastline or related interests or to any resources of the territorial sea or of the exclusive economic zone, such as the bird and fish stocks and the marine environment in the area? Does the requirement of clear objective evidence mean, for example, that the assessment of the adverse effects of the oil spillage on the marine environment must always be based on specific surveys and studies relating to the impact of the oil spill that has occurred?

(¹) Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ 2009 L 280, p. 52).

Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 19 January 2017 — Tietosuojavalitus v Jehovah's Witnesses — Religious Community

(Case C-25/17)

(2017/C 086/23)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Tietosuojavalitus

Defendant: Jehovah's Witnesses — Religious Community

Questions referred

1. Are the exceptions to the material scope laid down in Article 3(2), second subparagraph, of the Data Protection Directive (¹) to be interpreted as meaning that the collection and other processing of personal data carried out by the members of a religious community in connection with door-to-door evangelical work fall outside the scope of that directive? When assessing the applicability of the directive, what significance is to be given to the fact that, on one hand, the evangelical work in connection with which the data is collected is organised by a religious community and its congregations and, on the other, that that data collection is part of the personal religious practice of members of a religious community?
2. Is the definition of personal data filing system in Article 2(c) of the Data Protection Directive, taking account of recitals 26 and 27 thereto, to be interpreted as meaning that, taken as a whole, the manual collection of personal data (name and address and other information and characteristics of a person) carried out in connection with door to door evangelical work
 - (a) does not constitute a personal data filing system on the ground that card indexes, directories or other comparable search methods are not expressly included in the definition laid down in the Finnish Law on personal data? or
 - (b) constitutes such a data filing system on the ground that, taking account of the intended use, the information required for later use may in fact be extracted from those data easily and at reasonable cost as required by the Finnish Law on personal data?