

Judgment of the Court (Second Chamber) of 19 October 2016 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Patrick Breyer v Bundesrepublik Deutschland

(Case C-582/14) ⁽¹⁾

(Reference for a preliminary ruling — Processing of personal data — Directive 95/46/EC — Article 2 (a) — Article 7(f) — Definition of ‘personal data’ — Internet protocol addresses — Storage of data by an online media services provider — National legislation not permitting the legitimate interest pursued by the controller to be taken into account)

(2016/C 475/03)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Patrick Breyer

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. Article 2(a) 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 must be interpreted as meaning that a dynamic IP address registered by an online media services provider when a person accesses a website that the provider makes accessible to the public constitutes personal data within the meaning of that provision, in relation to that provider, where the latter has the legal means which enable it to identify the data subject with additional data which the internet service provider has about that person.
2. Article 7(f) of Directive 95/46 must be interpreted as precluding the legislation of a Member State, pursuant to which an online media services provider may collect and use personal data relating to a user of those services, without his consent, only in so far as that the collection and use of that data are necessary to facilitate and charge for the specific use of those services by that user, even though the objective aiming to ensure the general operability of those services may justify the use of those data after a consultation period of those websites.

⁽¹⁾ OJ C 89, 16.3.2015.

Judgment of the Court (Fourth Chamber) of 20 October 2016 (request for a preliminary ruling from the Finanzgericht München — Germany) — Josef Plöckl v Finanzamt Schrobenhausen

(Case C-24/15) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Value added tax — Sixth Directive — Article 28c(A)(a) and (d) — Transfer of goods within the European Union — Right to an exemption — Failure to comply with an obligation to provide a VAT identification number issued by the Member State of destination — No specific evidence of tax evasion — Refusal to grant the exemption — Whether permissible)

(2016/C 475/04)

Language of the case: German

Referring court

Finanzgericht München