

- (iii) Can a temporary act of reproduction be regarded as 'transient' where the reproduction is processed, for example, by the creation of a text file on the basis of an image file or by a search for text strings on the basis of a text file?
- (iv) Can a temporary act of reproduction be regarded as 'transient' where part of the reproduction, consisting of one or more text extracts of 11 words, is stored?
- (v) Can a temporary act of reproduction be regarded as 'transient' where part of the reproduction, consisting of one or more text extracts of 11 words, is printed out?
- (vi) Is the stage of the technological process at which temporary acts of reproduction take place relevant to whether they constitute 'an integral and essential part of a technological process' (see Article 5(1) of the Infosoc Directive)?
- (vii) Can temporary acts of reproduction be an 'integral and essential part of a technical process' if they consist of manual scanning of entire newspaper articles whereby the latter are transformed from a printed medium into a digital medium?
- (viii) Can temporary acts of reproduction constitute an 'integral and essential part of a technological process' where they consist of printing out part of the reproduction, comprising one or more text extracts of 11 words?
- (ix) Does 'lawful use' (see Article 5(1) of the Infosoc Directive) include any form of use which does not require the copyright holder's consent?
- (x) Does 'lawful use' (see Article 5(1) of the Infosoc Directive) include the scanning by a commercial business of entire newspaper articles, subsequent processing of the reproduction, and the storing and possible printing out of part of the reproduction, consisting of one or more text extracts of 11 words, for use in the business's summary writing, even where the rightholder has not given consent to those acts?
- (xi) What criteria should be used to assess whether temporary acts of reproduction have 'independent economic significance' (see Article 5(1) of the Infosoc Directive) if the other conditions laid down in the provision are satisfied?

(xii) Can the user's efficiency gains from temporary acts of reproduction be taken into account in assessing whether the acts have 'independent economic significance' (see Article 5(1) of the Infosoc Directive)?

(xiii) Can the scanning by a commercial business of entire newspaper articles, subsequent processing of the reproduction, and the storing and possible printing out of part of the reproduction, consisting of one or more text extracts of 11 words, without the rightholder's consent be regarded as constituting 'certain special cases which do not conflict with a normal exploitation' of the newspaper articles and 'not unreasonably [prejudicing] the legitimate interests of the rightholder' (see Article 5(5))?

(<sup>1</sup>) 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 (O) L 167, p. 10).

**Appeal brought on 2 January 2008 by U.S. Steel Košice, s.r.o. against the order of the Court of First Instance (Third Chamber) delivered on 1 October 2007 in Case T-27/07: U.S. Steel Košice, s.r.o. v Commission of the European Communities**

**(Case C-6/08 P)**

(2008/C 64/42)

*Language of the case: English*

#### **Parties**

*Appellant:* US Steel Košice, s.r.o. (represented by: C. Thomas, Solicitor, E. Vermulst, advocaat)

*Other party to the proceedings:* Commission of the European Communities

**Form of order sought**

The applicant claims that the Court should:

- annul the order of the Court of First Instance of 1 October 2007 in Case T-27/07 U.S. Steel Košice, s.r.o. v. Commission
- refer the case back to the Court of First Instance for judgment on the substance;
- order the Commission to pay the appellant's costs

**Pleas in law and main arguments**

The appellant submits that the appeal is based on errors of law committed by the Court of First Instance in relation to its application of the principles guiding the admissibility of actions and in the interpretation of Directive 2003/87 <sup>(1)</sup>, as well as the distortion (denaturation) of the contested decision by the Court.

1. The Court of First Instance wrongly failed to recognise that the contested decision rejected the plan of the Slovak Government to grant a specified amount of allowances to the appellant.
2. The Court of First Instance wrongly failed to recognise that the contested decision inevitably led to and indeed explicitly required a reduction in the appellant's allowances.
3. The Court of First Instance wrongly failed to recognise the procedural similarity of the contested decision with a State aid or merger control decision;
  - the fundamental aspects of the procedure under Article 9(3) of Directive 2003/87 are similar to State aid and merger control;
  - the contested decision in fact made a State aid appraisal of the appellant's allowances.
4. The Court of First Instance wrongly identified a 'discretion' in the 'implementation' of the contested decision.

In short, the appellant maintains that it is directly concerned by the contested decision which rejected a formal plan to grant emissions allowances to the appellant, inevitably reduced the allowances that the appellant would be allocated, and indeed explicitly required those allowances to be reduced.

---

<sup>(1)</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance) (OJ L 275, p. 32).

---

**Reference for a preliminary ruling from the Kammarrätten i Stockholm (Sweden) lodged on 21 January 2008 —  
Migrationsverket v Edgar Petrosian, Nelli Petrosian,  
Svetlana Petrosian, David Petrosian, Maxime Petrosian**

(Case C-19/08)

(2008/C 64/43)

*Language of the case: Swedish*

**Referring court**

Kammarrätten i Stockholm

**Parties to the main proceedings**

*Applicant:* Migrationsverket

*Defendants:* Edgar Petrosian, Nelli Petrosian, Svetlana Petrosian, David Petrosian, Maxime Petrosian

**Question referred**

Are Article 20(1)(d) and Article 20(2) of Council Regulation (EC) No 343/2003 (the Dublin Regulation) <sup>(1)</sup> to be interpreted as meaning that responsibility for the examination of an application for asylum passes to the Member State where the application was lodged if the transfer is not carried out within six months after a temporary decision has been made to suspend the transfer and irrespective of when the final decision is made on whether the transfer is to be carried out?

---

<sup>(1)</sup> OJ L 50, 25.2.2003, p. 1.