

2. Are the provisions of national law applicable in the present case, which provide that, in each specific case in which the potential significance of effects on the environment is not determined, a strategic assessment of the effects on the environment of land planning documents applied to small areas of land at local level, as in the present case, is not to be carried out solely on the basis that reference is made in those documents to one subject of economic activity, compatible with the requirements of Article 3(2)(a), 3(3) and 3(5) of Directive 2001/42?

3. Are the provisions of Directive 2001/42, including Article 11(1) thereof, to be construed as meaning that in circumstances such as those obtaining in the present case, in which an environmental impact assessment was carried out pursuant to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment,⁽²⁾ the requirements of Directive 2001/42 are not applicable?

4. Does the scope of application of Article 11(2) of Directive 2001/42 encompass Directive 85/337?

5. If the answer to Question 4 is in the affirmative, does the fact that an assessment has been carried out pursuant to Directive 85/337 mean that the obligation to carry out an assessment of effects on the environment pursuant to the requirements of Directive 2001/42, in a situation such as that which has arisen in the present case, would be regarded as constituting duplication of assessment within the meaning of Article 11(2) of Directive 2001/42?

6. If the answer to Question 5 is in the affirmative, does Directive 2001/42, including Article 11(2) thereof, place Member States under an obligation to provide in national law for joint or coordinated requirements governing the assessment to be carried out pursuant to Directive 2001/42 and Directive 85/337 with a view to avoiding duplication of assessment?

Reference for a preliminary ruling from the Amtsgericht Stuttgart (Germany) lodged on 16 June 2010 — Bianca Purrucker v Guillermo Vallés Pérez

(Case C-296/10)

(2010/C 221/48)

Language of the case: German

Referring court

Amtsgericht Stuttgart

Parties to the main proceedings

Applicant: Bianca Purrucker

Defendant: Guillermo Vallés Pérez

Questions referred

1. Is Article 19(2) of Council Regulation (EC) No 2201/2003 ('Brussels IIA')⁽¹⁾ applicable if the court of a Member State first seised by one party to resolve matters of parental responsibility is called upon to grant only provisional measures and the court of another Member State subsequently seised by the other party in the same cause of action is called upon to rule on the substance of the matter?

2. Is that provision also applicable if a ruling in the isolated proceedings for provisional measures in one Member State is not capable of recognition in another Member State within the meaning of Article 21 of Regulation No 2201/2003?

3. Is the seising of a court in a Member State for isolated provisional measures to be equated to seising as to the substance of the matter within the meaning of Article 19(2) of Regulation No 2201/2003 if under the national rules of procedure of that State a subsequent action

⁽¹⁾ OJ 2001 L 197, p. 30.

⁽²⁾ OJ 1985 L 175, p. 40.

to resolve the issue as to the substance of the matter must be brought in that court within a specified period in order to avoid procedural disadvantages?

3. 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?

(¹) Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000; OJ 2003 L388, p. 1.

4. Does 'lawful use' (see Article 5(1) of the Infosoc Directive) include the scanning by a commercial business of entire newspaper articles and subsequent processing of the reproduction, for use in the business's summary writing, even where the rightholder has not given consent to those acts, if the other requirements in the provision are satisfied?

Is it relevant to the answer to the question whether the 11 words are stored after the data capture process is terminated?

Reference for a preliminary ruling from the Højesteret (Denmark), lodged on 18 June 2010 — Infopaq International A/S v Danske Dagblades Forening

(Case C-302/10)

(2010/C 221/49)

Language of the case: Danish

Referring court

Højesteret

5. 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 requirements in the provision are satisfied?

6. 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)?

Parties to the main proceedings

Appellant: Infopaq International A/S

Respondent: Danske Dagblades Forening

7. Can the scanning by a commercial business of entire newspaper articles and the subsequent processing of the reproduction 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)), if the requirements in Article 5(1) of the directive are satisfied?

Questions referred

1. 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 (¹))?

Is it relevant to the answer to the question whether the 11 words are stored after the data capture process is terminated?

2. Can temporary acts of reproduction be an 'integral and essential part of a technological process' if they consist of manual scanning of entire newspaper articles whereby the latter are transformed from a printed medium into a digital medium?

(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).