

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 8 April 2011 — Football Dataco Ltd, Scottish Premier League Ltd, Scottish Football League, PA Sport UK Ltd v Sportradar GmbH (a company registered in Germany), Sportradar (a company registered in Switzerland)

(Case C-173/11)

(2011/C 194/13)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicants: Football Dataco Ltd, Scottish Premier League Ltd, Scottish Football League, PA Sport UK Ltd

Defendants: Sportradar GmbH (a company registered in Germany), Sportradar (a company registered in Switzerland)

Questions referred

1. Where a party uploads data from a database protected by sui generis right under Directive 96/9/EC ⁽¹⁾ ('the Database Directive') onto that party's web server located in member state A and in response to requests from a user in another member state B the web server sends such data to the user's computer so that the data is stored in the memory of that computer and displayed on its screen
 - (a) is the act of sending the data an act of 'extraction' or 're-utilisation' by that party?
 - (b) does any act of extraction and/or re-utilisation by that party occur
 - (i) in A only
 - (ii) in B only or
 - (iii) in both A and B?

Reference for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 15 April 2011 — Sillogos Ellinon Poleodomon kai Khorotakton v (1) Ipourgos Perivallontos, Khorotaxias kai Dimosion Ergon, (2) Ipourgos Ikonomias kai Ikonomikon, (3) Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis

(Case C-177/11)

(2011/C 194/14)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Sillogos Ellinon Poleodomon kai Khorotakton

Defendants: (1) Ipourgos Perivallontos, Khorotaxias kai Dimosion Ergon, (2) Ipourgos Ikonomias kai Ikonomikon, (3) Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis

Question referred

Does Article 3(2)(b) of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30), in providing that an environmental assessment is to be carried out for all plans and programmes 'which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC', mean that the obligation to make a particular plan subject to an environmental assessment depends on the preconditions for environmental assessment under Directive 92/43/EEC being met in respect of that plan and that, therefore, the provision in question of Directive 2001/42/EC also requires, like the above provisions of Directive 92/43/EEC, affirmation that the plan is likely to have a significant effect on a special area of conservation, whilst leaving the substantive assessment in that regard to the Member States? Or is Article 3(2)(b) of Directive 2001/42 to be interpreted as meaning that the requirement to carry out an environmental assessment under that provision does not depend on the preconditions for carrying out an environmental assessment under Directive 92/43 being met, that is to say on the finding as to the likelihood of significant effects on a special area of conservation, and it is sufficient to find that a particular plan is connected in some way with a site envisaged in Directive 92/43, but not necessarily with a special area of conservation, in order for the obligation to carry out such an assessment to be activated?

⁽¹⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, OJ L 77, p. 20