

4. In circumstances such as those of the case before the referring court, EU law does not preclude the award, without a call for tenders, of a public service concession relating to works, provided that that award is consistent with the principle of transparency, observance of which, without necessarily entailing an obligation to call for tenders, must make it possible for an undertaking located in the territory of a Member State other than that of the contracting authority to have access to appropriate information regarding that concession before it is awarded, so that, if that undertaking so wishes, it would be in a position to express its interest in obtaining that concession — it being for the referring court to determine whether that was the position in the case before it.

⁽¹⁾ OJ C 295, 29.9.2012.

Judgment of the Court (Eighth Chamber) of 7 November 2013 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Jan Sneller v DAS Nederlandse Rechtsbijstand Verzekeringsmaatschappij NV

(Case C-442/12) ⁽¹⁾

(Legal expenses insurance — Directive 87/344/EEC — Article 4(1) — Insured persons' freedom to choose a lawyer — Clause in the standard terms and conditions of a contract guaranteeing legal assistance in any inquiry or proceedings by one of the insurer's employees — Costs relating to legal assistance provided by an external legal adviser reimbursed only where the insurer decides that it is necessary to entrust handling of the case to an external legal adviser)

(2014/C 9/18)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Jan Sneller

Defendant: DAS Nederlandse Rechtsbijstand Verzekeringsmaatschappij NV

Re:

Request for a preliminary — Hoge Raad der Nederlanden — Netherlands — Interpretation of Article 4(1) of Council Directive 87/344/EEC of 22 June 1987 on the coordination

of laws, regulations and administrative provisions relating to legal expenses insurance (OJ 1987 L 185, p. 77) — Insured person's freedom to choose a lawyer

Operative part of the judgment

1. Article 4(1)(a) of Council Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance must be interpreted as precluding a legal expenses insurer which stipulates in its insurance contracts that legal assistance will in principle be provided by its employees from also providing that the costs of legal assistance provided by a lawyer or legal representative chosen freely by the insured person will be covered only if the insurer takes the view that the handling of the case must be subcontracted to an external lawyer;
2. The answer to question 1 will not differ depending on whether or not legal assistance is compulsory under national law in the inquiry or proceedings concerned.

⁽¹⁾ OJ C 9, 12.1.2013.

Judgment of the Court (Third Chamber) of 7 November 2013 (request for a preliminary ruling from the Cour constitutionnelle — Belgium) — Institut professionnel des agents immobiliers (IPI) v Geoffrey Englebert, Immo 9 SPRL, Grégory Francotte

(Case C-473/12) ⁽¹⁾

(Processing of personal data — Directive 95/46/EC — Articles 10 and 11 — Obligation to inform — Article 13(1)(d) and (g) — Exceptions — Scope of exceptions — Private detectives acting for the supervisory body of a regulated profession — Directive 2002/58/EC — Article 15(1))

(2014/C 9/19)

Language of the case: French

Referring court

Cour constitutionnelle

Parties to the main proceedings

Applicant: Institut professionnel des agents immobiliers (IPI)

Defendants: Geoffrey Englebert, Immo 9 SPRL, Grégory Francotte

Intervening parties: Union professionnelle nationale des détectives privés de Belgique (UPNDP), Association professionnelle des inspecteurs et experts d'assurances ASBL (APIEA), Conseil des ministres