

**Parties to the main proceedings**

*Appellant:* H.J. Kooistra

*Other party:* Burgemeester van Skarsterlân

**Questions referred**

1. Must Article 1(3) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009, be understood to mean that the Regulation does not apply to identity cards, such as the Netherlands NIK [Nederlandse identiteitskaart], issued by Member States to their nationals, regardless of their period of validity and regardless of the possibilities of using them as travel documents?
2. If it follows from the answer to Question 1 that Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), does indeed apply to identity cards such as the Netherlands identity card, having regard to the possibilities of using such cards as travel documents, is Article 1(2) of Regulation No 2252/2004 valid in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms?
3. If the answer to Question 2 is to the effect that Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), is valid, must Article 4(3) of the Regulation, in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, Article 8(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 7(f) of the Privacy Directive, <sup>(1)</sup> read in conjunction with Article 6(1)(b) of the Privacy Directive, be interpreted to mean that, when the Member States give effect to Regulation No 2252/2004, there should be a statutory guarantee that the biometric

data collected and stored pursuant to that Regulation may not be collected, processed and used for any purposes other than the issuing of the document?

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<sup>(1)</sup> 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 (OJ 1995 L 281, p. 31).

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**Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 8 October 2012 — M. Roest; other party: Burgemeester van Amsterdam**

(Case C-448/12)

(2013/C 26/30)

*Language of the case:* Dutch

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellant:* M. Roest

*Other party:* Burgemeester van Amsterdam

**Questions referred**

1. Is Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), valid in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms?
2. If the answer to Question 1 is to the effect that Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), is valid, must Article 4(3) of the Regulation, in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, Article 8(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 7(f) of the Privacy Directive, <sup>(1)</sup> read in conjunction with Article 6(1)(b) of the

Privacy Directive, be interpreted to mean that, when the Member States give effect to Regulation No 2252/2004, there should be a statutory guarantee that the biometric data collected and stored pursuant to that Regulation may not be collected, processed and used for any purposes other than the issuing of the document?

<sup>(1)</sup> 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 (OJ 1995 L 281, p. 31).

**Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 8 October 2012 — L.J.A. van Luijk; other party: Burgemeester van Den Haag**

(Case C-449/12)

(2013/C 26/31)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellant:* L.J.A. van Luijk

*Other party:* Burgemeester van Den Haag

**Questions referred**

1. Is Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), valid in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms?
2. If the answer to Question 1 is to the effect that Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Regulation (EC) No 2252/2004 (OJ 2009 L 142, p. 1), is valid, must Article 4(3) of the Regulation, in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, Article 8(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 7(f) of the Privacy Direc-

tive,<sup>(1)</sup> read in conjunction with Article 6(1)(b) of the Privacy Directive, be interpreted to mean that, when the Member States give effect to Regulation No 2252/2004, there should be a statutory guarantee that the biometric data collected and stored pursuant to that Regulation may not be collected, processed and used for any purposes other than the issuing of the document?

<sup>(1)</sup> 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 (OJ 1995 L 281, p. 31).

**Reference for a preliminary ruling from the Landgericht Krefeld (Germany) lodged on 9 October 2012 — NIPPONKOA Insurance Co. (Europe) Ltd v Inter-Zuid Transport B.V.**

(Case C-452/12)

(2013/C 26/32)

*Language of the case: German*

**Referring court**

Landgericht Krefeld

**Parties to the main proceedings**

*Applicant:* NIPPONKOA Insurance Co. (Europe) Ltd

*Defendant:* Inter-Zuid Transport B.V.

**Questions referred**

1. Does Article 71 of Council Regulation (EC) No 44/2001<sup>(1)</sup> of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters preclude an interpretation of a convention which is exclusively autonomous or are the objectives and principles of the regulation also to be taken into account when applying such conventions?
2. Does Article 71 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters preclude an interpretation of a convention by which an action for a declaration decided in one Member State does not preclude an action for performance brought later in another Member State, where that convention also makes an interpretation possible in that respect under Article 27 of Regulation No 44/2001?

<sup>(1)</sup> OJ 2001 L 12, p. 1.