

Intervener: United Nations High Commissioner for Refugees (UNHCR)

Operative part of the judgment

- 1) Article 4(3)(c) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted and Article 13(3)(a) of Council Directive 2005/85/EC of 1 December 2005, on minimum standards on procedures in Member States for granting and withdrawing refugee status, must be interpreted as precluding, in the context of the assessment by the competent national authorities, acting under the supervision of the courts, of the facts and circumstances concerning the declared sexual orientation of an applicant for asylum, whose application is based on a fear of persecution on grounds of that sexual orientation, the statements of that applicant and the documentary and other evidence submitted in support of his application being subject to an assessment by those authorities, founded on questions based only on stereotyped notions concerning homosexuals.
- 2) Article 4 of Directive 2004/83, read in the light of Article 7 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding, in the context of that assessment, the competent national authorities from carrying out detailed questioning as to the sexual practices of an applicant for asylum.
- 3) Article 4 of Directive 2004/83, read in the light of Article 1 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding, in the context of that assessment, the acceptance by those authorities of evidence such as the performance by the applicant for asylum concerned of homosexual acts, his submission to 'tests' with a view to establishing his homosexuality or, yet, the production by him of films of such acts.
- 4) Article 4(3) of Directive 2004/83 and Article 13(3)(a) of Directive 2005/85 must be interpreted as precluding, in the context of that assessment, the competent national authorities from finding that the statements of the applicant for asylum lack credibility merely because the applicant did not rely on his declared sexual orientation on the first occasion he was given to set out the ground for persecution.

⁽¹⁾ OJ C 171, 15.6.2013.

Judgment of the Court (Grand Chamber) of 2 December 2014 — European Commission v Italian Republic

(Case C-196/13) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directives 75/442/EEC, 91/689/EEC and 1999/31/EC — Waste management — Judgment of the Court establishing a failure to fulfil obligations — Non-compliance — Article 260(2) TFEU — Financial penalties — Penalty payment — Lump sum payment)

(2015/C 046/06)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: D. Recchia, A. Alcover San Pedro and E. Sanfrutos Cano, acting as Agents)

Defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and by G. Fiengo, avvocato dello Stato)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt all the measures necessary to ensure compliance with the judgment in *Commission v Italy* (C-135/05, EU:C:2007:250), the Italian Republic has failed to fulfil its obligations under Article 260(1) TFEU;

2. Orders the Italian Republic to pay the European Commission, into the 'European Union own resources' account, from the day on which the present judgment is delivered until the judgment in *Commission v Italy* (EU:C:2007:250) has been complied with, a six-monthly penalty payment to be calculated, as regards the first six-month period following delivery of the present judgment, at the end of that period, on the basis of an initial amount set at EUR 42 800 000, from which the sum of EUR 400 000 is to be deducted in respect of each of the sites containing hazardous waste that has by then been brought into conformity with the judgment in *Commission v Italy* (EU:C:2007:250) and the sum of EUR 200 000 is to be deducted in respect of every other site that has by then been brought into conformity with that judgment. The penalty payment due in respect of every six-month period thereafter is to be calculated, at the end of each such period, on the basis of an initial amount — being the amount of the penalty payment set for the preceding six-month period — from which the same deductions are to be made in respect of sites, covered by the finding of a failure to fulfil obligations, that have been brought into conformity during the six-month period under consideration;
3. Orders the Italian Republic to pay the European Commission, into the 'European Union own resources' account, a lump sum of EUR 40 million;
4. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 207, 20.7.2013.

Judgment of the Court (Fourth Chamber) of 11 December 2014 (request for a preliminary ruling from the Nejvyšší správní soud — Czech Republic) — František Ryneš v Úřad pro ochranu osobních údajů

(Case C-212/13) ⁽¹⁾

(Reference for a preliminary ruling — Directive 95/46/EC — Protection of individuals — Processing of personal data — Concept of ‘in the course of a purely personal or household activity’)

(2015/C 046/07)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: František Ryneš

Defendant: Úřad pro ochranu osobních údajů

Operative part of the judgment

The second indent of Article 3(2) of 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 must be interpreted as meaning that the operation of a camera system, as a result of which a video recording of people is stored on a continuous recording device such as a hard disk drive, installed by an individual on his family home for the purposes of protecting the property, health and life of the home owners, but which also monitors a public space, does not amount to the processing of data in the course of a purely personal or household activity, for the purposes of that provision.

⁽¹⁾ OJ C 207, 20.7.2013.