

Judgment of the Court (First Chamber) of 21 April 2016 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte GmbH v Amazon EU Sàrl, Amazon Services Europe Sàrl, Amazon.de GmbH, Amazon Logistik GmbH, Amazon Media Sàrl

(Case C-572/14) ⁽¹⁾

(Reference for a preliminary ruling — Regulation (EC) No 44/2001 — Jurisdiction in civil and commercial matters — Article 5(3) — Concept of ‘tort, delict or quasi-delict’ — Directive 2001/29/EC — Harmonisation of certain aspects of copyright and related rights in the information society — Article 5(2)(b) — Reproduction right — Exceptions and limitations — Reproduction for private use — Fair compensation — Non-payment — Whether included in the scope of Article 5(3) of Regulation (EC) No 44/2001)

(2016/C 211/21)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicants: Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte GmbH

Defendants: Amazon EU Sàrl, Amazon Services Europe Sàrl, Amazon.de GmbH, Amazon Logistik GmbH, Amazon Media Sàrl

Operative part of the judgment

Article 5(3) 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 must be interpreted as meaning that a claim seeking to obtain payment of remuneration due by virtue of a national law, such as that at issue in the main proceedings, implementing the ‘fair compensation’ system provided for in Article 5(2)(b) of 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, falls within ‘matters relating to tort, delict or quasi-delict’, within the meaning of Article 5(3) of that regulation.

⁽¹⁾ OJ C 81, 9.3.2015.

Judgment of the Court (Tenth Chamber) of 7 April 2016 (request for a preliminary ruling from the Gerechtshof Amsterdam — Netherlands) — AK (*) v Achmea Schadeverzekeringen NV, Stichting Achmea Rechtsbijstand

(Case C-5/15) ⁽¹⁾

(Reference for a preliminary ruling — Legal expenses insurance — Directive 87/344/EEC — Article 4(1) — Free choice of lawyer for an insured person — Inquiry or proceedings — Definition — Objection to refusal of authorisation for care)

(2016/C 211/22)

Language of the case: Dutch

Referring court

Gerechtshof Amsterdam

(*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.

Parties to the main proceedings

Applicant: AK (*)

Defendants: Achmea Schadeverzekeringen NV, Stichting Achmea Rechtsbijstand

Operative part of the judgment

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 meaning that the term 'inquiry' referred to in that provision covers the stage of an objection before a public body during which that body gives a decision against which an action may be brought before the courts.

⁽¹⁾ OJ C 107, 30.3.2015.

Judgment of the Court (Sixth Chamber) of 14 April 2016 — Netherlands Maritime Technology Association v European Commission, Kingdom of Spain

(Case C-100/15 P) ⁽¹⁾

(Appeal — State aid — Spanish scheme of early depreciation of certain assets acquired through financial leasing — Decision finding no State aid — Formal investigation procedure not initiated — Insufficient and incomplete examination — Obligation to state reasons — Selectivity)

(2016/C 211/23)

Language of the case: English

Parties

Appellant: Netherlands Maritime Technology Association (represented by: K. Struckmann, Rechtsanwalt, and G. Forwood, Barrister)

Other parties to the proceedings: European Commission (represented by: L. Flynn and P. Němečková, acting as Agents), Kingdom of Spain (represented by: M.A. Sampol Pucurull, acting as Agent)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Netherlands Maritime Technology Association to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 127, 20.4.2015.

(*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.