

Judgment of the Court (Fifth Chamber) of 9 March 2017 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Leopoldine Gertraud Piringner

(Case C-342/15) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of lawyers to provide services — Possibility for Member States to reserve to prescribed categories of lawyers the drafting of formal documents for creating or transferring interests in land — Legislation of a Member State requiring that the authenticity of the signature on a request for entry in the land register be certified by a notary)

(2017/C 144/05)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Defendant: Leopoldine Gertraud Piringner

Operative part of the judgment

1. The second subparagraph of Article 1(1) of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services must be interpreted as not applying to legislation of a Member State, such as that at issue in the main proceedings, under which authentication of signatures appended to the instruments necessary for the creation or transfer of rights to property is reserved to notaries, and as consequently excluding the possibility of recognising in that Member State such authentication carried out by a lawyer established in another Member State.
2. Article 56 TFEU must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, under which authentication of signatures appended to the instruments necessary for the creation or transfer of rights to property is reserved to notaries, and as consequently excluding the possibility of recognition in that Member State of such authentication carried out, in accordance with his or her national law, by a lawyer established in another Member State.

⁽¹⁾ OJ C 354, 26.10.2015.

Judgment of the Court (Grand Chamber) of 7 March 2017 (request for a preliminary ruling from the Trybunał Konstytucyjny w Warszawie — Poland) — proceedings brought by the Rzecznik Praw Obywatelskich (RPO)

(Case C-390/15) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Value added tax (VAT) — Directive 2006/112/EC — Point 6 of Annex III — Validity — Procedure — Amendment of a proposal for a Council directive after the Parliament has given an opinion — No fresh consultation of the Parliament — Article 98(2) — Validity — Reduced rate of VAT precluded from being applied to the supply of digital books electronically — Principle of equal treatment — Comparability of two situations — Supply of digital books electronically and on all physical means of support)

(2017/C 144/06)

Language of the case: Polish

Referring court

Trybunał Konstytucyjny w Warszawie

Parties to the main proceedings

Applicant: Rzecznik Praw Obywatelskich (RPO)

Other parties: Marszałek Sejmu Rzeczypospolitej Polskiej, Prokurator Generalny

Operative part of the judgment

Examination of the questions referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity of point 6 of Annex III to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, as amended by Council Directive 2009/47/EC of 5 May 2009, or of Article 98(2) of that directive, read in conjunction with point 6 of Annex III thereto.

⁽¹⁾ OJ C 346, 19.10.2015.

Judgment of the Court (Second Chamber) of 9 March 2017 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce v Salvatore Manni

(Case C-398/15) ⁽¹⁾

(Reference for a preliminary ruling — Personal data — Protection of individuals with regard to the processing of personal data — Directive 95/46/EC — Article 6(1)(e) — Data subject to disclosure in the companies register — First Directive 68/151/EEC — Article 3 — Winding-up of the company concerned — Restriction of access to that data by third parties)

(2017/C 144/07)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicants: Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce

Defendant: Salvatore Manni

Operative part of the judgment

Article 6(1)(e), Article 12(b) and subparagraph (a) of the first paragraph of Article 14 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, read in conjunction with Article 3 of the First Council Directive 68/151/EEC of 9 March 1968 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community, as amended by Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003, must be interpreted as meaning that, as EU law currently stands, it is for the Member States to determine whether the natural persons referred to in Article 2(1)(d) and (j) of that directive may apply to the authority responsible for keeping, respectively, the central register, commercial register or companies register to determine, on the basis of a case-by-case assessment, if it is exceptionally justified, on compelling legitimate grounds relating to their particular situation, to limit, on the expiry of a sufficiently long period after the dissolution of the company concerned, access to personal data relating to them, entered in that register, to third parties who can demonstrate a specific interest in consulting that data.

⁽¹⁾ OJ C 354, 26.10.2015.