

3. Article 3(1) of Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, must be interpreted as not precluding national legislation that requires a national court to dismiss the lawyer instructed by two accused persons, against their wishes, on the ground that there is a conflict of interest between those persons and, further, as not precluding the court from allowing those persons to instruct a new lawyer or, when necessary, itself naming two court-appointed lawyers, to replace the first lawyer.

⁽¹⁾ OJ C 48, 8.2.2016.

Judgment of the Court (Grand Chamber) of 5 June 2018 (request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftsakademie Schleswig-Holstein GmbH

(Case C-210/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 95/46/EC — Personal data — Protection of natural persons with respect to the processing of that data — Order to deactivate a Facebook page (fan page) enabling the collection and processing of certain data of visitors to that page — Article 2(d) — Controller responsible for the processing of personal data — Article 4 — Applicable national law — Article 28 — National supervisory authorities — Powers of intervention of those authorities)

(2018/C 268/03)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein

Defendant: Wirtschaftsakademie Schleswig-Holstein GmbH

Interveners: Facebook Ireland Ltd, Vertreter des Bundesinteresses beim Bundesverwaltungsgericht

Operative part of the judgment

1. Article 2(d) 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 concept of 'controller' within the meaning of that provision encompasses the administrator of a fan page hosted on a social network.
2. Articles 4 and 28 of Directive 95/46 must be interpreted as meaning that, where an undertaking established outside the European Union has several establishments in different Member States, the supervisory authority of a Member State is entitled to exercise the powers conferred on it by Article 28(3) of that directive with respect to an establishment of that undertaking situated in the territory of that Member State even if, as a result of the division of tasks within the group, first, that establishment is responsible solely for the sale of advertising space and other marketing activities in the territory of that Member State and, second, exclusive responsibility for collecting and processing personal data belongs, for the entire territory of the European Union, to an establishment situated in another Member State.

3. Article 4(1)(a) and Article 28(3) and (6) of Directive 95/46 must be interpreted as meaning that, where the supervisory authority of a Member State intends to exercise with respect to an entity established in the territory of that Member State the powers of intervention referred to in Article 28(3) of that directive, on the ground of infringements of the rules on the protection of personal data committed by a third party responsible for the processing of that data whose seat is in another Member State, that supervisory authority is competent to assess, independently of the supervisory authority of the other Member State, the lawfulness of such data processing and may exercise its powers of intervention with respect to the entity established in its territory without first calling on the supervisory authority of the other Member State to intervene.

⁽¹⁾ OJ C 260, 18.7.2016.

Judgment of the Court (Fifth Chamber) of 7 June 2018 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — EP Agrarhandel GmbH v Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft

(Case C-554/16) ⁽¹⁾

(Reference for a preliminary ruling — Common agricultural policy — Regulation (EC) No 73/2009 — Support for farmers — Suckler-cow premium — Second paragraph of Article 117 — Transmission of information — Decision 2001/672/EC, as amended by Decision 2010/300/EU — Movements of bovine animals to summer grazing in mountain areas — Article 2(4) — Time limit for notification of the movement — Calculation — Notifications out of time — Eligibility for the payment of premiums — Condition — Taking account of the time limit for dispatch)

(2018/C 268/04)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: EP Agrarhandel GmbH

Defendant: Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft

Operative part of the judgment

Article 2(4) of Commission Decision 2001/672/EC of 20 August 2001 laying down special rules applicable to movements of bovine animals when put out to summer grazing in mountain areas, as amended by Commission Decision 2010/300/EU of 25 May 2010, must be interpreted as precluding a national provision under which, for the purpose of compliance with the time limit for notification of movements to summer grazing, the date of receipt of the notification is regarded as the determining factor.

⁽¹⁾ OJ C 46, 13.2.2017.