

Operative part of the judgment

Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) must be interpreted as meaning that, in so far as a Petitions Committee of the parliament of a Federated State of a Member State determines, alone or with others, the purposes and means of the processing of personal data, that committee must be categorised as a ‘controller’, within the meaning of that provision, and consequently the processing of personal data carried out by that committee falls within the scope of that regulation and, in particular, of Article 15 thereof.

⁽¹⁾ OJ C 187, 3.6.2019.

Judgment of the Court (First Chamber) of 9 July 2020 (request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Naturschutzbund Deutschland — Landesverband Schleswig-Holstein e.V. v Kreis Nordfriesland

(Case C-297/19) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Environmental liability — Directive 2004/35/EC — Second indent of the third paragraph of Annex I — Damage not having to be classified as ‘significant damage’ — Concept of ‘normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators’ — Article 2(7) — Concept of ‘occupational activity’ — Activity carried out in the public interest pursuant to a statutory assignment of tasks — Whether or not included)

(2020/C 287/17)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Naturschutzbund Deutschland — Landesverband Schleswig-Holstein e.V.

Defendant: Kreis Nordfriesland

Other parties: Deich- und Hauptsielverband Eiderstedt, Körperschaft des öffentlichen Rechts; Vertreter des Bundesinteresses beim Bundesverwaltungsgericht

Operative part of the judgment

1. The concept of ‘normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators’, in the second indent of the third paragraph of Annex I to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, must be understood as covering, first, any administrative or organisational measure liable to have an effect on the protected species and natural habitats which are on a site, that measure being in the form resulting from the management documents adopted by the Member States on the basis of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds and interpreted, if need be, by reference to any domestic legal rule which transposes the latter two directives or, failing this, is compatible with the spirit and purpose of those directives, and second, any administrative or organisational measure that is regarded as usual, is generally recognised, is established and was carried out by the owners or operators for a sufficiently long period of time until the occurrence of damage caused by virtue of that measure to the protected species and natural habitats, all of those measures having, in addition, to be compatible with the objectives underlying Directive 92/43 and Directive 2009/147 and, inter alia, with commonly accepted agricultural practices.

2. Article 2(7) of Directive 2004/35 must be interpreted as meaning that the concept of ‘occupational activity’ which is defined therein also covers activities carried out in the public interest pursuant to a statutory assignment of tasks.

(¹) OJ C 230, 8.7.2019.

Judgment of the Court (First Chamber) of 9 July 2020 (request for a preliminary ruling from the Landesgericht Klagenfurt — Austria) — Verein für Konsumenteninformation v Volkswagen AG

(Case C-343/19) (¹)

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Point 2 of Article 7 — Jurisdiction in matters relating to tort, delict or quasi-delict — Place where the harmful event occurred — Place where the damage occurred — Manipulation of data relating to the emission of exhaust gases from engines produced by a motor vehicle manufacturer)

(2020/C 287/18)

Language of the case: German

Referring court

Landesgericht Klagenfurt

Parties to the main proceedings

Applicant: Verein für Konsumenteninformation

Defendant: Volkswagen AG

Operative part of the judgment

Point 2 of Article 7 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, where a manufacturer in a Member State has unlawfully equipped its vehicles with software that manipulates data relating to exhaust gas emissions before those vehicles are purchased from a third party in another Member State, the place where the damage occurs is in that latter Member State.

(¹) OJ C 230, 8.7.2019.

Judgment of the Court (Eighth Chamber) of 9 July 2020 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — HF v Finanzamt Bad Neuenahr-Ahrweiler

(Case C-374/19) (¹)

(Reference for a preliminary ruling — Value added tax (VAT) — Directive 2006/112/EC — Adjustment of deductions — Variation in the deduction entitlement — Capital goods used for both taxed and exempt transactions — Cessation of the activity giving rise to the right of deduction — Remaining use solely for exempt transactions)

(2020/C 287/19)

Language of the case: German

Referring court

Bundesfinanzhof