Defendant: Autorité belge de la concurrence

Intervening parties: Publimail SA, European Commission

Operative part of the judgment

Article 50 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 52(1) thereof, must be interpreted as not precluding a legal person from being fined for an infringement of EU competition law where, on the same facts, that person has already been the subject of a final decision following proceedings relating to an infringement of sectoral rules concerning the liberalisation of the relevant market, provided that there are clear and precise rules making it possible to predict which acts or omissions are liable to be subject to a duplication of proceedings and penalties, and also to predict that there will be coordination between the two competent authorities; that the two sets of proceedings have been conducted in a sufficiently coordinated manner within a proximate timeframe; and that the overall penalties imposed correspond to the seriousness of the offences committed.

(1) OJ C 161, 11.5.2020.

Judgment of the Court (Grand Chamber) of 22 March 2022 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Bundeswettbewerbsbehörde v Nordzucker AG, Südzucker AG, Agrana Zucker GmbH

(Case C-151/20) (1)

(Reference for a preliminary ruling — Competition — Article 101 TFEU — Cartel prosecuted by two national competition authorities — Charter of Fundamental Rights of the European Union — Article 50 — Non bis in idem principle — Existence of the same offence — Article 52(1) — Limitations to the non bis in idem principle — Conditions — Pursuit of an objective of general interest — Proportionality)

(2022/C 198/05)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Bundeswettbewerbsbehörde

Defendants: Nordzucker AG, Südzucker AG, Agrana Zucker GmbH

Operative part of the judgment

1. Article 50 of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding an undertaking from having proceedings brought against it by the competition authority of a Member State and, as the case may be, fined for an infringement of Article 101 TFEU and the corresponding provisions of the national competition law, on the basis of conduct which has had an anticompetitive object or effect in the territory of that Member State, even though that conduct has already been referred to by a competition authority of another Member State, in a final decision adopted by that authority in respect of that undertaking following infringement proceedings under Article 101 TFEU and the corresponding provisions of the competition law of that other Member State, provided that that decision is not based on a finding of an anticompetitive object or effect in the territory of the first Member State.

2. Article 50 of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that proceedings for the enforcement of competition law, in which, owing to the participation of the party concerned in the national leniency programme, only a declaration of the infringement of that law can be made, are liable to be covered by the non bis in idem principle.

(1) OJ C 209, 22.6.2020.

Judgment of the Court (First Chamber) of 24 March 2022 (request for a preliminary ruling from the Rechtbank Midden-Nederland — Netherlands) — X, Z v Autoriteit Persoonsgegevens

(Case C-245/20) (1)

(Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data — Regulation (EU) 2016/679 — Competence of the supervisory authority — Article 55 (3) — Processing operations of courts acting in their judicial capacity — Concept — Making available to a journalist of documents arising from court proceedings containing personal data)

(2022/C 198/06)

Language of the case: Dutch

Referring court

Rechtbank Midden-Nederland

Parties to the main proceedings

Applicants: X, Z

Defendant: Autoriteit Persoonsgegevens

Operative part of the judgment

Article 55(3) 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 the fact that a court makes temporarily available to journalists documents from court proceedings containing personal data in order to enable them better to report on the course of those proceedings falls within the exercise, by that court, of its 'judicial capacity', within the meaning of that provision.

(1) OJ C 297, 7.9.2020.

Judgment of the Court (Second Chamber) of 24 March 2022 (request for a preliminary ruling from the Oberlandesgericht Wien — Austria) — Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG

(Case C-433/20) (1)

(Reference for a preliminary ruling — Harmonisation of certain aspects of copyright and related rights in the information society — Directive 2001/29/EC — Article 2 — Reproduction — Article 5(2)(b) — Private copying exception — Concept of 'any medium' — Servers owned by third parties made available to natural persons for private use — Fair compensation — National legislation that does not make the providers of cloud computing services subject to the private copying levy)

(2022/C 198/07)

Language of the case: German

Referring court

Oberlandesgericht Wien