

- c) disclosed onward on CD-ROM to be used for commercial purposes, and
- d) processed for the purposes of a text messaging service whereby mobile phone users can, by indicating an individual's name and home municipality and texting to a given number, receive in reply data on the earned income, income from capital and wealth of the individual indicated, to be regarded as the processing of personal data within the meaning of Article 3(1) of Directive 95/46/EC ⁽¹⁾?
2. Is Directive 95/46/EC to be interpreted as meaning that the various operations listed in Question 1(a) to (d) can be regarded as the processing of personal data carried out solely for journalistic purposes within the meaning of Article 9 of the Directive, having regard to the fact that data on over one million taxpayers has been collected from data which are in the public domain under national legislation on the right of public access? Does the fact that publication of those data is the principal aim of the operation have any bearing on the assessment in this case?
3. Is Article 17 of Directive 95/46/EC to be interpreted in conjunction with the principles and purpose of the Directive as precluding the publication of data collected for journalistic purposes and its onward disclosure for commercial purposes?
4. Can Directive 95/46/EC be interpreted as meaning that personal data files containing, solely and in unaltered form, material that has been published in the media fall altogether outside its scope?

⁽¹⁾ 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, OJ 1995 L 281, p. 31.

Action brought on 12 February 2007 — Commission of the European Communities v French Republic

(Case C-75/07)

(2007/C 95/35)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: B. Stromsky, Agent)

Defendant: French Republic

Form of order sought

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products ⁽¹⁾, the French Republic has failed to fulfil its obligations under Article 3 of that directive;

in the alternative:

declare that, by failing to communicate to the Commission the laws, regulations and administrative provisions necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products, the French Republic has failed to fulfil its obligations under Article 3 of that directive;

- order the French Republic to pay the costs.

Pleas in law and main arguments

The period for transposing Directive 2004/28/EC expired on 30 October 2005.

⁽¹⁾ OJ 2004 L 136, p. 58.

Action brought on 12 February 2007 — Commission of the European Communities v Grand-Duchy of Luxembourg

(Case C-76/07)

(2007/C 95/36)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: B. Stromsky, Agent)

Defendant: Grand-Duchy of Luxembourg

Form of order sought

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products ⁽¹⁾, the Grand-Duchy of Luxembourg has failed to fulfil its obligations under Article 31 of that directive;