

**Reference for a preliminary ruling from the Raad van State (Netherlands) lodged on 12 December 2007 — College van burgemeester en wethouders van Rotterdam v M.E.E. Rijkeboer**

(Case C-553/07)

(2008/C 64/29)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellant:* College van burgemeester en wethouders van Rotterdam

*Respondent:* M.E.E. Rijkeboer

**Question referred**

Is the restriction, provided for in the Netherlands Law on local-authority personal records, on the communication of data to one year prior to the relevant request compatible with Article 12(a) of Directive 95/46/EC <sup>(1)</sup> 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, whether or not read in conjunction with Article 6(1)(e) of that directive and the principle of proportionality?

<sup>(1)</sup> OJ 1995 L 281, p. 31.

**Reference for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 14 December 2007 — LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten GmbH v Tele2 Telecommunication GmbH**

(Case C-557/07)

(2008/C 64/30)

*Language of the case: German*

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Applicant:* LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten GmbH

*Defendant:* Tele2 Telecommunication GmbH

**Questions referred**

1. Is the term 'intermediary' in Article 5(1)(a) and Article 8(3) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society <sup>(1)</sup> to be interpreted as including an access provider who merely provides a user with access to the network by allocating him a dynamic IP address but does not himself provide him with any services such as e-mail, FTP or file-sharing services and does not exercise any control, either in law or in fact, over the services which the user makes use of?
2. If the first question is answered in the affirmative:

Is Article 8(3) of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights <sup>(2)</sup>, having regard to Article 6 and Article 15 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, to be interpreted (restrictively) as not permitting the disclosure of personal traffic data to private third parties for the purpose of civil proceedings for alleged infringements of exclusive rights protected by copyright (rights of exploitation and use)?

<sup>(1)</sup> OJ 2001 L 167, p. 10.

<sup>(2)</sup> OJ 2004 L 157, p. 45.

**Reference for a preliminary ruling from the Tallinna Halduskohus (Estonia) lodged on 18 December 2007 — AS Balbiino v EV Põllumajandusministeerium, Maksu- ja Tolliameti Põhja maksu- ja tollikeskus**

(Case C-560/07)

(2008/C 64/31)

*Language of the case: Estonian*

**Referring court**

Tallinna Halduskohus

**Parties to the main proceedings**

*Applicant:* AS Balbiino

*Defendants:* EV Põllumajandusministeerium, Maksu- ja Tolliameti Põhja maksu- ja tollikeskus