

4. In the light of the objectives and principles set out in Council Framework Decision 2005/214/JHA, including Article 3 thereof, are the decisions of non-judicial authorities which are issued pursuant to the laws of the State issuing the decision concerned, under which the person in whose name a vehicle is registered is held liable for road traffic offences (that is to say, decisions issued solely on the basis of information obtained within the framework of the cross-border exchange of vehicle registration data and without any investigation being carried out in that case, including determining the actual offender), enforceable?

⁽¹⁾ OJ 2005 L 76, p. 16.

⁽²⁾ Council Framework Decision 2009/299/JHA amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial (OJ 2009 L 81, p. 24).

Request for a preliminary ruling from Tribunalul București (Romania) lodged on 6 November 2018 — TK v Asociația de Proprietari bloc M5A Scara-A

(Case C-708/18)

(2019/C 65/31)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: TK

Defendant: Asociația de Proprietari bloc M5A-Scara A

Questions referred

1. Are Articles 8 and 52 of the Charter of Fundamental Rights of the European Union and Article 7(f) of Directive 95/46/EC,⁽¹⁾ on the protection of individuals with regard to the processing of personal data, to be interpreted as precluding a provision of national law such as that at issue in the main proceedings, namely Article 5(2) of Law No 677/2001, and Article 6 of Decision No 52/2012 of the ANSPDCP (Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal, the National Authority for the Supervision of the Processing of Personal Data), in accordance with which video surveillance may be used to ensure the safety and protection of individuals, property and valuables and for the pursuit of legitimate interests, without the consent of the person concerned?
2. Are Articles 8 and 52 of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that the limitation of rights and freedoms which results from video surveillance is in accordance with the principle of proportionality, satisfies the requirement of being necessary and meets objectives of general interest or the need to protect the rights and freedoms of others, where the controller is able to take other measures to protect the legitimate interest in question?
3. Is Article 7(f) of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data to be interpreted as meaning that the 'legitimate interests' of the controller must be proven, present and effective at the time of the data processing?

4. Is Article 6(1)(e) of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data to be interpreted as meaning that data processing (video surveillance) is excessive or inappropriate where the controller is able to take other measures to protect the legitimate interest in question?

⁽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).

**Request for a preliminary ruling from the Curtea de Apel Timișoara (Romania) lodged on
14 November 2018 — CT v Administrația Județeană a Finanțelor Publice Caraș-Severin — Serviciul
inspecție persoane fizice, Direcția Generală Regională a Finanțelor Publice Timișoara — Serviciul
soluționare contestații 1**

(Case C-716/18)

(2019/C 65/32)

Language of the case: Romanian

Referring court

Curtea de Apel Timișoara

Parties to the main proceedings

Appellant: CT

Respondents: Administrația Județeană a Finanțelor Publice Caraș-Severin — Serviciul inspecție persoane fizice, Direcția Generală Regională a Finanțelor Publice Timișoara — Serviciul soluționare contestații 1

Questions referred

1. In circumstances such as those here at issue, in which a natural person carries on an economic activity by practising several liberal professions and by letting out immovable property and thereby obtaining income of a continuous nature, do the provisions of Article 288 [first paragraph] point 4 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾ require the identification of a particular professional activity as being the principal activity in order to verify whether the letting can be classified as an ancillary transaction thereto and, if so, on the basis of what criteria is that principal activity to be identified, or must those provisions be interpreted as meaning that all of the professional activities by which the economic activity of that natural person is carried on constitute the 'principal activity'?
2. In the event that the immovable property let by a natural person to a third party is not intended and used for the performance of the remainder of his economic activity, so that it is not possible to establish any connection between that letting and the practice of the various professions of that person, do the provisions of Article 288 [first paragraph] point (4) of Directive 2006/112 permit the classification of the letting as an 'ancillary transaction', with the consequence that it is excluded from the calculation of the turnover which serves as a reference for the purpose of applying the special exemption scheme for small undertakings?