

**Judgment of the Court (Fifth Chamber) of 1 March 2012 (reference for a preliminary ruling from the Tribunal Supremo — Spain) — Asociación para la Calidad de los Forjados (Ascafor), Asociación de Importadores y Distribuidores de Acero para la Construcción (Asidac) v Administración del Estado and Others**

(Case C-484/10) <sup>(1)</sup>

*(Free movement of goods — Quantitative restrictions and measures having equivalent effect — Directive 89/106/EEC — Construction products — Non-harmonised standards — Labels of quality — Requirements relating to certification bodies)*

(2012/C 118/07)

Language of the case: Spanish

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Applicants:* Asociación para la Calidad de los Forjados (Ascafor), Asociación de Importadores y Distribuidores de Acero para la Construcción (Asidac)

*Defendants:* Administración del Estado, Calidad Siderúrgica SL, Colegio de Ingenieros Técnicos Industriales, Asociación Española de Normalización y Certificación (AENOR), Consejo General de Colegios Oficiales de Aparejadores y Arquitectos Técnicos, Asociación de Investigación de las Industrias de la Construcción (Aidico) Instituto Tecnológico de la Construcción, Asociación Nacional Española de Fabricantes de Hormigón Preparado (Anefhop), Ferrovial Agromán SA, Agrupación de Fabricantes de Cemento de España (Oficemen), Asociación de Aceros Corrugados Reglamentarios y su Tecnología y Calidad (Acerteq)

**Re:**

Reference for a preliminary ruling — Tribunal Supremo — Interpretation of Articles 28 and 30 EC (now Articles 34 and 36 TFEU) — Construction products — Products not covered by harmonisation measures such as those provided for by Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (OJ 1989 L 40, p. 12) — Placing on the market made subject either to a superior quality certificate issued in accordance with methods satisfying detailed conditions equivalent to those imposed by the national authorities or to prior approval with regard to those conditions, even though obtained in the Member State of origin

**Operative part of the judgment**

Articles 34 TFEU and 36 TFEU must be interpreted as meaning that the requirements laid down in Article 81 of the structural concrete regulations (EHE-08) approved by Royal Decree No 1247/2008 of

18 July 2008, read in conjunction with Annex 19 to those regulations, for official recognition of certificates demonstrating the quality level of reinforcing steel for concrete granted in a Member State other than the Kingdom of Spain constitute a restriction on the free movement of goods. Such a restriction may be justified by the objective of the protection of human life and health, provided the requirements laid down are not higher than the minimum standards required for the use of reinforcing steel for concrete in Spain. In such a case, it is for the referring court to ascertain — where the entity granting the certificate of quality which must be officially recognised in Spain is an approved body within the meaning of Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, as amended by Council Directive 93/68/EEC of 22 July 1993 — which of those requirements go beyond what is necessary for the purposes of attaining the objective of the protection of human life and health.

<sup>(1)</sup> OJ C 346, 18.12.2010.

**Judgment of the Court (Third Chamber) of 1 March 2012 (reference for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) — United Kingdom) — Football Dataco Ltd and Others v Yahoo! UK Limited and Others**

(Case C-604/10) <sup>(1)</sup>

*(Directive 96/9/EC — Legal protection of databases — Copyright — Football league fixture lists)*

(2012/C 118/08)

Language of the case: English

**Referring court**

Court of Appeal (England & Wales) (Civil Division)

**Parties to the main proceedings**

*Applicants:* Football Dataco Ltd, Football Association Premier League Ltd, Football League Ltd, Scottish Premier League Ltd, Scottish Football League, PA Sport UK Ltd

*Defendants:* Yahoo! UK Ltd, Stan James (Abingdon) Ltd, Stan James plc, Enetpulse ApS

**Re:**

Reference for a preliminary ruling — Court of Appeal, United Kingdom — Interpretation of Article 3(1) of Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ 2003 L 77, p. 20) — Concept of ‘databases which, by reason of the selection or arrangement of their contents, constitute the author’s own intellectual creation’ — Computerised catalogues of the football matches planned for the coming season