

Questions referred

How is Article 4(1) of Regulation (EC) No 864/2007⁽¹⁾ on the law applicable to non-contractual obligations ('Rome II') to be interpreted in so far as it provides that 'the law applicable to a non-contractual obligation arising out of a tort/delict shall be the law of the country in which the damage occurs'? In particular:

1. How is the term 'the [place] in which the damage occurs' within the meaning of Article 4(1) of Regulation No 864/2007 to be interpreted in the context of a claim for compensation for material and non-material damage brought by the family members of a person who has died as a result of a road traffic accident which occurred in the State of the court seised, where those family members are resident in another EU Member State and have suffered the damage itself in that other Member State?
2. For the purposes of the application of Article 4(1) of Regulation No 864/2007, do the material and non material damage suffered, in their State of residence, by the close relatives of a person who has died as a result of a road traffic accident which occurred in the State of the court seised constitute 'damage' within the meaning of the first part of Article 4(1) of that regulation, or 'indirect consequences' within the meaning of the second part of that provision?

⁽¹⁾ Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) OJ 2007 L 199, p. 40.

Reference for a preliminary ruling from High Court of Ireland (Ireland) made on 25 July 2014 — Maximillian Schrems v Data Protection Commissioner

(Case C-362/14)

(2014/C 351/06)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicant: Maximillian Schrems

Defendant: Data Protection Commissioner

Questions referred

1. Whether in the course of determining a complaint which has been made to an independent office holder who has been vested by statute with the functions of administering and enforcing data protection legislation that personal data is being transferred to another third country (in this case, the United States of America) the laws and practices of which, it is claimed, do not contain adequate protections for the data subject, that office holder is absolutely bound by the Community finding to the contrary contained in Commission Decision of 26 July 2000 (2000/520/EC⁽¹⁾) having regard to Article 7, Article 8 and Article 47 of the Charter of Fundamental Rights of the European Union (2000/C 364/01⁽²⁾), the provisions of Article 25(6) of Directive 95/46/EC⁽³⁾ notwithstanding?
2. Or, alternatively, may and/or must the office holder conduct his or her own investigation of the matter in the light of factual developments in the meantime since that Commission Decision was first published?

⁽¹⁾ Commission Decision of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the safe harbour privacy principles and related frequently asked questions issued by the US Department of Commerce (notified under document number C(2000) 2441) OJ L 215, p. 7

⁽²⁾ Charter of fundamental rights of the European Union OJ C 364, p. 1

⁽³⁾ 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 L 281, p. 31
