

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The order of 9 June 2016 delivered in Case T-281/16 R is set aside.*
3. *The costs are reserved.*

Action brought on 25 October 2016 — *La Quadrature du Net and Others v Commission***(Case T-738/16)**

(2017/C 006/49)

*Language of the case: French***Parties**

Applicants: La Quadrature du Net (Paris, France), French Data Network (Amiens), Fédération des Fournisseurs d'Accès à Internet Associatifs (Fédération FDN) (Amiens) (represented by: H. Roy, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 to be contrary to Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union;
- annul that decision.

Pleas in law and main arguments

In support of the action, the applicants put forward four pleas in law.

1. First plea, alleging infringement of the Charter of Fundamental Rights of the European Union ('the Charter') by reason of the generalised nature of the collections allowed under the US regulatory regime. Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-US Privacy Shield ('the contested decision') committed such an infringement by failing to draw the conclusion that the US regulatory regime is in particular contrary to the essence of the fundamental right to respect for private life guaranteed by Article 7 of the Charter.
 2. Second plea, alleging infringement of the Charter, insofar as the contested decision wrongly found that the EU-US Privacy Shield assures a level of protection of fundamental rights that is substantially equivalent to that guaranteed within the European Union despite the fact that the operations allowed under the US regulatory regime are not limited to what is strictly necessary.
 3. Third plea, alleging infringement of the Charter, to the extent that the contested decision failed to take into consideration the lack of effective remedy provided for under the US regulatory regime and concluded, notwithstanding that failure, that the abovementioned protection was equivalent.
 4. Fourth plea, alleging infringement of the Charter, as the contested decision was manifestly incorrect in finding that the EU-US Privacy Shield assured protection equivalent to that guaranteed within the European Union, despite the lack of provision of independent monitoring under the US regulatory regime.
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