

THE HIGH COURT

Record No: 2013/ 765JR

IN THE MATTER OF AN APPLICATION TO INTERVENE

BETWEEN:

MAXIMILIAN SCHREMS

Plaintiff

-and-

DATA PROTECTION COMMISSIONER

Defendant

ON THE APPLICATION OF

DIGITAL RIGHTS IRELAND LIMITED

Applicant

NOTICE OF MOTION TO INTERVENE AS *AMICUS CURIAE*

TAKE NOTICE that application will be made on the ^{2nd July 2014} in the forenoon or at the first available opportunity thereafter by Counsel for the Applicant herein, Digital Rights Ireland Limited to this Honourable Court, sitting at the Four Courts, Inns Quay in the City of Dublin for the following:

1. An Order pursuant to the inherent jurisdiction of this Honourable Court appointing the Applicant *amicus curiae* on the following grounds:
 - i. The Applicant seeks to, and can, assist this Honourable Court and the Court of Justice of the European Union in assessing the public interest in granting or refusing reliefs sought by the Plaintiff in light of the provisions of *Bunreacht na hÉireann* and of European Union law, including certain provisions of the Charter of Fundamental Rights of the European Union;

Motion returnable on 2/7/14 at 10.45 (Hogan P.) by order of me further
Hogan Davo Keenan, Registrar, 26/6/14

- ii. The Applicant applies to this Honourable Court at the earliest appropriate stage, in order to be present for any consideration of these questions of law, whether by submission, on Affidavit or otherwise, and seeks in assisting this Honourable Court throughout;
- iii. The Applicant applies to this Honourable Court by virtue of its own interest in the detailed subject matter pursuant to, European Law generally, but more specifically, Commission Decision 2000/520/EC of 26 July 2000 and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995, implemented in Irish law by the Data Protection Acts 1988 and 2003.
- iv. The Applicant applies by virtue of its status as a body with a bona fide interest in civil, legal and human rights in a digital age.

Should the Applicant be so Appointed:

2. A referral to the Court of Justice of the European Union, under Article 267 of The Treaty on the Functioning of the European Union, of the following question:

“Do The Charter of Fundamental Rights of The European Union or Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 preclude Commission Decision 2000/520/EC of 26 July 2000?”

Further and in the alternative:

3. Such further or other Order as this Honourable Court shall deem proper;
4. An Order that the Applicant bear its own costs in circumstances where this Honourable Court assents to this Application.

WHICH SAID APPLICATION will be grounded upon the proceedings already had herein, the affidavit of **ANTOIN O’LACHTNAIN** together with the exhibits referred to therein, the nature of the case and the reasons to be offered. Filed on the day of 2014 a copy of which is served herewith.

Dated this 26th day of June 2014

Signed: McGarr

McGarr Solicitors
Solicitor for the Applicant
12 City Gate
Lower Bridge Street
Dublin 8

To: Ahern Rudden
Solicitors for the Plaintiffs
5 Clare Street
Dublin 2

To: Phillip Lee
Solicitor for the Defendant
7/8 Wilton Terrace
Dublin 2.

To: The Central Office
Four Courts
Dublin 7.

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