

**THE HIGH COURT**

JUDICIAL REVIEW

CASE NO. 2013/765JR

Wednesday the 16<sup>th</sup> day of July 2014

BEFORE MR JUSTICE HOGAN

**BETWEEN**

**MAXIMILIAN SCHREMS**

**APPLICANT**

**AND**

**DATA PROTECTION COMMISSIONER**

**RESPONDENT**

Upon Motion of Counsel for the Applicant made unto the Court on the 29<sup>th</sup> day of April 2014 pursuant to Notice of Motion filed on the 23<sup>rd</sup> day of October 2014 in the presence of Counsel for the Respondent

Whereupon and on reading the said Notice of Motion the Affidavit of Maximilian Schrems filed on the 21<sup>st</sup> day of October 2013 the Order herein dated the 21<sup>st</sup> day of October 2013 giving leave to the Applicant to apply for judicial review the Statement of Grounds filed on the 21<sup>st</sup> day of October 2013 signed by the Solicitor for the Applicant the Statement of Opposition filed on the 16<sup>th</sup> day of December 2013 the Affidavit of Billy Hawkes filed on the 16<sup>th</sup> day of December 2013 the Affidavit of Billy Hawkes filed on the 27<sup>th</sup> day of January 2014 the Affidavit of Maximilian Schrems filed on the 27<sup>th</sup> day of January 2014 and the documents and exhibits respectively referred to therein and on hearing said Counsel the Court was pleased to reserve judgment herein and the matter coming before the Court on the 18<sup>th</sup> day of June 2014 and on this day

IT IS ORDERED pursuant to Article 267 TFEU that the following questions be referred to the European Court of Justice and that these proceedings do stand adjourned pending the outcome of the Article 267 reference

## THE HIGH COURT

“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 absolutely bound by the Community finding to the contrary contained in Commission Decision of 26 July 2000 (2000/520/EC) having regard to Article 7, Article 8 and Article 47 of the Charter of Fundamental Rights of the European Union (2000/C 364/01), the provisions of Article 25(6) of Directive 95/46/EC notwithstanding? 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?”

Reserving the question of costs

DAVID NEENAN  
REGISTRAR  
18<sup>th</sup> July 2014

Ahern Rudden  
Solicitors for the Applicant

~~A COPY WHICH I ATTEST  
FOR REGISTRAR~~