

### Quick Update after the Hearing:

Schrems: *"The hearing went very good from my view. Facebook tried to argue that I am not a consumer and I think it is fair to say that they failed in this respect. I am now very much looking forward to the written decision."*

The Vienna Regional Court has allowed Facebook to translate and submit another document. A decision on the jurisdiction in Vienna will then be delivered in writing. This decision will then very likely be subject to appeals. It is very likely that Facebook will use every breadcrumb to oppose the filing in Vienna and engage in further delay tactics. It will only be after some time that the jurisdictional question will be determined. Schrems: *"You need a lot of patience to enforce your fundamental rights."*

Only after there is a final decision on the jurisdiction the court will hear the actual content of the case – a large number of alleged privacy violations by Facebook.

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## First Hearing on "Privacy Class Action" against Facebook Facebook tries to avoid facing allegations in trail

The largest privacy class action in Europe is getting concrete: The responsible court in Vienna, Austria will hold the preparing hearing today. Facebook so far remains silent on the alleged violation of European privacy laws and instead focuses on formalistic procedural claims.

**Jurisdiction.** In a first preparing hearing ("*vorbereitende Tagsatzung*") the Vienna Regional Court ("*Landesgericht*") will hear a number of procedural objections by Facebook. Facebook claims that the Vienna court may not even deal with the lawsuit, because it is not competent under European procedural laws. Facebook remains basically silent on the actual content of the lawsuit – a large number of alleged privacy violations.

**Consumer or Company?** Under EU law, consumers, who are acting outside of their trade or profession, can file lawsuits at the relevant court in their home country – in this case this would be Vienna. Facebook now wants to achieve that its customers cannot use this rule for various reasons. The main plaintiff Max Schrems on this approach: *"Most arguments by Facebook are really a comedy program for any informed lawyer. Partly they are even trying to reach their conclusions thorough rather obscure allegations. Right now I view these arguments mainly as an act of desperation. If Facebook would have a better case, they would not have to engage in these shaky arguments."* The class action is organized as a non-profit initiative by the main plaintiff; any awarded compensation (minus costs) will be forwarded to the participants. The procedure is financed by *Roland ProzessFinanz AG* from Cologne, Germany.

**First Decision on Jurisdiction.** The Vienna court will very likely not deliver a decision on Facebook's objections during the oral hearing, but will deliver a later written decision. This decision is then subject to possible appeals by both sides. The final decision on Facebook's objections will therefore be delivered at a later stage. Only in a next step the court will deal with the actual content of the class action – numerous alleged privacy violations by Facebook.

**Delay Tactics.** Facebook is aiming at delaying the procedure since it was originally filed, without ever reacting to the content of the lawsuit. Schrems: *"This is a typical strategy, because most consumers will run out of time and money. This case is luckily backed by a procedure financing company, so the delay tactics will hardly work in the end."*

**Background.** More than 25.000 users ([country breakdown](#)) have assigned their claims on [fbclaim.com](#). Another 50.000 users have additionally registered to join the class action later. Facebook is accused of various of EU data protection laws, e.g.: void privacy policies; illegal collection and transfer of data; spying on the browsing behavior of users; or the participation in the NSA spy program “PRISM”. *Information in relation to a common question: This civil law case is legally independent from a previous administrative law case in Ireland that recently reached the CJEU.*

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**Fact Sheets &  
Documents**

- [Fact Sheet on the Class Action](#)
  - [Initial Law Suit \(English\)](#)
  - [Fact Sheet Roland Prozessfinanz](#)
  - [Preparing Submission \(German\)](#)
  - [Country breakdown of Participants](#)
  - [Other Documents & FAQs](#)
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**More Information.**

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