



Grand Chamber hearing concerning transfer of data lawfully obtained via telephone tapping

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 6 March 2024 at 9.15 a.m.** in the case of **Ships Waste Oil Collector B.V. and Others v. the Netherlands** (application nos. 2799/16, 2800/16, 3124/16 and 3205/16).

The case concerns the transmission of data, lawfully obtained in criminal investigations through telephone tapping, to another law enforcement authority, the Competition Authority, that used those data in unrelated administrative investigations into the applicants' companies' involvement in price-fixing.

A recording of the hearing will be available this afternoon on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

In the applications *Burando Holding B.V. and Port Invest v. the Netherlands* (nos. 3124/16 and 3205/16), the applicant companies, *Burando Holding B.V.* and *Port Invest B.V.*, are two Dutch companies involved in the collection of waste liquids from ships in the Rotterdam region. At the time of the events, the former was the sole shareholder in the latter company.

In the applications *Janssen de Jong Groep B.V. and Others v. the Netherlands* (no. 2800/16), the applicant companies, *Janssen de Jong Groep B.V.*, *Janssen de Jong Infra B.V.* and *Janssen de Jong Infrastructuur Nederland B.V.*, are three Netherlands-based companies. *Janssen de Jong Groep B.V.* is the sole shareholder of *Janssen de Jong Infrastructuur Nederland B.V.*, which is in turn the sole shareholder in *Janssen de Jong Infra B.V.*

In the applications *Ships Waste Oil Collector B.V. v. the Netherlands* (no. 2799/16), the applicant company, *Ships Waste Oil Collector B.V.*, is a company based in the Netherlands involved in the collection of waste liquids from ships in the Rotterdam region.

Procedure

The application was lodged with the European Court of Human Rights on 7 January 2016.

In all these applications, the applicant companies rely on Article 8 (right to respect for private and family life, home and correspondence) and Article 13 (right to an effective remedy) of the European Convention on Human Rights and argue that the transmission and the use by the Competition Authority of the lawfully intercepted data that were irrelevant to the criminal investigations, were not foreseeable and that procedural safeguards were insufficient.

In its judgments of 16 May 2023 in the applications [Burando Holding B.V. and Port Invest v. the Netherlands](#), [Janssen de Jong Groep B.V. and Others v. the Netherlands](#), and [Ships Waste Oil](#)

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-judges Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

[Collector B.V. v. the Netherlands](#), the Court held that there had been no violation of Article 8 of the European Convention on Human Rights and Article 13 in conjunction with Article 8.

On 25 September 2023 the cases were referred to the Grand Chamber at the applicants' requests.

The Government of United Kingdom was granted leave to intervene in the written proceedings as third party.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Síofra O'Leary (Ireland), *President*,
Georges Ravarani (Luxembourg),
Marko Bošnjak (Slovenia),
Gabriele Kucsko-Stadlmayer (Austria),
Arnfinn Bårdsen (Norway),
Faris Vehabović (Bosnia and Herzegovina),
Carlo Ranzoni (Liechtenstein),
Georgios A. Serghides (Cyprus),
Tim Eicke (the United Kingdom),
Lətif Hüseynov (Azerbaijan),
Jovan Ilievski (North Macedonia),
Jolien Schukking (the Netherlands),
Lado Chanturia (Georgia),
Lorraine Schembri Orland (Malta),
Mattias Guyomar (France),
Kateřina Šimáčková (the Czech Republic),
Oddný Mjöll Arnardóttir (Iceland), *judges*,
Raffaele Sabato (Italy),
Saadet Yüksel (Türkiye),
Davor Derenčinović (Croatia),
Anja Seibert-Fohr (Germany), *substitute judges*,

and also Johan Callewaert, *Deputy Grand Chamber Registrar*.

Representatives of the parties

[Government](#)

Babette Koopman, *Agent*,
Clarinda Coert, *Counsel*,
Eva Zijlstra, *Adviser*;

[Applicant companies](#)

Margaretha Christina van Heezik, Henno A. Bravenboer, and Maurice Bol, *Counsel*,
Cornelie Castelein, *Adviser*.

Mr Andreas Hans-Udo Drenthen and Mr Lucas Stephanus Maria Braams, Co-directors of Burando Holding B.V., and Mr Marcel Jean Zweitse Stijnders, General Counsel of Janssen de Jong Groep B.V., will also attend the hearing.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.