



Judgments of 16 May 2023

The European Court of Human Rights has today given notification in writing of three Chamber judgments¹ which are summarised below.

These judgments are available only in English.

Burando Holding B.V. and Port Invest v. the Netherlands (applications 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.

The case concerns the transmission of data, lawfully obtained in a criminal investigation, to another law-enforcement authority, the Competition Authority, that used those data in an investigation into the applicant companies' involvement in price-fixing.

Relying 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, the applicant companies argue that the transmission and the use of the data that were irrelevant to the criminal investigation, were not foreseeable and that procedural safeguards were insufficient.

No violation of Article 8

No violation of Article 13 in conjunction with Article 8

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.

The case concerns the transmission of data, lawfully obtained in a criminal investigation, to another law enforcement authority, the Competition Authority, that used those data in an investigation into the applicant companies' involvement in price-fixing.

Relying 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, the applicant companies argue that the transmission and the use of the data that were irrelevant to the criminal investigation, were not foreseeable and that procedural safeguards were insufficient.

No violation of Article 8

No violation of Article 13 in conjunction with Article 8

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

[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.

The case concerns the transmission of data, lawfully obtained in a criminal investigation, to another law enforcement authority, the Competition Authority, that used those data in an investigation into the applicant company's involvement in price-fixing.

Relying on Article 8 (right to respect for private and family life, home and correspondence) and Article 13 (right to an effective remedy) of the Convention, the applicant company argues that the transmission and the use of the data that were irrelevant to the criminal investigation, were not foreseeable and that procedural safeguards were insufficient.

No violation of Article 8

No violation of Article 13 in conjunction with Article 8

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: [@ECHR_CEDH](http://www.echr.coe.int/RSS/en).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.