

Cases referred to the Grand Chamber

At its last meeting on Monday 25 September 2023, the Grand Chamber panel of five judges decided to refer one request concerning three cases and to reject requests to refer 16 other cases¹.

Referrals accepted

[Burando Holding B.V. and Port Invest B.V. v. the Netherlands \(nos. 3124/16 and 3205/16\)](#),
[Janssen de Jong Groep B.V. and Others v. the Netherlands \(no. 2800/16\)](#) and [Ships Waste Oil Collector B.V. v. the Netherlands \(no. 2799/16\)](#)

[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.

[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.

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-member 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.

[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.

In its judgments of 16 May 2023, 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.

Requests for referral rejected

Judgments in the following 16 cases are now final²

N.M. v. Belgium (application no. 43966/19), [judgment](#) of 18 April 2023

Mestan v. Bulgaria (application no. 24108/15), [judgment](#) of 2 May 2023

Miladinova v. Bulgaria (no. 31604/17), [judgment](#) of 7 February 2023

Mesić v. Croatia (no. 2) (no. 45066/17), [judgment](#) of 30 May 2023

Jehovah's Witnesses v. Finland (no. 31172/19), [judgment](#) of 9 May 2023

Pirtskhalava and Tsaadze v. Georgia (no. 29714/18), [judgment](#) of 23 March 2023

Rigolio v. Italy (no. 20148/09), [judgment](#) of 9 March 2023

Sàrl Gator v. Monaco (no. 18287/18), [judgment](#) of 11 May 2023

Buhuceanu and Others v. Romania (no. 20081/19), [judgment](#) of 23 May 2023

Sârbu v. Romania (no. 34467/15), [judgment](#) of 28 March 2023

Wyszyński v. Poland (no. 66/12), [judgment](#) of 11 May 2023

Zaghini v. San Marino (no. 3405/21), [judgment](#) of 11 May 2023

Hamdani v. Switzerland (no. 10644/17), [judgment](#) of 28 March 2023

Telek and Others v. Türkiye (nos. 66763/17, 66767/17 and 15891/18), [judgment](#) of 21 March 2023

Tüzünataç v. Türkiye (no. 14852/18), [judgment](#) of 7 March 2023

Yılmaz Aydemir v. Türkiye (no. 61808/19), [judgment](#) of 23 May 2023

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

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpress@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.