5. When the data subject requests access to the minute, should the processor/government body provide a copy of that document in order to do justice to the right of access?

(1) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).
(2) Charter of fundamental rights of the European Union (OJ 2000 C 364, p. 1).

Action brought on 26 March 2012 — European Commission v Federal Republic of Germany

(Case C-146/12)

(2012/C 157/05)

Language of the case: German

Parties

Applicant: European Commission (represented by: P. Hetsch and G. Braun, Agents)

Defendant: Federal Republic of Germany

Form of order sought

The applicant claims that the Court should:

— declare that the Federal Republic of Germany has failed to bring into force or to communicate to the Commission the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 4(2), Article 5(2), (5), (6) and (8), Article 6(1), (2), (3), (9) and (10), Articles 7, 8 and 9, Article 11(4) and (5), Article 12, Article 13(5), Articles 15, 16 and 17, Article 18(1), (2), (4) and (5), Article 19(3), Articles 20 to 27, Article 28(4) and (6), Articles 32 to 35 and Annexes I to IX of Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community; (1)

— order the Federal Republic of Germany, pursuant to Article 260(3) TFEU, to pay a daily penalty payment in the sum of EUR 215 409,60, payable to the own resources account of the European Union, on account of its failure to fulfil its obligation to notify transposing measures;

— order the Federal Republic of Germany to pay the costs of the proceedings.

Pleas in law and main arguments

The period prescribed for transposing the directive expired on 19 July 2010.

(1) OJ 2008 L 191, p. 1.

Reference for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 29 March 2012 — Eva-Marie Brännström and Rune Brännström v Ryanair Holdings plc

(Case C-150/12)

(2012/C 157/06)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Applicants: Eva-Marie Brännström and Rune Brännström

Defendant: Ryanair Holdings plc

Questions referred

1. Does the carrier's liability for damage caused by delay under Article 19 of the Montreal Convention also include cases where the passengers' arrival at the destination is delayed as a result of non-operation of a flight? Does any importance attach to the stage at which the flight was cancelled, for example, after check-in?

2. Can a technical problem with the airport, which alone or together with weather conditions makes landing impossible, constitute an 'extraordinary circumstance' under Article 5(3) of Regulation (EC) No 261/2004? (1) Can the assessment of what constitutes such a circumstance be affected by the fact that the airline was already aware of the technical problem?

3. If the answer to the first question in point 2 is in the affirmative, what measures must the airline take in order to avoid the obligation to pay compensation under Article 5(3) of the regulation?

   — Can the airline be required, and if so on what conditions and to what extent, to have extra resources in the form of, for example, aircraft or crew available to operate a flight which would otherwise have had to be cancelled, or in order to be able to operate a flight in the place of a flight which has been cancelled?

   — Can an airline be required to offer passengers re-routing under Article 8(1)(b) [of the regulation]? In that case what is the obligation as regards carriage, for example, in respect of time of departure and the use of other carriers?