

6. Where the possibility of conducting an independent examination is available to the active supervisory authority (in this case, Germany), is the second sentence of Article 28(6) of Directive 95/46/EC to be interpreted as meaning that this supervisory authority may exercise the effective powers of intervention conferred on it under Article 28(3) of Directive 95/46/EC against a person or entity established in its territory on the grounds of their joint responsibility for data protection violations by a third party established in another Member State only and not until it has first requested the supervisory authority in this other Member State (in this case, Ireland) to exercise its powers?

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<sup>(1)</sup> 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 1995 L 281, p. 31).

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**Request for a preliminary ruling from the Amtsgericht München (Germany) lodged on 18 April 2016 — Criminal proceedings against Tanja Reiter**

**(Case C-213/16)**

(2016/C 260/25)

*Language of the case: German*

**Referring court**

Amtsgericht München

**Parties to the main proceedings**

Tanja Reiter

Other party: Staatsanwaltschaft München I

**Questions referred**

1. Do Article 2 and Article 6(1) and (3) of Directive 2012/13/EU <sup>(1)</sup> of the European Parliament and of the Council of 22 May 2012 preclude a provision of law enacted by a Member State under which, in criminal proceedings, an accused person who has no place of residence in that Member State must nominate a person authorised to accept service of a penalty order made against him, even though the accused person does not, as a result, have the benefit of the whole of the period for lodging an objection to that penalty order, but he also has no address at which the penalty order can demonstrably be notified to him, and the nomination of a person authorised to accept service and in possession of an address enables him to keep the authorised person informed of where a penalty order can be sent to him with proof of notification?
2. Do Article 2(1) and Article 6(1) and (3) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 preclude a provision of law enacted by a Member State under which, in criminal proceedings, an accused person who has no place of residence in that Member State must nominate a person authorised to accept service of a penalty order made against him, and service on a person authorised to accept service is automatically sufficient for the purpose of calculating the period within which an objection may be lodged, where, in the event of failure to comply with the period calculated in this way, the accused person can apply to have his position restored to the *status quo ante* and, in those circumstances, an adequate excuse for such failure is that the penalty order was forwarded to him and, after it had been forwarded, he lodged an objection within the prescribed period, that is to say where, by having his position restored to the *status quo ante*, he can retroactively rely on the unreduced period for lodging an objection, even though, by law, a penalty order is generally declared enforceable in the event of failure to comply with the period for lodging an objection?

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<sup>(1)</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142, p. 1).