

Joined Cases C-92/09 and C-93/09 Volker und Markus Schecke GbR (C-92/09) and Hartmut Eifert (C-93/09) v Land Hessen [2010] ECR I-11063

Facts: Under the Common Agricultural Policy, the names of parties receiving funds deriving from the European Agricultural Guarantee Fund were published. The applicants in the main proceedings contended that this violated their rights to respect for private and family life under the European Convention for the Protection of Human Rights, as well as under several EU laws.

Held: The Regulation requiring the information to be published was annulled as it breached data privacy rights under the Charter of Fundamental Rights. The validity of legislation must be assessed in light of the provisions of the Charter under Art. 6(1) TEU. Applying provisions of the Charter, the Court found that the legislation breached Art. 8(1) Charter on right to protection of personal data and Art. 7 on right to respect for private life. While the measures were legal and pursued an objective of general interest, and while they met the suitability test by enhancing transparency regarding the use of Community funds and improving the financial management of those funds, the measures could not meet the proportionality criterion, as the objective of transparency could not automatically take priority over the right to protection of personal data. This balancing act had not been performed. Moreover, the institutions had failed to show that less restrictive measures could not have been envisaged. Therefore, the measures were annulled in regard to how they applied to natural persons.