Parties to the main proceedings

Applicant: Google Inc.

Defendant: Commission nationale de l'informatique et des libertés (CNIL)

Other parties: Wikimedia Foundation Inc., Fondation pour la liberté de la presse, Microsoft Corp., Reporters Committee for Freedom of the Press and Others, Article 19 and Others, Internet Freedom Foundation and Others, Défenseur des droits

Questions referred

1. Must the 'right to de-referencing', as established by the Court of Justice of the European Union in its judgment of 13 May 2014 ([1]) on the basis of the provisions of Articles 12(b) and 14(a) of Directive [95/46/EC] of 24 October 1995, ([2]) be interpreted as meaning that a search engine operator is required, when granting a request for de-referencing, to deploy the de-referencing to all of the domain names used by its search engine so that the links at issue no longer appear, irrespective of the place from where the search initiated on the basis of the requester's name is conducted, and even if it is conducted from a place outside the territorial scope of Directive [95/46/EC] of 24 October 1995?

2. In the event that Question 1 is answered in the negative, must the 'right to de-referencing', as established by the Court of Justice of the European Union in the judgment cited above, be interpreted as meaning that a search engine operator is required, when granting a request for de-referencing, only to remove the links at issue from the results displayed following a search conducted on the basis of the requester's name on the domain name corresponding to the State in which the request is deemed to have been made or, more generally, on the domain names distinguished by the national extensions used by that search engine for all of the Member States of the European Union?

3. Moreover, in addition to the obligation mentioned in Question 2, must the 'right to de-referencing', as established by the Court of Justice of the European Union in its judgment cited above, be interpreted as meaning that a search engine operator is required, when granting a request for de-referencing, to remove the results at issue, by using the 'geo-blocking' technique, from searches conducted on the basis of the requester's name from an IP address deemed to be located in the State of residence of the person benefiting from the 'right to de-referencing', or even, more generally, from an IP address deemed to be located in one of the Member States subject to Directive [95/46/EC] of 24 October 1995, regardless of the domain name used by the internet user conducting the search?

([1]) Judgment of 13 May 2014, *Google Spain and Google*, C-131/12, EU:C:2014:317.
([2]) 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).

Request for a preliminary ruling from the Cour d'appel de Liège (Belgium) lodged on 23 August 2017 — Ministère public v Marin-Simion Sut

(Case C-514/17)

(2017/C 347/31)

Language of the case: French

Referring court

Cour d'appel de Liège

Parties to the main proceedings

Applicant: Ministère public

Defendant: Marin-Simion Sut

Question referred

Can Article 4(6) of Framework Decision 2002/584 ([1]) be interpreted as being inapplicable to acts for which a custodial sentence has been imposed by a court of an issuing Member State, when those same acts are punishable in the territory of the executing Member State only by a fine, which means, in accordance with the domestic law of the executing Member State, that the custodial sentence cannot be executed in the executing Member State, which would be to the detriment of the social rehabilitation of the person sentenced and of his family, social and other ties?

([1]) 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States — Statements made by certain Member States on the adoption of the Framework Decision (OJ 2002 L 190, p. 1).

Action brought on 4 September 2017 — European Commission v Italian Republic

(Case C-526/17)

(2017/C 347/32)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: G. Gattinara, P. Ondrůšek and A. Tokár, acting as Agents)

Defendant: Italian Republic

Form of order sought

The applicant claims that the Court should:

— declare that, in deferring expiry of the works contract relating to the A12 Civitavecchia-Livorno motorway until 31 December 2046 without publishing any contract notice, the Italian Republic has failed to fulfil its obligations under Articles 2 and 58 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114), as subsequently amended;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments

The Commission considers that the extending until 31 December 2046 of the works contract relating to the A12 Civitavecchia-Livorno motorway constitutes an amendment to an essential term of that contract; being a substantial amendment to that contract, that extension is tantamount to concluding a new works contract and, as such, should have been made public through the publication of a contract notice. Since, however, no such publication has taken place, the Italian Republic has failed to fulfil its obligations under Articles 2 and 58 of Directive 2004/18/EC.