(3) If the answer to the second question is in the affirmative, that is, if it is possible for such an individual right to have been acquired, can the conclusion reached at the meeting of the European Commission Committee on Rural Development of 19 October 2001, to the effect that support for early retirement from farming cannot be passed on to the heirs of the transferor of a farm, be regarded as a ground for the early termination of the acquired individual right referred to above?

([1]) Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (OJ 1999 L 160, p. 80).

Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on 13 March 2017 — Hélder José Cunha Martins v Fundo de Garantia Automóvel

(Case C-131/17)

(2017/C 168/32)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Applicant: Hélder José Cunha Martins, [the party against whom enforcement is sought]

Defendant: Fundo de Garantia Automóvel, [the party seeking enforcement]

Questions referred

1. In the context of an action for damages arising from a road-traffic accident, must a finding of joint and several liability on appeal by a higher court, without recourse being had to the principle of the immediacy of evidence and without all the grounds of defence being available, be considered to have been made in a fair and equitable hearing, as provided for in Article 47 of the Charter of Fundamental Rights of the European Union?

2. Is the attachment of goods in enforcement proceedings, without the action for recovery having been heard beforehand, contrary to Article 47 of the Charter of Fundamental Rights of the European Union?

Request for a preliminary ruling from the Conseil d'État (France) lodged on 15 March 2017 — G.C., A.F., B.H., E.D. v Commission nationale de l'informatique et des libertés (CNIL)

(Case C-136/17)

(2017/C 168/33)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: G.C., A.F., B.H., E.D.

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

Questions referred

1. Having regard to the specific responsibilities, powers and capabilities of the operator of a search engine, does the prohibition imposed on other controllers of processing data caught by Article 8(1) and (5) of Directive 95/46, ([1]) subject to the exceptions laid down there, also apply to this operator as the controller of processing by means of that search engine?

2. If Question 1 should be answered in the affirmative:

— Must Article 8(1) and (5) of Directive 95/46 be interpreted as meaning that the prohibition so imposed on the operator of a search engine of processing data covered by those provisions, subject to the exceptions laid down by that directive, would require the operator to grant as a matter of course the requests for 'de-referencing' in relation to links to web pages concerning such data?

— From that perspective, how must the exceptions laid down in Article 8(2)(a) and (e) of Directive 95/46 be interpreted, when they apply to the operator of a search engine, in the light of its specific responsibilities, powers and capabilities? In particular, may such an operator refuse a request for 'de-referencing', if it establishes that the links at issue lead to content which, although comprising data falling within the categories listed in Article 8(1), is also covered by the exceptions laid down by Article 8(2)(a) and (e) of the directive?

— Similarly, when the links subject to the request for 'de-referencing' lead to processing of personal data carried out solely for journalistic purposes or for those of artistic or literary expression, on which basis, in accordance with Article 9 of Directive 95/46, data within the categories mentioned in Article 8(1) and (5) of the directive may be collected and processed, must the provisions of Directive 95/46 be interpreted as allowing the operator of a search engine, on that ground, to refuse a request for 'de-referencing'?

3. If Question 1 should be answered in the negative:

— Which specific requirements of Directive 95/46 must be met by the operator of a search engine, in view of its responsibilities, powers and capabilities?

— When the operator establishes that the web pages at the end of the links subject to the request for 'de-referencing' comprise data whose publication on those pages is unlawful, must the provisions of Directive 95/46 be interpreted as:

— requiring the operator of a search engine to remove those links from the list of results displayed following a search made on the basis of the name of the person making the request; or

— meaning only that it is to take that factor into consideration in assessing the merits of the request for 'de-referencing', or

— meaning that this factor has no bearing on the assessment it is to make?

Furthermore, if that factor is not irrelevant, how is the lawfulness of the publication on web pages of the data at issue which stem from processing falling outside the territorial scope of Directive 95/46 and, accordingly, of the national laws implementing it to be assessed?

4. Irrespective of the answer to be given to Question 1:

— whether or not publication of the personal data on the web page at the end of the link at issue is lawful, must the provisions of Directive 95/46 be interpreted as:

— requiring the operator of a search engine, when the person making the request establishes that the data in question has become incomplete or inaccurate, or is no longer up to date, to grant the corresponding request for 'de-referencing';

— more specifically, requiring the operator of a search engine, when the person making the request shows that, having regard to the conduct of the legal proceedings, the information relating to an earlier stage of those proceedings is no longer consistent with the current reality of his situation, to 'de-reference' the links to web pages comprising such information?

— Must Article 8(5) of Directive 95/46 be interpreted as meaning that information relating to the investigation of an individual or reporting a trial and the resulting conviction and sentencing constitutes data relating to offences and to criminal convictions? More generally, does a web page comprising data referring to the convictions of or legal proceedings involving a natural person fall within the ambit of those provisions?

(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 1995 L 281, p. 31).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 27 March 2017 — Köln-Aktienfonds Deka v Staatssecretaris van Financiën

(Case C-156/17)

(2017/C 168/34)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Köln-Aktienfonds Deka

Defendant: Staatssecretaris van Financiën

Other parties: Nederlandse Orde van Belastingadviseurs, Loyens en Loeff NV

Questions referred

1. Does Article 56 EC (now Article 63 TFEU) mean that an investment fund established outside the Netherlands cannot be refused, on the ground that it is not subject to an obligation to withhold Netherlands dividend tax, a refund of Netherlands dividend tax which was withheld on dividends which that investment fund received from corporate bodies established in the Netherlands, whereas such a refund is granted to a fiscal investment institution established in the Netherlands, which, subject to the withholding of Netherlands dividend tax, distributes the proceeds of its investments to its shareholders or participants on an annual basis?

2. Does Article 56 EC (now Article 63 TFEU) mean that an investment fund established outside the Netherlands cannot be refused a refund of Netherlands dividend tax which was withheld on dividends which it received from corporate bodies established in the Netherlands on the ground that it has not proved satisfactorily that its shareholders or participants satisfy the conditions laid down in Netherlands legislation?

3. Does Article 56 EC (now Article 63 TFEU) mean that an investment fund established outside the Netherlands cannot be refused a refund of Netherlands dividend tax which was withheld on dividends which it received from corporate bodies established in the Netherlands, on the ground that it does not distribute the proceeds of its investments in full to its shareholders or participants on an annual basis at the latest in the eighth month following the end of the financial year, even if, in the country in which that investment fund is established, under the legislation there applicable, the proceeds of its investments, to the extent to which they are not distributed, (a) are deemed to have been distributed, and/or (b) are taken into account in the tax levied in that country on the shareholders or participants as though those profits had been distributed, whereas such a refund is granted to a fiscal investment institution established in the Netherlands, which, subject to the withholding of Netherlands dividend tax, distributes the proceeds of its investments in full to its shareholders or participants on an annual basis?