Action brought on 21 August 2017 — European Commission v Ireland

(Case C-504/17)

(2017/C 347/29)

Language of the case: English

Parties

Applicant: European Commission (represented by: F. Tomat, J. Tomkin, Agents)

Defendant: Ireland

The applicant claims that the Court should:

— declare that by not ensuring the application of the minimum levels of taxation for motor fuels prescribed by Council Directive 2003/96/EC ([1]) of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, Ireland has failed to fulfil its obligations under Articles 4 and 7 of that Directive;

— declare that by allowing the use of marked fuel for the purposes of propelling private pleasure craft, even where such fuel has not been subject to any exemption or reduction of excise duty, Ireland has failed to fulfil its obligations under Directive 95/60/EC ([2]) of 27 November 1995 on fiscal marking of gas oils and kerosene;

— order Ireland to pay the costs.

Pleas in law and main arguments

The Commission considers that the system by which Ireland imposes and collects excise duties on fuel used to propel private pleasure craft is incompatible with its obligations under Council Directive 2003/96/EC (the 'Energy Taxation Directive') and Directive 95/60/EC (the 'Fiscal Marking Directive').

Concerning the payment of excise duties, it is apparent that only a very small minority of owners of pleasure-craft actually submit returns to pay the full rate of tax duty. The Commission further considers that permitting the sale of marked fuel for uses that are subject to a full rate of excise duty is fundamentally incompatible with the Fiscal Marking Directive. The obligation to mark fuel that has been subject to a reduced rate of excise duty is intended specifically to ensure that those fuels are readily distinguishable from fuel in respect of which full duty has been paid. However, the effect of the national measure is that where marked fuel is found in a tank of a private pleasure craft that has been refuelled in Ireland, it is not possible to determine by reference to the marking, whether or not the fuel used was subject to a full or discounted rate of excise duty.

([1]) OJ 2003, L 283, p. 51.
([2]) OJ 1995, L 291, p. 46.

Request for a preliminary ruling from the Conseil d'État (France) lodged on 21 August 2017 — Google Inc. v Commission nationale de l'informatique et des libertés (CNIL)

(Case C-507/17)

(2017/C 347/30)

Language of the case: French

Referring court

Conseil d'État

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