

Parties to the main proceedings

Applicant: OL

Defendant: PQ

Operative part of the judgment

Article 11(1) of Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning that, in a situation, such as that in the main proceedings, where a child has been born and has lived continuously with her mother for several months, in accordance with the joint wishes of her parents, in a Member State other than that where those parents were habitually resident before her birth, the initial intention of the parents with respect to the return of the mother, together with the child, to the latter Member State cannot allow the conclusion that that child was 'habitually resident' there, within the meaning of that regulation.

Consequently, in such a situation, the refusal of the mother to return to the latter Member State together with the child cannot be considered to be a 'wrongful removal or retention' of the child, within the meaning of Article 11(1).

⁽¹⁾ OJ C 144, 8.5.2017.

Order of the Court (Ninth Chamber) of 8 June 2017 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Lg Costruzioni Srl v Area — Azienda Regionale per l'edilizia abitativa

(Case C-110/16) ⁽¹⁾

(Reference for a preliminary ruling — Public works contract — Directive 2004/18/EC — Article 7 — Evaluation and determination of the technical capacities of the economic operators — Article 53(2) of the Rules of Procedure of the Court — Manifest inadmissibility)

(2017/C 249/17)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Lg Costruzioni Srl

Defendant: Area — Azienda Regionale per l'Edilizia Abitativa

In the presence of: TE.SV.AM. Srl, Alvit Srl, Igit SpA, Planarch Srl, Francesco Auteri

Operative part of the order

The request for a preliminary ruling made by the Consiglio di Stato (Council of State, Italy), by decision of 19 January 2016, is manifestly inadmissible.

⁽¹⁾ OJ C 175, 17.5.2016.