

2. Orders Dextro Energy GmbH & Co. KG to pay the costs.

<sup>(1)</sup> OJ C 287, 8.8.2016.

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**Judgment of the Court (Ninth Chamber) of 1 June 2017 (request for a preliminary ruling from the Sąd Okręgowy w Warszawie — Poland) — Piotr Zarski v Andrzej Stadnicki**

(Case C-330/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Combating late payments in commercial transactions — Directive 2011/7/EU — Commercial lease contracts of indefinite duration — Late rent payments — Contracts concluded before the period for transposing that directive had expired — National rules — Exclusion of such contracts from the temporal scope of that directive)*

(2017/C 249/15)

Language of the case: Polish

#### Referring court

Sąd Okręgowy w Warszawie

#### Parties to the main proceedings

Appellant: Piotr Zarski

Respondent: Andrzej Stadnicki

#### Operative part of the judgment

Article 12(4) of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions must be interpreted as meaning that the Member States may exclude from the scope of that directive late payments in the performance of a contract concluded before 16 March 2013, even where those late payments occur after that date.

<sup>(1)</sup> OJ C 335, 12.9.2016.

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**Judgment of the Court (Fifth Chamber) of 8 June 2017 (request for a preliminary ruling from the Monomeles Protodikeio Athinon — Greece) — OL v PQ**

(Case C-111/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility — International child abduction — Hague Convention of 25 October 1980 — Regulation (EC) No 2201/2003 — Article 11 — Application for return — Concept of ‘habitual residence’ of an infant — Child born, as agreed by her parents, in a Member State other than that where they were habitually resident — Child continuing to reside for the first months of her life in the Member State of her birth — Mother’s decision not to return to the Member State where the couple had been habitually resident)*

(2017/C 249/16)

Language of the case: Greek

#### Referring court

Monomeles Protodikeio Athinon

**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).

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<sup>(1)</sup> OJ C 144, 8.5.2017.

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**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) <sup>(1)</sup>

**(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.

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<sup>(1)</sup> OJ C 175, 17.5.2016.