

2. (a) Should (minor) Union citizens declare or demonstrate an interest in exercising the rights conferred on them by citizenship of the Union?
 - (b) In that regard, could a relevant factor be that, as a rule, minor Union citizens cannot independently assert their rights and have no say over their place of residence, but are dependent on their parent(s) in that respect, and that this could involve a claim being made on behalf of a minor Union citizen for the right to exercise his rights as a Union citizen, whereas that might possibly be contrary to their other interests as referred to, for example, in the *Chavez-Vilchez* judgment ⁽¹⁾?
 - (c) Are those rights absolute, in the sense that no obstacles may be placed in their way or that the Member State of which the (minor) Union citizen is a national might even have a positive obligation to enable that citizen to exercise those rights?
3. (a) In assessing whether there is a relationship of dependency as referred to in I. above, is the decisive factor whether or not the third-country national parent, prior to the application or prior to the decision refusing a right of residence, or prior to the time when a (national) court has to make a decision in legal proceedings brought because of that refusal, was responsible for the day-to-day care of the minor Union citizen, and whether there are others who were responsible for such care in the past and/or can (continue to) be responsible for it?
 - (b) In that connection, can the minor Union citizen, in order to be able to exercise his Union rights effectively, be required to settle on Union territory with his other parent, who is a citizen of the Union, who may no longer have parental responsibility for the minor?
 - (c) If so, does it make a difference whether or not that parent has or had parental responsibility and/or whether the minor is or was legally, financially or emotionally dependent on that parent and whether or not that parent is willing to take on those responsibilities and/or the care of the minor?
 - (d) If it were to be established that the third-country national parent has sole parental responsibility for the minor Union citizen, does that then mean that less weight should be attached to the question of the legal, financial and/or emotional dependence?

⁽¹⁾ C-133/15, EU:C:2017:354.

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 24 September 2020 — TU, RE v Google LLC

(Case C-460/20)

(2020/C 443/12)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Appellants on a point of law: TU, RE

Respondent in the appeal on a point of law: Google LLC

Questions referred

1. Is it compatible with the data subject's right to respect for private life (Article 7 of the Charter of Fundamental Rights of the European Union, OJ C 202 of 7 June 2016, p. 389) and to protection of personal data (Article 8 of the Charter), if, within the context of the weighing-up of conflicting rights and interests arising from Articles 7, 8, 11 and 16 of the Charter, within the scope of the examination of his request for de-referencing brought against the data controller of an internet search engine, pursuant to Article 17(3)(a) of Regulation (EU) 2016/679 ⁽¹⁾ of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation, GDPR, OJ L 119 of 4 May 2016, p. 1), when the link, the de-referencing of which the applicant is requesting, leads to content that includes factual claims and value judgements based on factual claims the truth of which is denied by the data subject, and the lawfulness of which depends on the question of the extent to which the factual claims contained in that content are true, the national court also concentrates conclusively on the issue of whether the data subject could reasonably seek legal protection against the content provider, for instance by means of interim relief, and thus at least provisional clarification on the question of the truth of the content displayed by the search engine data controller could be provided?
2. In the case of a request for de-referencing made against the data controller of an internet search engine, which in a name search searches for photos of natural persons which third parties have introduced into the internet in connection with the person's name, and which displays the photos which it has found in its search results as preview images (thumbnails), within the context of the weighing-up of the conflicting rights and interests arising from Articles 7, 8, 11 and 16 of the Charter pursuant to Article 12(b) and Article 14, first paragraph, (a) of Directive 95/46/EC ⁽²⁾ 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 (Data Protection Directive, OJ L 281 of 23 November 1995, p. 31)/Article 17(3)(a) of the GDPR, should the context of the original third-party publication be conclusively taken into account, even if the third-party website is linked by the search engine when the preview image is displayed but is not specifically named, and the resulting context is not shown with it by the internet search engine?

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

⁽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 Bundesgerichtshof (Germany) lodged on 25 September 2020 — HEITEC AG v HEITECH Promotion GmbH and RW

(Case C-466/20)

(2020/C 443/13)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Appellant: HEITEC AG

Respondents: HEITECH Promotion GmbH, RW

Questions referred

1. Can acquiescence within the meaning of Article 9(1) and (2) of Directive 2008/95/EC ⁽¹⁾ and Article 54(1) and (2) and Article 111(2) of Regulation (EC) No 207/2009 ⁽²⁾ be excluded not only by means of an administrative or court action, but also through conduct not involving a court or administrative authority?