

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

*In the presence of:* 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, and Défenseur des droits

### Operative part of the judgment

On a proper construction of Article 12(b) and subparagraph (a) of the first paragraph of Article 14 of 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, and of Article 17(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 (General Data Protection Regulation), where a search engine operator grants a request for de-referencing pursuant to those provisions, that operator is not required to carry out that de-referencing on all versions of its search engine, but on the versions of that search engine corresponding to all the Member States, using, where necessary, measures which, while meeting the legal requirements, effectively prevent or, at the very least, seriously discourage an internet user conducting a search from one of the Member States on the basis of a data subject's name from gaining access, via the list of results displayed following that search, to the links which are the subject of that request.

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<sup>(1)</sup> OJ C 347, 16.10.2017.

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### Judgment of the Court (Fifth Chamber) of 18 September 2019 — European Commission v Italian Republic

(Case C-526/17) <sup>(1)</sup>

***(Failure of a Member State to fulfil obligations — Article 258 TFEU — Directive 2004/18/EC — Coordination of procedures for the award of public works contracts, public supply contracts and public service contracts — Public works concession contracts — Extension of the duration of an existing concession for the construction and operation of a motorway, without publication of a contract notice)***

(2019/C 399/04)

*Language of the case: Italian*

### Parties

*Applicant:* European Commission (represented by: G. Gattinara, P. Ondrůšek and A. Tokár, acting as Agents)

*Defendant:* Italian Republic (represented by: G. Palmieri, acting as Agent, and V. Nunziata, E. De Bonis and P. Pucciariello, avvocati dello Stato)

### Operative part of the judgment

The Court:

1. Declares that, by extending the concession for the section of the A12 Livorno-Civitavecchia motorway from Livorno to Cecina (Italy) from 31 October 2028 to 31 December 2046, without publishing a contract notice, the Italian Republic has failed to fulfil its obligations under Articles 2 and 58 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as amended by Commission Regulation (EC) No 1422/2007 of 4 December 2007;
2. Dismisses the action as to the remainder;

3. Orders the European Commission to bear its own costs and three quarters of the costs of the Italian Republic. The Italian Republic is ordered to bear one quarter of its own costs.

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(<sup>1</sup>) OJ C 347, 16.10.2017.

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**Judgment of the Court (Sixth Chamber) of 18 September 2019 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — Finanzamt Kyritz v Wolf-Henning Peters**

(Case C-700/17) (<sup>1</sup>)

*(Reference for a preliminary ruling — Taxation — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 132(1)(b) and (c) — Exemptions — Hospital and medical care — Provision of medical care in the exercise of the medical and paramedical professions — No confidential relationship between the person providing the care and the patient)*

(2019/C 399/05)

Language of the case: German

**Referring court**

Bundesfinanzhof

**Parties to the main proceedings**

*Appellant in the appeal on a point of law:* Finanzamt Kyritz

*Respondent in the appeal on a point of law:* Wolf-Henning Peters

**Operative part of the judgment**

1. Article 132(1)(b) and (c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that the provision of medical care such as that at issue in the main proceedings, supplied by a medical specialist in clinical chemistry and laboratory diagnostics, is capable of falling within the scope of the exemption from VAT under Article 132(1)(c) of that directive, where it fails to meet all the conditions for the application of the exemption under Article 132(1)(b) of the directive;
2. Article 132(1)(c) of Council Directive 2006/112 must be interpreted as meaning that the exemption from VAT that it provides for is not subject to the condition that the medical care in question is supplied within the framework of a confidential relationship between the patient and the person providing the care.

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(<sup>1</sup>) OJ C 104, 19.3.2018.