

**Request for a preliminary ruling from the Administrativen sad — Varna (Bulgaria) lodged on
28 February 2017 — Komisia za zashtita na potrebitelite v Evelina Kamenova**

(Case C-105/17)

(2017/C 144/41)

Language of the case: Bulgarian

Referring court

Administrativen sad — Varna

Parties to the main proceedings

Appellant: Komisia za zashtita na potrebitelite

Respondent: Evelina Kamenova

Question referred

1. Must Article 2(b) and (d) of Directive 2005/29/EC ⁽¹⁾ of the European Parliament and of the Council of 11 May 2005 concerning unfair commercial practices be interpreted as meaning that the action of a natural person who is registered on a website for the sale of goods, and who published a total of eight advertisements at the same time for the sale of different items via the website, is the action of a trader within the meaning of the legal definition in Article 2(b), represents a business-to-consumer commercial practice within the meaning of Article 2(d) and comes within the scope of the directive pursuant to Article 3(1) thereof?

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance).
OJ 2005 L 149, p. 22.

**Request for a preliminary ruling from the Monomeles Protodikeio Athens (Greece) lodged on
7 March 2017 — OL v PQ**

(Case C-111/17 PPU)

(2017/C 144/42)

Language of the case: Greek

Referring court

Monomeles Protodikeio Athens (Greece)

Parties to the main proceedings

Applicant: OL

Defendant: PQ

Question referred

What is the appropriate interpretation of the concept of 'habitual residence', within the meaning of Article 11(1) of Regulation (EC) No 2201/2003 ⁽¹⁾ concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, in the case of an infant who fortuitously or due to force majeure has been born in a place other than that which her parents with joint parental responsibility for the child intended to be the place of her habitual residence, and was then unlawfully retained by one parent in the State where she was born, or removed to a third State. More specifically, is physical presence a necessary and self-evident prerequisite, in all circumstances, for establishing the habitual residence of a person, and in particular a new-born child?

⁽¹⁾ OJ 2003 L 338, p. 1.