

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 27 June 2017 — Stefano Liberato v Luminita Luisa Grigorescu

(Case C-386/17)

(2017/C 338/03)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: Stefano Liberato

Respondent: Luminita Luisa Grigorescu

Questions referred

1. Does an infringement of the rules on *lis pendens* contained in Article 19(2) and (3) of Regulation No 2201/2003 ⁽¹⁾ affect only the determination of jurisdiction, with the consequent application of Article 24 of Regulation No 2201/2003 or, on the contrary, may it constitute a ground for withholding recognition, in the Member State whose court has been seised first, of a judicial ruling made in the Member State whose court has been seised at a later stage, in the light of procedural public policy, having regard to the fact that Article 24 of Regulation No 2201/2003 refers only to the rules determining jurisdiction contained in Articles 3 to 14 of that regulation and not to the subsequent Article 19 thereof?
2. Does the interpretation of Article 19 of Regulation No 2201/2003, seen only as a test for the conferral of jurisdiction, conflict with the EU-law concept of *lis pendens* and with the function and purpose of that provision, which is intended to lay down a set of binding rules, reflecting procedural public policy, thereby guaranteeing the creation of a common area characterised by reciprocal procedural trust and fairness between the Member States, within which the automatic recognition and free movement of judicial decisions may operate?

⁽¹⁾ Council 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 (OJ 2003 L 338, p. 1).

Request for a preliminary ruling from the Corte suprema di cassazione (Italy), lodged on 28 June 2017 — Presidenza del Consiglio dei Ministri v Fallimento Traghetti del Mediterraneo SpA

(Case C-387/17)

(2017/C 338/04)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicant: Presidenza del Consiglio dei Ministri

Defendant: Fallimento Traghetti del Mediterraneo SpA