

Request for a preliminary ruling from the Judecătoria Constanța (Romania) lodged on 18 July 2018 — R v P

(Case C-468/18)

(2018/C 381/06)

Language of the case: Romanian

Referring court

Judecătoria Constanța

Parties to the main proceedings

Applicant: R

Defendant: P

Questions referred

1. In the context of an action before the courts of a Member State which comprises three heads of claim concerning (i) the divorce of the parents of a minor child, (ii) parental responsibility for that minor child and (iii) maintenance obligations with regard to that minor child, may Article 3(a) and (d) and Article 5 of Regulation No 4/2009 ⁽¹⁾ be interpreted as meaning that the court seised of the divorce petition, being also a court for the place where the defendant is habitually resident and the court before which the defendant has entered an appearance, has jurisdiction to give a decision on the claim concerning maintenance obligations in respect of the minor child, notwithstanding its finding that it has no jurisdiction in the matter of parental responsibility for the minor child, or may the claim concerning maintenance obligations be decided only by a court having jurisdiction to adjudicate the claim concerning parental responsibility for the minor child?
2. In the circumstances relating to the jurisdiction of the national court described above, is the claim concerning maintenance obligations with regard to the minor child ancillary to the claim concerning parental responsibility, within the meaning of Article 3(d) of Regulation No 4/2009?
3. In the event that the second question is answered in the negative, is it in the best interests of the child for a court of a Member State which has jurisdiction pursuant to Article 3(a) of Regulation No 4/2009 to decide the claim concerning the maintenance obligations of the parents toward the minor child of the marriage of which the dissolution is sought, notwithstanding the fact that that court has found itself to have no jurisdiction in the matter of parental responsibility and has held, with the force of *res judicata*, that the conditions laid down by Article 12 of 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, are not fulfilled? ⁽²⁾

⁽¹⁾ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ 2009 L 7, p. 1).

⁽²⁾ OJ 2003 L 338, p. 1.

Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 23 July 2018 — AS 'PrivatBank'

(Case C-480/18)

(2018/C 381/07)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Appellant: AS 'PrivatBank'

Other party to the proceedings: Finanšu un kapitāla tirgus komisija

Questions referred

1. Is national legislation that empowers the [Latvian Financial and Capital Markets] Commission to examine complaints by payment service users even where the payment services have not been executed in euros or in the national currency of a Member State, and thus to find there to be infringements of the Law [on payment services and electronic money] and to impose penalties, compatible with Article 2(2) of Directive [2007/64/EC]? ⁽¹⁾
2. Must Article 20(1) and (5) and Article 21(2) of the Directive be interpreted as allowing for the competent authority to supervise and impose penalties also in respect of payment services not executed in euros or the currency of a Member State outside the euro area?
3. For the purposes of the supervisory functions laid down in Articles 20 and 21 of the Directive, or of the complaint procedures established in Articles 80 to 82 of the Directive, does the competent authority have the power to resolve disputes between a payer and a payment service provider arising from the legal relationships referred to in Article 75 of the Directive, determining who is liable for non-execution or defective execution of a transaction?
4. In carrying out the supervisory functions laid down in Articles 20 and 21 of the Directive or the complaint procedures established in Articles 80 to 82 of the Directive, must the competent authority take account of an arbitral award made in settlement of a dispute between a payment service provider and a payment service user?

⁽¹⁾ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ 2007 L 319, p. 1).

Request for a preliminary ruling from the Budapest Környéki Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 26 July 2018 — Farmland Kft. v Földművelésügyi Miniszter

(Case C-489/18)

(2018/C 381/08)

Language of the case: Hungarian

Referring court

Budapest Környéki Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Farmland Kft.

Defendant: Földművelésügyi Miniszter

Questions referred

1. Is the rule established by the Order of the Minister for Agriculture and Rural Development No 22/2010 of 16 March, the Order of the Minister for Agriculture and Rural Development No 34/2010 of 9 April, the Order of the Minister for Agriculture and Rural Development No 25/2011 of 7 April, and the Order of the Minister for Agriculture and Rural Development No 22/2011 of 25 March — in accordance with which a farmer's application for support is to be rejected based solely on the set of criteria relating to the 'lawful user of the land', laid down by national law, and the absence of the 'certificate of land use' as a result of those criteria, even though the farmer meets the other criteria relating to the application for support and, in particular, is able to prove that the parcels declared are at his disposal, that is to say, that he manages and exploits those parcels — compatible with EU law?