

Request for a preliminary ruling from the Judecătoria Oradea (Romania) lodged on 8 February 2018 — CV v DU

(Case C-85/18)

(2018/C 152/15)

Language of the case: Romanian

Referring court

Judecătoria Oradea

Parties to the main proceedings

Applicant: CV

Respondent: DU

Questions referred

1. Is the concept of habitual residence of the child, within the meaning of Article 8(1) of Regulation No 2201/2003 ⁽¹⁾, to be interpreted as meaning that such habitual residence corresponds to the place where the child has demonstrated some degree of integration into the social and family environment, irrespective of the fact that a ruling has been made in another Member State, after the child moved with his father to the territory of the State, where the minor has integrated into that social and family environment? If that is the case, should Article 13 of Regulation No 2201/2003, which determines jurisdiction based on the child's presence, be applied?
2. Is the fact that the minor has the nationality of the Member State in which he lives with his father, in circumstances where his parents have Romanian nationality only, relevant for the purpose of determining habitual residence?

⁽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).

Reference for a preliminary ruling from the Court of Appeal in Northern Ireland (United Kingdom) made on 9 February 2018 — Ermira Bajratari v Secretary of State for the Home Department

(Case C-93/18)

(2018/C 152/16)

Language of the case: English

Referring court

Court of Appeal in Northern Ireland

Parties to the main proceedings

Applicant: Ermira Bajratari

Defendant: Secretary of State for the Home Department

Questions referred

1. Can income from employment that is unlawful under national law establish, in whole or in part, the availability of sufficient resources under Article 7(1)(b) of the Citizens Directive ⁽¹⁾?

2. If 'yes', can Article 7(1) (b) be satisfied where the employment is deemed precarious solely by reason of its unlawful character?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004, L 158, p. 77).

Reference for a preliminary ruling from High Court (Ireland) made on 12 February 2018 — Nalini Chenchooliah v Minister for Justice and Equality

(Case C-94/18)

(2018/C 152/17)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Applicant: Nalini Chenchooliah

Defendant: Minister for Justice and Equality

Questions referred

1. Where the spouse of an EU citizen who has exercised free movement rights under Article 6 of Directive 2004/38/EC ⁽¹⁾ has been refused a right of residence under Article 7 on the basis that the EU citizen in question was not, or was no longer, exercising EU Treaty Rights in the host Member State concerned, and where it is proposed that the spouse should be expelled from that Member State, must that expulsion be pursuant to and in compliance with the provisions of the Directive, or does it fall within the competence of the national law of the Member State?
2. If the answer to the above question is that the expulsion must be made pursuant to the provisions of the Directive, must the expulsion be made pursuant to and in compliance with the requirements of Chapter VI of the Directive, and particularly Articles 27 and 28 thereof, or may the Member State, in such circumstances, rely on other provisions of the Directive, in particular Articles 14 and 15 thereof?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004, L 158, p. 77).

Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven (Netherlands) lodged on 12 February 2018 — T. Boer & Zonen BV v Staatssecretaris van Economische Zaken

(Case C-98/18)

(2018/C 152/18)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven

Parties to the main proceedings

Applicant: T. Boer & Zonen BV

Defendant: Staatssecretaris van Economische Zaken