

Judgment of the Court (Third Chamber) of 23 December 2009 (reference for a preliminary ruling from the *Višje sodišče v Mariboru* — Republic of Slovenia) — *Jasna Detiček v Maurizio Sgueglia*

(Case C-403/09 PPU) ⁽¹⁾

(Judicial cooperation in civil matters — Matrimonial matters and matters of parental responsibility — Regulation (EC) No 2201/2003 — Provisional measures concerning custody — Decision enforceable in a Member State — Wrongful removal of the child — Other Member State — Other court — Custody of the child granted to the other parent — Jurisdiction — Urgent preliminary ruling procedure)

(2010/C 63/24)

Language of the case: Slovene

Referring court

Višje sodišče v Mariboru

Parties to the main proceedings

Applicant: Jasna Detiček

Defendant: Maurizio Sgueglia

Re:

Reference for a preliminary ruling — Interpretation of Article 20 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 (OJ 2003 L 338, p. 1) — Provisional and protective measures — Jurisdiction of a court in Member State A to rule provisionally on an application to have custody of the child restored, the court dealing with the substance (disposing of the divorce proceedings) being in Member State B

Operative part of the judgment

Article 20 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, must be interpreted as not allowing, in circumstances such as those of the main proceedings, a court of a Member State to take a provisional measure in matters of parental responsibility granting custody of a child who is in the territory of that Member State to one parent, where a court of another Member State, which has jurisdiction under that regulation as to the substance of the dispute relating to custody of the child, has already delivered a judgment provisionally giving custody of the child to the other parent, and that judgment has been declared enforceable in the territory of the former Member State.

⁽¹⁾ OJ C 312, 19.12.2009.

Order of the Court (Sixth Chamber) of 23 November 2009 (references for a preliminary ruling from the *Monomeles Protodikio Rethimnis* — Greece) — *Georgios K. Lagoudakis v Kentro Aniktis Prostatias Ilikiomenon Dimou Rethimnis* (C-162/08), *Dimitros G. Ladakis, Andreas M. Birtas, Konstantinos G. Kiriakopoulos, Emmanouil V. Klamponis, Sofoklis E. Mastorakis v Dimos Geropotamou* (C-163/08) and *Mikhail Zakharioudakis v Dimos Lampis* (C-164/08)

(Joined Cases C-162/08 to C-164/08) ⁽¹⁾

(First subparagraph of Article 104(3) of the Rules of Procedure — Social policy — Directive 1999/70/EC — Clauses 5 and 8 of the framework agreement on fixed-term work — Fixed-term employment contracts in the public sector — First or single use of a contract — Successive contracts — Equivalent legal measure — Reduction in the general level of protection afforded to workers — Measures intended to prevent abuse — Penalties — Absolute prohibition on conversion of fixed-term employment contracts into contracts of indefinite duration in the public sector — Consequences of the incorrect transposition of a directive — Interpretation in conformity with Community law)

(2010/C 63/25)

Language of the case: Greek

Referring court

Monomeles Protodikio Rethimnis

Parties to the main proceedings

Applicants: Georgios K. Lagoudakis (C-162/08), Dimitros G. Ladakis, Andreas M. Birtas, Konstantinos G. Kiriakopoulos, Emmanouil V. Klamponis, Sofoklis E. Mastorakis (C-163/08), Mikhail Zakharioudakis (C-164/08)

Defendants: Kentro Aniktis Prostatias Ilikiomenon Dimou Rethimnis (C-162/08), Dimos Geropotamou (C-163/08), Dimos Lampis (C-164/08),

Re:

References for a preliminary ruling — Monomeles Protodikio Rethimnis — Interpretation of clauses 5 and 8(1) and (3) of the annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) — Prohibition against adopting national measures in the guise of transposition where an equivalent national measure within the meaning of Article 5(1) of the Framework Agreement already exists and the new measures reduce the level of protection afforded to fixed-term workers