

must be interpreted as meaning that that provision may refer to a legal person governed by private law which acts as a legal person governed by public law and exercises public powers where it also provides, for remuneration, services which are in competition with those provided by market operators.

2. Article 4(2)(b) of Directive 2002/14

must be interpreted as meaning that the information and consultation obligation laid down therein does not apply in the event of a change of post for a small number of employees appointed on an interim basis to management roles, where that change is not capable of affecting the situation, structure or probable development of employment within the undertaking concerned, or placing employment more generally under threat.

⁽¹⁾ OJ C 359, 19.9.2022.

Judgment of the Court (Fourth Chamber) of 6 July 2023 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — BM v LO

(Case C-462/22, ⁽¹⁾ BM (Residence of the divorce applicant))

(Reference for a preliminary ruling — Jurisdiction, recognition and enforcement of judgments in matrimonial matters — Regulation (EC) No 2201/2003 — Sixth indent of Article 3(1)(a) — Forum actoris — Condition — Habitual residence of the applicant in the Member State of the court seised for the entire period immediately before the application was made)

(2023/C 296/13)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: BM

Defendant: LO

Operative part of the judgment

The sixth indent of Article 3(1)(a) 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 meaning that that provision makes the jurisdiction of the court of a Member State to hear an application for the dissolution of matrimonial ties subject to the condition that the applicant, who is a national of that Member State, provides evidence that he or she has acquired a habitual residence in that Member State for at least six months immediately prior to the submission of his or her application.

⁽¹⁾ OJ C 359, 19.9.2022.
