

**Request for a preliminary ruling from the Sąd Apelacyjny w Warszawie (Poland) lodged on
13 October 2022 — Rzecznik Praw Dziecka and Others**

(Case C-638/22)

(2022/C 482/14)

Language of the case: Polish

Referring court

Sąd Apelacyjny w Warszawie

Parties to the main proceedings

Applicants: T. C., Rzecznik Praw Dziecka, Prokurator Generalny

Other parties to the proceedings: M.C., Prokurator Prokuratura Okręgowa we Wrocławiu

Question referred

Does Article 11(3) 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 ⁽¹⁾ and Article 22, Article 24, Article 27(6) and Article 28(1) and (2) of Council Regulation (EU) No 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), ⁽²⁾ read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, preclude the application of a provision of national law under which, in cases involving the removal of a person subject to parental responsibility or custody conducted under the Convention on the Civil Aspects of International Child Abduction adopted in The Hague on 25 October 1980, the enforcement of an order for the removal of a person subject to parental responsibility or custody is suspended by operation of law where the Prokurator Generalny (Public Prosecutor General), Rzecznik Praw Dziecka (Commissioner for Children's Rights) or Rzecznik Praw Obywatelskich (Ombudsman) submits a request to that effect to the Sąd Apelacyjny w Warszawie (Court of Appeal, Warsaw) within a period not exceeding two weeks from the day on which the order becomes final?

⁽¹⁾ OJ 2003 L 338, p. 1.

⁽²⁾ OJ 2019 L 178, p. 1.

**Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on
13 October 2022 — R. A. and Others v Luminor Bank AS, acting through Luminor Bank AS
Lithuanian Branch**

(Case C-645/22)

(2022/C 482/15)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Applicants at first instance, appellants and appellants on a point of law: R. A. and Others

Defendant at first instance and appellant on a point of law: Luminor Bank AS, acting through Luminor Bank AS Lithuanian Branch

Questions referred

1. Can Article 6(1) and Article 7(1) of Directive 93/13/EEC ⁽¹⁾ be interpreted as meaning that, where a consumer expresses the intention to preserve a contract by replacing an unfair term contained therein, a court, after finding that the contract cannot remain valid following the removal of the term found to be unfair, may rule on the issue of replacing the unfair term without first assessing the possibility of annulling the contract in its entirety?