

Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Germany) lodged on 25 January 2023 — Father v Mother

(Case C-35/23, Greislzel ⁽¹⁾)

(2023/C 112/35)

Language of the case: German

Referring court

Oberlandesgericht Frankfurt am Main

Parties to the main proceedings

Applicant and appellant: Father

Defendant and respondent: Mother

Parties to the proceedings: Child L, Lawyer (Guardian *ad litem*)

Questions referred

To what extent is the regulatory mechanism provided for in Article 10 and Article 11 of the Brussels IIA Regulation ⁽²⁾ limited to proceedings conducted in the context of relations between EU Member States?

More specifically:

1. Does Article 10 of the Brussels IIA Regulation apply, with the effect that the jurisdiction of the courts in the former State of residence is retained, if the child had his or her habitual residence in an EU Member State (Germany) before his or her removal and the return proceedings under the Hague Convention on the Civil Aspects of International Child Abduction ('the HCAC') were conducted between an EU Member State (Poland) and a third State (Switzerland) and, in those proceedings, the return of the child was refused?

If question 1 is answered in the affirmative:

2. In the context of Article 10(b)(i) of the Brussels IIA Regulation, what requirements are to be imposed for the purposes of establishing continuing jurisdiction?
3. Does Article 11 (6) to (8) of the Brussels IIA Regulation also apply in the case of return proceedings implemented under the HCAC in the context of relations between a third State and an EU Member State, as a State of refuge, in so far as the child had his or her habitual residence in another EU Member State before the removal?

⁽¹⁾ The present case is referred to by a fictitious name which does not correspond to the real name of any party to the case.

⁽²⁾ 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).

Appeal brought on 27 January 2023 by Kurdistan Workers' Party (PKK) against the judgment of the General Court (Fourth Chamber, Extended Composition) delivered on 30 November 2022 in joined Cases T-316/14 RENV and T-148/19, PPK v Council

(Case C-44/23 P)

(2023/C 112/36)

Language of the case: English

Parties

Appellant: Kurdistan Workers' Party (PKK) (represented by: A.M. van Eik, T. Buruma, advocates)