

Request for a preliminary ruling from the Judecătoria Constanța (Romania) lodged on 18 July 2018 — R v P

(Case C-468/18)

(2018/C 381/06)

Language of the case: Romanian

Referring court

Judecătoria Constanța

Parties to the main proceedings

Applicant: R

Defendant: P

Questions referred

1. In the context of an action before the courts of a Member State which comprises three heads of claim concerning (i) the divorce of the parents of a minor child, (ii) parental responsibility for that minor child and (iii) maintenance obligations with regard to that minor child, may Article 3(a) and (d) and Article 5 of Regulation No 4/2009 ⁽¹⁾ be interpreted as meaning that the court seised of the divorce petition, being also a court for the place where the defendant is habitually resident and the court before which the defendant has entered an appearance, has jurisdiction to give a decision on the claim concerning maintenance obligations in respect of the minor child, notwithstanding its finding that it has no jurisdiction in the matter of parental responsibility for the minor child, or may the claim concerning maintenance obligations be decided only by a court having jurisdiction to adjudicate the claim concerning parental responsibility for the minor child?
2. In the circumstances relating to the jurisdiction of the national court described above, is the claim concerning maintenance obligations with regard to the minor child ancillary to the claim concerning parental responsibility, within the meaning of Article 3(d) of Regulation No 4/2009?
3. In the event that the second question is answered in the negative, is it in the best interests of the child for a court of a Member State which has jurisdiction pursuant to Article 3(a) of Regulation No 4/2009 to decide the claim concerning the maintenance obligations of the parents toward the minor child of the marriage of which the dissolution is sought, notwithstanding the fact that that court has found itself to have no jurisdiction in the matter of parental responsibility and has held, with the force of *res judicata*, that the conditions laid down by Article 12 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, are not fulfilled? ⁽²⁾

⁽¹⁾ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ 2009 L 7, p. 1).

⁽²⁾ OJ 2003 L 338, p. 1.

Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 23 July 2018 — AS 'PrivatBank'

(Case C-480/18)

(2018/C 381/07)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Appellant: AS 'PrivatBank'