

4. Error in law in that that the General Court erroneously ruled that VEB's right to property had been respected; this also amounts to an infringement of the principle of equality.

- ⁽¹⁾ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 13)
- ⁽²⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 1)
- ⁽³⁾ Council Decision 2014/659/CFSP of 8 September 2014 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 271, p. 54)
- ⁽⁴⁾ Council Regulation (EU) No 960/2014 of 8 September 2014 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 271, p. 3)

Request for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 30 November 2018 — Föreningen Svenska Tonsättares Internationella Musikbyrå u.p.a. (Stim), Svenska artisters och musikers intresseorganisation ek. för. (SAMI) v Fleetmanager Sweden AB, Nordisk Biluthyrning AB

(Case C-753/18)

(2019/C 65/34)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Appellants: Föreningen Svenska Tonsättares Internationella Musikbyrå u.p.a. (Stim), Svenska artisters och musikers intresseorganisation ek. för. (SAMI)

Respondents: Fleetmanager Sweden AB, Nordisk Biluthyrning AB

Questions referred

1. Does the hiring out of cars which are equipped as standard with radio receivers mean that the person who hires the cars out is a user who makes a communication to the public within the meaning of Article 3(1) of Directive 2001/29 ⁽¹⁾ and within the meaning of Article 8(2) of Directive 2006/115? ⁽²⁾
2. What is the significance, if any, of the volume of the car hire activities and the duration of the hires?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

⁽²⁾ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ 2006 L 376, p. 28).

Request for a preliminary ruling from the Judecătoria Rădăuți (Romania) lodged on 3 December 2018 — OF v PG

(Case C-759/18)

(2019/C 65/35)

Language of the case: Romanian

Referring court

Judecătoria Rădăuți

Parties to the main proceedings

Applicant: OF

Defendant: PG

Questions referred

1. Should Article 3(1) of Regulation (EC) No 2201/2003 ⁽¹⁾ be interpreted as meaning that a failure on the part of the defendant to raise an objection that the Romanian courts lack international jurisdiction to give a ruling on a case concerning a 'divorce involving a minor' amounts to his giving tacit consent to the case being decided by the court seised by the applicant, where the parties have their habitual residence in another Member State [of the European Union] (in the present case, Italy) and the divorce proceedings have been brought before a court of the State of which the parties are nationals?
2. Should [Article] 3(1) and [Article] 17 of Regulation (EC) No 2201/2003 be interpreted as meaning that a court may or must raise, of its own motion, an objection that the Romanian courts lack international jurisdiction to give a ruling on a case concerning a 'divorce involving a minor', where there has been no agreement between the parties, who are resident in another Member State [of the European Union] (in the present case, Italy), regarding the choice of the court having jurisdiction (resulting in the action being dismissed as not falling within the jurisdiction of the Romanian courts), which has priority over Article 915(2) of the Codul de procedură civilă (Code of Civil Procedure), pursuant to which an objection may be raised that the Judecătoria Rădăuți (Court of First Instance, Rădăuți) does not have exclusive territorial jurisdiction (resulting in its declining jurisdiction to give a ruling on the case in favour of the Judecătoria Sectorului 5 București (Court of First Instance, Sector 5, Bucharest) and the case being decided on the merits), especially given that those provisions are less favourable than the provision of national legislation concerned (Article 915(2) of the Codul de procedură civilă (Code of Civil Procedure))?
3. Should the expression contained in Article 12(1)(b) of Regulation (EC) No 2201/2003, namely 'the jurisdiction of the courts has been accepted ... otherwise in an unequivocal manner by the spouses and by the holders of parental responsibility, at the time the court is seised', be interpreted as meaning that, where the parties, who are habitually resident in another Member State [of the European Union] (in the present case, Italy), choose as the court having jurisdiction to give a ruling in divorce proceedings a court of the State of which they are nationals (the Judecătoria Rădăuți (Court of First Instance, Rădăuți) in Romania), that court automatically also has jurisdiction to rule on heads of claim concerning 'the exercise of parental authority, the child's place of habitual residence and the determination of parental contributions towards the costs of the child's care and upbringing'?
4. Should the concept of 'parental responsibility' referred to in Article 2(7) and Article 12 of Regulation (EC) No 2201/2003 be interpreted as also including the concepts of 'parental authority' referred to in Article 483 of the Codul civil (Civil Code), 'the child's place of habitual residence' covered by Article 400 of the Codul civil (Civil Code), and 'parental contributions towards the costs of the child's care and upbringing' covered by Article 402 of the Codul civil (Civil Code)?

⁽¹⁾ 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 17 December 2018 by Jean-François Jalkh against the judgment delivered on
17 October 2018 in Case T-26/17 Jalkh v Parliament**

(Case C-792/18 P)

(2019/C 65/36)

Language of the case: French

Parties

Appellant: Jean-François Jalkh (represented by: F. Wagner, avocat)

Other party: European Parliament