

Judgment of the Court (Third Chamber) of 5 October 2010
(reference for a preliminary ruling from the Supreme Court (Ireland)) — J. McB. v L. E.

(Case C-400/10 PPU) ⁽¹⁾

(Judicial cooperation in civil matters — Matrimonial matters and matters of parental responsibility — The Hague Convention of 25 October 1980 on the civil aspects of international child abduction — Regulation (EC) No 2201/2003 — Children whose parents are not married — Father's rights of custody — Interpretation of 'rights of custody' — General principles of law and Charter of Fundamental Rights of the European Union)

(2010/C 328/15)

Language of the case: English

Referring court

Supreme Court

Parties to the main proceedings

Applicant: J. McB.

Defendant: L. E.

Re:

Reference for a preliminary ruling — Supreme Court — Interpretation 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 (OJ 2003 L 338, p. 1) — Child whose parents are not married — Father's rights of custody — National legislation requiring the father to obtain an order from the court with jurisdiction in order to have rights of custody in respect of the child which render wrongful the child's removal or retention outside the child's country of habitual residence.

Operative part of the judgment

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 not precluding a Member State from providing by its law that the acquisition of rights of custody by a child's father, where he is not married to the child's mother, is dependent on the father's obtaining a judgment from a national court with jurisdiction awarding such rights to him, on the basis of which the removal of the child by its mother or the retention of that child may be considered wrongful, within the meaning of Article 2(11) of that regulation

⁽¹⁾ OJ C 260, 25.9.2010.

Appeal brought on 17 March 2010 by Francisco Pérez Guerra against the order of the General Court (Fourth Chamber) delivered on 11 February 2010 in Case T-3/10 Pérez Guerra v BNP Paribas and Spain

(Case C-142/10 P)

(2010/C 328/16)

Language of the case: Spanish

Parties

Appellant: Francisco Pérez Guerra (represented by: G. Soriano Bel, abogado)

Other parties to the proceedings: BNP Paribas and Kingdom of Spain

By order of 24 September 2010, the Court of Justice (Eighth Chamber) dismissed the appeal.

Appeal brought on 10 June 2010 by Franssons Verkstäder AB against the order of the General Court (Eighth Chamber) delivered on 10 May 2010 in Case T-98/10: Franssons Verkstäder v OHIM and Lindner Recyclingtech (Chaff Cutters)

(Case C-290/10 P)

(2010/C 328/17)

Language of the case: English

Parties

Appellant: Franssons Verkstäder AB (represented by: O. Öhlén, advokat)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

By order of 09 September 2010 the Court of Justice (Eighth Chamber) held that the appeal was inadmissible.

Action brought on 22 July 2010 — European Commission v Kingdom of the Netherlands

(Case C-368/10)

(2010/C 328/18)

Language of the case: Dutch

Parties

Applicant: European Commission (represented by: C. Zadra and F. Wilman)