

Case C-262/21 PPU**Request for a preliminary ruling****Date lodged:**

23 April 2021

Referring court:

Korkein oikeus (Supreme Court, Finland)

Date of the decision to refer:

23 April 2021

Applicant:

A

Defendant:

B

KORKEIN OIKEUS [SUPREME COURT, FINLAND]

[...]

23.4.2021

[...] [Contact details of the Court of Justice of the European Union]

Request for a preliminary ruling and request for application of the urgent preliminary ruling procedure

The Korkein oikeus (Supreme Court, Finland: ‘the referring court’) encloses its decision, which contains a request for a preliminary ruling address to the Court of Justice of the European Union.

The referring court requests that this preliminary ruling, which relates to a case involving the removal of a child, be dealt with under an urgent procedure in application of Article 107 of the Rules of Procedure. The applicant, A, who is the child’s father and the other person with a right of custody, demands the prompt return of the child to the child’s State of residence, Sweden.

According to recital 17 of the Brussels II bis Regulation [(EC) No 2201/2003], in cases of wrongful removal or retention of a child, the return of the child should be obtained without delay.

The child, C, arrived in Finland with his mother, B, on 24 November 2020. The child's father did not give his consent to the child's transfer to Finland and he does not know the child's whereabouts. The child is a small child aged around one year and six months who has been residing in Finland without the consent of the other parent with a right of custody for almost six months. If the case is not dealt with under the urgent procedure, the prolongation of the period taken to deal with it will jeopardise any possibility of the child's being returned without delay. In the light, too, of the child's age, the duration of his residence in Finland and the fact that the prolongation of the procedure may be detrimental to the development of a relationship between the father and his child, the application of the urgent procedure to examination of the request for a preliminary ruling is absolutely essential.

Annexed to the decision is a copy of the decision from which all data that would enable the persons concerned to be identified have been deleted. Also annexed to the decision are copies of the judgment of the hovioikeus (Court of Appeal) and of the appeal and the response submitted to the referring court, and also of the decisions of the Swedish authority competent in immigration matters of 27 October 2020.

[...] [contact details of the Korkein oikeus]

[...] [lawyers and address for service of the parties]

[...]

[...]