



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

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## FIFTH SECTION

Application no. 29426/24  
Alexandru PETRENOV  
against the Republic of Moldova  
lodged on 28 September 2024  
communicated on 9 September 2026

## SUBJECT MATTER OF THE CASE

The application concerns a decision by the Moldovan courts to establish the applicant's child's place of residence as being with the mother, allegedly in the absence of jurisdiction and despite a pre-existing shared custody arrangement in Germany.

The applicant and his former wife, B.A., are both nationals of Moldova. They live in Germany, where on 29 July 2018 B.A. gave birth to their child. After they separated in March 2021, the parents concluded a friendly settlement on shared custody, according to which the child would spend half a week at the applicant's place of residence and the other half at B.A.'s place of residence, without the child's main place of residence being established.

In April 2022 B.A. lodged with the Moldovan courts a request to establish the child's main place of residence as being with her, stating that she intended to present the decision to the German authorities and that she and the applicant had not reached an agreement on the child's place of residence. The applicant argued before the Moldovan courts that they lacked competence to adjudicate on the case, since all the persons involved in the matter had their permanent residence in Germany (foreign element). On 22 September 2022, on the basis of documents provided by B.A. (a work contract, a report by a social worker and a document describing her living conditions in Germany), the Chişinău District Court ruled in her favour and established the child's place of residence as being exclusively with her. The first-instance court did

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not respond to the applicant's objections concerning the court's jurisdiction; however, it concluded that in the light of the child's best interests, young age and attachment to the mother, the child's place of residence should be with B.A. The applicant appealed against the judgment, relying on the same arguments concerning the Moldovan courts' alleged lack of jurisdiction. The Chişinău Court of Appeal dismissed his appeal, holding that the applicable law in the present case was Moldovan law, since the child was a national of Moldova and Article 160 of the Family Code provided that, if the parents and the child did have not a common place of residence, their rights and obligations were governed by the law of the State of which the child was a national. By a final decision of 29 May 2024, the Supreme Court of Justice dismissed an appeal on points of law lodged by the applicant.

On 9 June 2026 the applicant informed the Court that B.A. had requested before a Romanian court an *exequatur* in respect of the Moldovan judgments. On 19 May 2026 the Bucharest District Court (*Tribunalul Bucureşti*) granted B.A.'s request.

The applicant, B.A. and their child continue to live in Germany.

Relying on Articles 6 and 8 of the Convention, the applicant complains that the Moldovan courts lacked competence to adjudicate the case concerning the establishment of his child's place of residence as being exclusively with his former wife. He argues that the courts ruled on the case without obtaining a relevant opinion from either the German or the Moldovan child protection authorities. He further argues that the shared custody arrangement previously established by the German authorities risks being annulled by the Moldovan decision establishing the child's place of residence as being exclusively with B.A.

## QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to a fair hearing, as guaranteed by Article 6 § 1 of the Convention, having regard to the allegedly arbitrary decision of the Moldovan courts to adjudicate the applicant's former wife's request to establish their child's place of residence as being with her, while all the parties were living and continue to live permanently in Germany and, therefore, the Moldovan courts lacked jurisdiction?

2. Has there been an interference with the applicant's rights under Article 8 of the Convention? In particular, given that all those concerned live in Germany, do the impugned Moldovan judgments have an effect on the

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enjoyment by the applicant of his rights under Article 8 in respect of the place of residence of his child?

3. If so, has there been a violation of the applicant's right to respect for his family life, contrary to Article 8 of the Convention, owing to the examination by the Moldovan courts of the case concerning his child's place of residence in Germany with the mother without deciding on the Moldovan courts' jurisdiction and without consideration of the pre-existing shared custody arrangement? In addition, have the domestic courts evaluated with diligence the best interests of the child (see *Leonov v. Russia*, no. 77180/11, §§ 64-68, 10 April 2018)?