

Parties to the main proceedings

Applicant: Openbaar Ministerie

Defendant: Halil Ibrahim Özçelik

Questions referred

1. Is the expression ‘judicial decision’, within the meaning of Article 8(1)(c) of Framework Decision 2002/584/JHA, ⁽¹⁾ a term of EU law which must be given an autonomous and uniform interpretation?
2. If so, what is the meaning of that term?
3. Does the confirmation, as in the present case, by a member of the Public Prosecutor’s Office of a national arrest warrant previously issued by the police constitute such a ‘judicial decision’?

⁽¹⁾ Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

**Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on
2 September 2016 — Openbaar Ministerie v Ruslanas Kovalkovas**

(Case C-477/16)

(2016/C 383/11)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: Openbaar Ministerie

Defendant: Ruslanas Kovalkovas

Questions referred

1. Are the expressions ‘judicial authority’, within the meaning of Article 6(1) of Framework Decision 2002/584/JHA, ⁽¹⁾ and ‘judicial decision’, within the meaning of Article 1(1) of Framework Decision 2002/584/JHA, autonomous terms of EU law?
2. If the answer to Question 1 is in the affirmative: what are the criteria for determining whether an authority of the issuing Member State is such a ‘judicial authority’ and whether the EAW issued by it is consequently such a ‘judicial decision’?
3. If the answer to Question 1 is in the affirmative: is the Ministry of Justice of the Republic of Lithuania covered by the term ‘judicial authority’, within the meaning of Article 6(1) of Framework Decision 2002/584/JHA, and is the EAW issued by that authority consequently a ‘judicial decision’ within the meaning of Article 1(1) of Framework Decision 2002/584/JHA?

4. If the answer to Question 1 is in the negative: is the designation of an authority such as the Ministry of Justice of the Republic of Lithuania as the issuing judicial authority in conformity with EU law?

⁽¹⁾ 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States — Statements made by certain Member States on the adoption of the Framework Decision (OJ 2002 L 190, p. 1).

Action brought on 2 September 2016 — European Commission v Hellenic Republic

(Case C-481/16)

(2016/C 383/12)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Bouchagiar and B. Stromsky, acting as Agents)

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

- declare that the Hellenic Republic, by failing to take within the prescribed time-limits all the measures required for the implementation of the Commission Decision of 27 March 2014 in Case SA.34572 on the State aid implemented by Greece for Larco General Mining & Metallurgical Company S.A. or, in any event, by failing adequately to inform the Commission of the measures taken in accordance with Article 5 of the Decision, failed to fulfil its obligations under Articles 3, 4 and 5 of that decision and under the Treaty on the Functioning of the European Union;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. In accordance with the European Commission Decision of 27 March 2014 in Case SA.34572, the Hellenic Republic was obliged to recover within four months the incompatible aid granted by it to Larco, and to provide adequate information to the European Commission on the measures required for that purpose. The aid at issue consisted of State guarantees to Larco in 2008, 2010 and 2011 and the State's participation in the company's capital increase in 2009.
 2. However, the Hellenic Republic did not recover the aid at issue within four months, as it was obliged to do. In addition, the Hellenic Republic continues to fail to undertake the action required in order to implement the Decision. In any event, the Hellenic Republic has not provided adequate information to the European Commission on the relevant action with respect to the implementation of the Decision.
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