

**Reference for a preliminary ruling from the Supreme Court (Ireland) made on 6 August 2018 —  
Minister for Justice and Equality v OG**

**(Case C-508/18)**

(2018/C 364/07)

*Language of the case: English*

**Referring court**

Supreme Court

**Parties to the main proceedings**

*Applicant:* Minister for Justice and Equality

*Defendant:* OG

**Questions referred**

1. Is the independence from the executive of a public prosecutor to be decided in accordance with his position under the relevant national legal system? If not what are the criteria according to which independence from the executive is to be decided?
2. Is a public prosecutor who, in accordance with national law, is subject to a possible direction or instruction either directly or indirectly from a Ministry of Justice, sufficiently independent of the executive to be considered a judicial authority within the meaning of Article 6(1) of the Framework Decision <sup>(1)</sup>?
3. If so, must the public prosecutor also be functionally independent of the executive and what are the criteria according to which functional independence is to be decided?
4. If independent of the executive, is a public prosecutor who is confined to initiating and conducting investigations and assuring that such investigations are conducted objectively and lawfully, the issuing of indictments, executing judicial decisions and conducting the prosecution of criminal offences, and does not issue national warrants and may not perform judicial functions a 'judicial authority' for the purposes of Article 6(1) of the Framework Decision?
5. Is the Public Prosecutor in Lübeck a judicial authority within the meaning of Article 6(1) of the Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States?

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<sup>(1)</sup> Council Framework Decision 2002/584/JHA 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 (Framework Decision) (OJ 2002, L 190, p. 1).

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**Reference for a preliminary ruling from the Supreme Court (Ireland) made on 6 August 2018 —  
Minister for Justice and Equality v PF**

**(Case C-509/18)**

(2018/C 364/08)

*Language of the case: English*

**Referring court**

Supreme Court

**Parties to the main proceedings**

*Applicant:* Minister for Justice and Equality

*Defendant:* PF