

**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 ⁽¹⁾?
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?

⁽¹⁾ 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).

**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

Questions referred

1. Are the criteria according to which to decide whether a public prosecutor designated as an issuing judicial authority for the purposes of Art. 6(1) [of the Framework Decision ⁽¹⁾] is a judicial authority within the autonomous meaning of that phrase in Art. 6(1) of the Framework Decision of 2002 on European arrest warrant and surrender proceedings between Member States that (1) the public prosecutor is independent from the executive and (2) considered in his own legal system to administer justice or participate in the administration of justice?
2. If not, what are the criteria according to which a national court should determine whether a public prosecutor who is designated as an issuing judicial authority for the purposes of Art. 6(1) of the Framework Decision is a judicial authority for the purposes of Art. 6(1)?
3. Insofar as the criteria include a requirement that the public prosecutor administer justice or participate in the administration of justice is that to be determined in accordance with the status he holds in his own legal system or in accordance with certain objective criteria? If, objective criteria what are those criteria?
4. Is the Public Prosecutor of the Republic of Lithuania a judicial authority within the autonomous meaning of that phrase in Art. 6(1) of the Framework Decision of 2002 on European arrest warrant and surrender proceedings between Member States?

⁽¹⁾ 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).

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 6 August 2018 —
Fédération des fabricants de cigares v Premier ministre, Ministre des Solidarités et de la Santé**

(Case C-517/18)

(2018/C 364/09)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Fédération des fabricants de cigares

Defendants: Premier ministre, Ministre des Solidarités et de la Santé

Other party: Société nationale d'exploitation industrielle des tabacs et allumettes (SEITA)

Questions referred

1. Must Article 13(1) and (3) of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 ⁽¹⁾ be interpreted as prohibiting the use, on unit packets, outside packaging and tobacco products, of any brand name calling to mind certain qualities, however well-known it is?
2. Depending on the interpretation to be given to Article 13(1) and (3) of the Directive, do those provisions, in so far as they apply to names and trade marks, comply with the right to property, freedom of expression, the freedom to conduct a business and the principles of proportionality and legal certainty?