



C/2024/3744

24.6.2024

**Request for a preliminary ruling from the Tribunal Judicial da Comarca do Porto – Juízo Local
Criminal de Vila Nova de Gaia (Portugal) lodged on 20 March 2024 – Criminal proceedings against YX**

(Case C-215/24, Fira) (1)

(C/2024/3744)

Language of the case: Portuguese

Referring court

Tribunal Judicial da Comarca do Porto – Juízo Local Criminal de Vila Nova de Gaia

Party to the main proceedings

YX

Questions referred

1. After having refused to execute a European arrest warrant pursuant to Article 4(6) of Framework Decision 2002/584 on the ground of the place of residence of the convicted individual, and after having recognised the sentencing judgment, may the executing State rely on the application of its domestic law and its jurisdiction as the executing State to suspend the actual custodial sentence imposed by the issuing State, when the procedure for enforcement of that judgment has already begun?
2. May the judicial authority of the executing State amend the decision of the judicial authority of the issuing State where that decision has become *res judicata*, other than in the cases provided for in Article 8 and Article 17(1) and (2) of Framework Decision 2008/909?
3. Should Article 17(1) of Framework Decision 2008/909 be interpreted as meaning that it allows the executing State to grant a suspension of the actual custodial sentence, by applying the conditions of its domestic law, where the competent authorities of the issuing State have not done so in accordance with their law?

In the event that the previous questions are answered in the affirmative:

4. In view of the provisions of Articles 12, 13 and 17(3) of Framework Decision 2008/909, should the Spanish judicial authorities (the executing State) have informed the issuing State in advance of their views on the possibility of suspending the custodial sentence imposed on the requested person?

(1) The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.