

- c) If the Framework Decision is to be interpreted in such a way that in some cases it permits refusal to execute an arrest warrant issued for the purposes of execution of a sentence on grounds relating to the content or the grounds of the judgment delivered in the State that issued the arrest warrant or the appropriateness of the court proceedings which resulted in the judgment, is refusal then permitted without the conditions in (a) or (b) above?
5. Regarding execution of the arrest warrant, what significance must or may be afforded to the fact that a person apprehended, who is a citizen of a third country, opposes the surrender by claiming that he or she is threatened with deportation to a third country in the country which issued the arrest warrant?
- a) What significance do grounds for opposition of this type have, taking into account the provisions of the Framework Decision and the obligations which a Member State issuing an arrest warrant has with respect to nationals of third countries by virtue of Union law, *inter alia* on the basis of Council Directives 2004/83/EC⁽³⁾ and 2005/85/EC?
- b) In this context, can Article 28(4) of the Framework Decision, according to which a person who has been surrendered pursuant to a European arrest warrant must not be extradited to a third State without the consent of the competent authority of the Member State which surrendered the person, be significant? In addition to surrender on the basis of an offence, can the ban referred to also concern other kinds of removal from a country, such as deportation, and on what conditions?
6. Is the obligation of a national court to interpret national law in conformity with the Framework Decision, as set out in paragraphs 34 and 42 to 44 of the judgment of the Court of Justice of the European Communities in Case C-105/03 *Pupino*, valid irrespective of whether the interpretation required by the Framework Decision turns out to be to the advantage or to the disadvantage of an individual party, when the situations set out in paragraphs 44 to 45 of that judgment are not involved?

⁽¹⁾ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13).

⁽²⁾ 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)

⁽³⁾ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12).

Order of the President of the Third Chamber of the Court of 15 January 2010 (Reference for a preliminary ruling from the Bundesgerichtshof, Germany) — Sylvia Bienek v Condor Flugdienst GmbH

(Case C-525/08)⁽¹⁾

(2010/C 100/49)

Language of the case: German

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 55, 7.3.2009.

Order of the President of the Court of 15 January 2010 — European Commission v Republic of Austria

(Case C-313/09)⁽¹⁾

(2010/C 100/50)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 256, 24.10.2009.

Order of the President of the Court of 18 January 2010 — European Commission v Republic of Estonia

(Case C-328/09)⁽¹⁾

(2010/C 100/51)

Language of the case: Estonian

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 297, 5.12.2009.