Parties to the main proceedings

Applicant: Aleksei Petruhhin

Other party to the proceedings: Latvijas Republikas Ģenerālprokuratūra

Questions referred

1. Are the first paragraph of Article 18 and Article 21(1) of the Treaty on the Functioning of the European Union to be interpreted as meaning that, in the event of extradition of a citizen of any Member State of the European Union to a non-Member State under an extradition agreement concluded between a Member State and a third country, the same level of protection must be guaranteed as is guaranteed to a citizen of the Member State in question?

2. In those circumstances, must the court of the Member State to which the request for extradition has been made apply the conditions for extradition of the EU State of which the person concerned is a citizen or of that in which he has his habitual residence?

3. In cases in which extradition must be carried out without taking into consideration the specific level of protection established for the citizens of the State to which the request for extradition has been made, must the Member State to which the request for extradition has been made verify compliance with the safeguards established in Article 19 of the Charter of Fundamental Rights of the European Union, that is, that no one may be extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment? May such verification be limited to checking that the State requesting extradition is a party to the Convention against Torture or is it necessary to check the factual situation by taking into consideration the evaluation of that State carried out by the bodies of the Council of Europe?

Appeal brought on 27 April 2015 by Tarif Akhras against the judgment of the General Court (Seventh Chamber) delivered on 12 February 2015 in Case T-579/11: Tarif Akhras v Council of the European Union

(Case C-193/15 P)

(2015/C 205/32)

Language of the case: English

Parties

Appellant: Tarif Akhras (represented by: S. Millar, S. Ashley, Solicitors, D. Wyatt QC, R. Blakeley, Barrister)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The appellant claims that the Court should:

— Set aside in part the judgment of the General Court (Seventh Chamber) of 12 February 2015 in Case T-579/11 Tarif Akhras v Council of the European Union;

— Annul the measures contested in Case T-579/11 dated 23 March 2012 and later insofar as they apply to the Appellant;

— Order the Council to pay the costs of the appeal and the costs of the proceedings before the General Court.

Pleas in law and main arguments

In support of its appeal, the Appellant invokes two grounds.

First, the General Court erred in law in holding that the Council was entitled to apply a presumption that the Appellant benefitted from and/or supported the regime, and the General Court failed to apply the correct test, viz., whether the established facts amounted to a set of indicia sufficiently specific, precise and consistent to establish that the Appellant benefitted from and/or supported the regime.

Second, the General Court erred in law in that it distorted the evidence relevant to the question whether the Appellant benefitted from and/or supported the regime, which, had it not been so distorted, demonstrated that the Appellant did not support or benefit from the regime.

Had the General Court not applied the presumption, and/or had it applied the correct test, and/or had it not distorted the evidence referred to above, it would have annulled the measures contested in Case T-579/11 dated 23 March 2012 and later.

Action brought on 29 April 2015 — European Commission v Portuguese Republic

(Case C-200/15)

(2015/C 205/33)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: M. Wasmeier, P. Guerra and A. Andrade, acting as Agents)

Defendant: Portuguese Republic

Form of order sought

— Declare that, by applying, for the purpose of determining the taxable amount of second-hand vehicles brought into Portuguese territory from another Member State, a system for the calculation of the depreciation of vehicles which does not take account of the actual value of the vehicle and, in particular, does not take account of the depreciation in the vehicle's value during its first year of use, or any other depreciation in the case of vehicles more than five years old, the Portuguese Republic has failed to fulfil its obligations under Article 110 of the Treaty on the Functioning of the European Union.

— order Portuguese Republic to pay the costs.

Pleas in law and main arguments

The Commission is of the view that Article 11 of Portuguese Code of Taxes on Vehicles is discriminatory, in so far as concerns motor vehicles allowed into Portugal, that is second-hand vehicles bearing a permanent number-plate issued by another Member State which are placed on the Portuguese market. Unlike second-hand vehicles which are, from the outset, on the Portuguese market, vehicles allowed into Portugal from other Member States are taxed at such a rate that does not adequately reflect the depreciation in value. In particular, the tax rate is reduced only after one year of use and, after five years of use, the reduction cannot exceed 52 %.
