

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Grand Chamber) of 10 April 2018 (request for a preliminary ruling from the Landgericht Berlin — Germany) — Romano Pisciotti v Bundesrepublik Deutschland**

(Case C-191/16) <sup>(1)</sup>

***(Reference for a preliminary ruling — Citizenship of the Union — Articles 18 and 21 TFEU — Extradition to the United States of America of a national of a Member State who has exercised his right to freedom of movement — Extradition agreement between the European Union and that third State — Scope of EU law — Prohibition on extradition applied only to own nationals — Restriction on free movement — Justification based on the prevention of impunity — Proportionality — Informing the Union citizen's Member State of origin)***

(2018/C 200/02)

Language of the case: German

**Referring court**

Landgericht Berlin

**Parties to the main proceedings**

Applicant: Romano Pisciotti

Defendant: Bundesrepublik Deutschland

**Operative part of the judgment**

1. EU law must be interpreted as meaning that in a case, such as that in the main proceedings, in which a Union citizen who has been the subject of a request for extradition to the United States of America has been arrested, for the purposes of potentially acceding to that request, in a Member State other than the Member State of which he is a national, the situation of that citizen falls within the scope of EU law, since he has made use of his right to move freely within the European Union and the request for extradition was made under the Agreement on extradition between the European Union and the United States of America of 25 June 2003.
2. In a case, such as that in the main proceedings, in which a Union citizen who has been the subject of a request for extradition to the United States of America under the Agreement on extradition between the European Union and the United States of America of 25 June 2003 has been arrested in a Member State other than the Member State of which he is a national, for the purposes of potentially acceding to that request, Articles 18 and 21 TFEU must be interpreted as not precluding the requested Member State from drawing a distinction, on the basis of a rule of constitutional law, between its nationals and the nationals of other Member States and from granting that extradition whilst not permitting extradition of its own nationals, provided that the requested Member State has already put the competent authorities of the Member State of which the citizen is a national in a position to seek the surrender of that citizen pursuant to a European arrest warrant and the latter Member State has not taken any action in that regard.

<sup>(1)</sup> OJ C 270, 25.7.2016.