

Judgment of the Court (Fourth Chamber) of 10 November 2016 (request for a preliminary ruling from the rechtbank Amsterdam — Netherlands) — Execution of a European arrest warrant issued against Halil Ibrahim Özçelik

(Case C-453/16) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Police and judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — Article 8(1)(c) — Concept of ‘arrest warrant’ — Autonomous concept of EU law — National arrest warrant issued by a police service and confirmed by a public prosecutor for the purpose of criminal proceedings)

(2017/C 014/21)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Party to the main proceedings

Halil Ibrahim Özçelik

Operative part of the judgment

Article 8(1)(c) of the Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that a confirmation, such as that at issue in the main proceedings, by the public prosecutor’s office, of a national arrest warrant issued previously by a police service in connection with criminal proceedings constitutes a ‘judicial decision’, within the meaning of that provision.

⁽¹⁾ OJ C 383, 17.10.2016.

Judgment of the Court (Fourth Chamber) of 10 November 2016 (request for a preliminary ruling from the Rechtbank Amsterdam — Netherlands) — Execution of a European arrest warrant issued against Ruslanas Kovalkovas

(Case C-477/16 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Police and judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — Article 1(1) — Concept of ‘judicial decision’ — Article 6(1) — Concept of ‘issuing judicial authority’ — European arrest warrant issued by the Ministry of Justice of the Republic of Lithuania with a view to executing a custodial sentence)

(2017/C 014/22)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: Openbaar Ministerie

Defendant: Ruslanas Kovalkovas

Operative part of the judgment

The term 'judicial authority', referred to in Article 6(1) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, is an autonomous concept of EU law and that provision must be interpreted as meaning that it precludes an organ of the executive, such as the Ministry of Justice of the Republic of Lithuania, from being designated as an 'issuing judicial authority', within the meaning of the same Article 6(1), meaning that the European arrest warrant issued by it with a view to executing a judgment imposing a custodial sentence cannot be regarded as a 'judicial decision', within the meaning of Article 1(1) of Framework Decision 2002/584, as amended by Framework Decision 2009/299.

⁽¹⁾ OJ C 383, 17.10.2016.

Order of the Court (Sixth Chamber) of 26 October 2016 (request for a preliminary ruling from the Tribunal Supremo — Spain) — Siderúrgica Sevillana SA (C-369/15), Solvay Solutions Espana SL (C-370/15) Cepsa Química SA (C-371/15), Dow Chemical Ibérica SL (C-372/15) v Administración del Estado

(Joined Cases C-369/15 to C-372/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — System for greenhouse gas emission allowance trading in the European Union — Directive 2003/87/EC — Article 10a — Method for allocating quotas free of charge — Calculation of the uniform cross-sectoral correction factor — Decision 2013/448/EU — Article 4 — Annex II — Validity — Application of the uniform cross-sectoral correction factor to plants in sectors subject to a high risk of carbon leaks — Decision 2-11/278/EU — Article 10(9) — Validity)

(2017/C 014/23)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicants: Siderúrgica Sevillana SA (C-369/15), Solvay Solutions Espana SL (C-370/15) Cepsa Química SA (C-371/15), Dow Chemical Ibérica SL (C-372/15)

Defendant: Administración del Estado

Interveners: Repsol Petróleo SA BP, Oil Espana SAU (C-371/15)

Operative part of the order

1. It is not apparent either from the provisions of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended by Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009, read in the light of Article 15(3) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council, nor from . 2013/448/EU: Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council, that, when determining the maximum annual quantity of greenhouse gas emission allowances, the European Commission excluded emissions other than those attributable to electricity producers.