

**Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 18 May 2017 — Openbaar Ministerie v Tadas Tupikas**

(Case C-270/17)

(2017/C 277/34)

*Language of the case: Dutch*

**Referring court**

Rechtbank Amsterdam

**Parties to the main proceedings**

*Applicant:* Openbaar Ministerie

*Defendant:* Tadas Tupikas

**Question referred**

Are appeal proceedings

- in which there has been an examination of the merits and
- which resulted in the passing of a (new) sentence on the person concerned and/or the confirmation of the sentence handed down at first instance,
- where the EAW [European Arrest Warrant] concerns the execution of that sentence,

the ‘trial resulting in the decision’ as referred to in Article 4a(1) of Framework Decision 2002/584/JHA? <sup>(1)</sup>

<sup>(1)</sup> 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).

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**Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 18 May 2017 — Openbaar Ministerie v Sławomir Andrzej Zdziaszek**

(Case C-271/17)

(2017/C 277/35)

*Language of the case: Dutch*

**Referring court**

Rechtbank Amsterdam

**Parties to the main proceedings**

*Applicant:* Openbaar Ministerie

*Defendant:* Sławomir Andrzej Zdziaszek

**Questions referred**

1. Are proceedings

- in which the court in the issuing Member State decides to combine separate custodial sentences which had previously been imposed on the person concerned by a final judgment into one single custodial sentence, and/or to change an aggregate custodial sentence which had previously been imposed on the person concerned by a final judgment and
- in which that court no longer examines the question of guilt,

such as the proceedings which led to the cumulative sentence of 25 March 2014, a ‘trial resulting in the decision’ as referred to in the introductory subparagraph of Article 4a(1) of Framework Decision 2002/584/JHA? <sup>(1)</sup>

2. Can the executing judicial authority:

- in a case where the requested person did not appear in person at the trial resulting in the decision,
- but where the issuing judicial authority has not, either in the EAW [European Arrest Warrant] or in the supplementary information requested pursuant to Article 15(2) of Framework Decision 2002/584/JHA, provided information about the applicability of one or more of the circumstances referred to in subparagraphs (a) to (d) of Article 4a(1) of Framework Decision 2002/584/JHA, in accordance with the wording of one or more of the categories of point 3 of paragraph (d) of the EAW form,

for those very reasons conclude that none of the conditions of Article 4a(1)(a) to (d) of Framework Decision 2002/584/JHA has been satisfied and for those very reasons refuse to execute the EAW?

3. Are appeal proceedings

- in which there has been an examination of the merits and
- which resulted in the passing of a (new) sentence on the person concerned and/or the confirmation of the sentence handed down at first instance,
- where the EAW concerns the execution of that sentence,

the 'trial resulting in the decision' as referred to in Article 4a(1) of Framework Decision 2002/584/JHA?

<sup>(1)</sup> 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).

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**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on  
18 May 2017 — K.M. Zyla v Staatssecretaris van Financiën**

(Case C-272/17)

(2017/C 277/36)

*Language of the case: Dutch*

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Appellant:* K.M. Zyla

*Respondent:* Staatssecretaris van Financiën

**Question referred**

Must Article 45 TFEU be interpreted as precluding legislation of a Member State under which a worker who, pursuant to Regulation No 1408/71 <sup>(1)</sup> or Regulation No 883/2004, <sup>(2)</sup> is insured under the social security system of the Member State concerned for part of a calendar year, and who, when the contributions for that insurance are levied, is entitled to only a portion of the contributions component of the general tax credit which is determined on a time-proportionate basis in relation to the period of insurance, if that worker, for the remainder of the calendar year, was not insured under the social security system of that Member State, and was resident in another Member State for the remainder of the calendar year and earned (virtually) his entire annual income in the first-mentioned Member State?

<sup>(1)</sup> Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (English Special Edition 1971(II), p. 416).

<sup>(2)</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

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