

Reference for a preliminary ruling from the High Court (Ireland) made on 18 May 2018 — Minister for Justice and Equality v R O

(Case C-327/18)

(2018/C 249/24)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Applicant: Minister for Justice and Equality

Defendant: R O

Questions referred

Having regard to:

- (a) the giving by the United Kingdom of notice under Article 50 of the TEU;
 - (b) the uncertainty as to the arrangements which will be put in place between the European Union and the United Kingdom to govern relations after the departure of the United Kingdom; and
 - (c) the consequential uncertainty as to the extent to which the respondent would, in practice, be able to enjoy rights under the Treaties, the Charter or relevant legislation, should he be surrendered to the United Kingdom and remain incarcerated after the departure of the United Kingdom,
1. Is a requested Member State required by European Union Law to decline to surrender to the United Kingdom a person the subject of a European arrest warrant, whose surrender would otherwise be required under the national law of the Member State,
 - (i) In all cases?
 - (ii) In some cases, having regard to the particular circumstances of the case?
 - (iii) In no cases?
 2. If the answer to Question 1 is that set out at (ii) what are the criteria or considerations which a court in the requested Member State must assess to determine whether surrender is prohibited?
 3. In the context of Question 2 is the court of the requested Member State required to postpone the final decision on the execution of the European arrest warrant to await greater clarity about the relevant legal regime which is to be put in place after the withdrawal of the relevant requesting Member State from the Union
 - (i) in all cases?
 - (ii) In some cases, having regard to the particular circumstances of the case?
 - (iii) In no cases?

4. If the answer to Question 3 is that set out at (ii) what are the criteria or considerations which a court in the requested Member State must assess to determine whether it is required to postpone the final decision on the execution of the European arrest warrant?
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