



Reports of Cases

Order of the Court (Sixth Chamber) of 22 June 2021 – Prosecutor of the regional prosecutor’s office in Ruse, Bulgaria

(Case C-206/20)¹

(Reference for a preliminary ruling – Article 99 of the Rules of Procedure of the Court of Justice – Judicial cooperation in criminal matters – European arrest warrant – Framework Decision 2002/584/JHA – Article 8(1)(c) – European arrest warrant issued by the public prosecutor’s office of a Member State for the purposes of criminal prosecution on the basis of a measure involving deprivation of liberty issued by the same authority – No judicial review prior to surrender of the requested person – Consequences – Effective judicial protection – Charter of Fundamental Rights of the European Union – Article 47)

1. *Questions referred for a preliminary ruling – Expedited preliminary ruling procedure – Conditions – Circumstances justifying swift processing*

(Statute of the Court of Justice, Art. 23a; Rules of Procedure of the Court of Justice, Art. 105(1))

(see paras 32-34)

2. *Questions referred for a preliminary ruling – Answer admitting of no reasonable doubt – Questions the answer to which may be clearly deduced from the Court’s existing case-law – Application of Article 99 of the Rules of Procedure*

(Art. 267 TFEU; Rules of Procedure of the Court of Justice, Art. 99)

(see paras 36, 37)

3. *Police cooperation – Judicial cooperation in criminal matters – Framework Decision on the European arrest warrant and the surrender procedures between Member States – Issue of a European arrest warrant for the purposes of a criminal prosecution – European arrest warrant and the national decision on which that warrant is based issued by a public prosecutor who may be classified as an issuing judicial authority within the meaning of Article 6(1) of the Framework Decision – No judicial review of those decisions in the issuing Member State prior to the surrender of the requested person by the executing Member State – Compliance with the requirements of effective judicial protection – Absence*

(Charter of Fundamental Rights, Art. 47; Council Framework Decision 2002/584, as amended by Framework Decision 2009/299, Arts 6(1) and 8(1)(c))

¹ OJ C 262, 10.8.2020.

(see paras 49, 51, 54, operative part)

Operative part

Article 8(1)(c) 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, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union and the case-law of the Court of Justice, must be interpreted as meaning that the requirements inherent in the effective judicial protection that must be afforded to a person who is the subject of a European arrest warrant for the purposes of criminal prosecution are not satisfied where both the European arrest warrant and the judicial decision on which that warrant is based are issued by a public prosecutor – who may be classified as an ‘issuing judicial authority’ within the meaning of Article 6(1) of that framework decision, as amended by Framework Decision 2009/299 – but that European arrest warrant or judicial decision cannot be reviewed by a court in the issuing Member State prior to the surrender of the requested person by the executing Member State.