

Judgment of the Court (Grand Chamber) of 16 July 2015 (request for a preliminary ruling from the High Court of Ireland (Ireland)) — Minister for Justice and Equality v Francis Lanigan

(Case C-237/15 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Charter of Fundamental Rights of the European Union — Article 6 — Right to liberty and security — Police and judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — European arrest warrant — Obligation to execute the European arrest warrant — Article 12 — Keeping the requested person in detention — Article 15 — Surrender decision — Article 17 — Time-limits and detailed procedure for the decision on execution — Consequences of a failure to observe the time-limits)

(2015/C 302/15)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicant: Minister for Justice and Equality

Defendant: Francis Lanigan

Operative part of the judgment

Articles 15(1) and 17 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, must be interpreted as meaning that the executing judicial authority remains required to adopt the decision on the execution of the European arrest warrant after expiry of the time-limits stipulated in Article 17.

Article 12 of that Framework Decision, read in conjunction with Article 17 thereof and in the light of Article 6 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding, in such a situation, the holding of the requested person in custody, in accordance with the law of the executing Member State, even if the total duration for which that person has been held in custody exceeds those time-limits, provided that that duration is not excessive in the light of the characteristics of the procedure followed in the case in the main proceedings, which is a matter to be ascertained by the national court. If the executing judicial authority decides to bring the requested person's custody to an end, that authority is required to attach to the provisional release of that person any measures it deems necessary so as to prevent him from absconding and to ensure that the material conditions necessary for his effective surrender remain fulfilled for as long as no final decision on the execution of the European arrest warrant has been taken.

⁽¹⁾ OJ C 236, 20.7.2015.

Appeal brought on 3 March 2015 by Internationaler Hilfsfonds e.V. against the order of the General Court (Second Chamber) of 9 January 2015 in Case T-482/12 Internationaler Hilfsfonds v Commission

(Case C-103/15 P)

(2015/C 302/16)

Language of the case: German

Parties

Appellant: Internationaler Hilfsfonds e.V. (represented by: H.-H. Heyland, Rechtsanwalt)

Other party to the proceedings: European Commission