

C/2025/5548

27.10.2025

**Judgment of the Court (Grand Chamber) of 4 September 2025 (request for a preliminary ruling from the Curtea de Apel București – Romania) – in the proceedings relating to the execution of the European arrest warrant issued against C.J.**

**(Case C-305/22, <sup>(1)</sup> C.J. (Enforcement of a sentence further to an EAW))**

*(Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – European arrest warrant issued for the purposes of executing a custodial sentence – Article 4(6) – Grounds for optional non-execution of the European arrest warrant – Conditions for an executing Member State’s assumption of responsibility for the execution of that sentence – Article 3(2) – Concept of ‘finally judged ... in respect of the same acts’ – Framework Decision 2008/909/JHA – Mutual recognition of judgments in criminal matters for the purpose of their enforcement in another Member State – Article 25 – Compliance with the conditions and procedure laid down by the framework decision in the event that a Member State undertakes to enforce a sentence handed down by a judgment delivered by an issuing State – Requirement of consent on the part of the issuing State as regards another Member State’s assumption of responsibility for the enforcement of such a sentence – Article 4 – Possibility for the issuing State to forward the judgment and certificate referred to in that article to the executing State – Consequences where forwarding does not take place – Principle of sincere cooperation – Article 22 – Right of the issuing State to enforce that sentence – Maintenance of the European arrest warrant – Obligation on the part of the executing judicial authority to enforce a European arrest warrant)*

(C/2025/5548)

Language of the case: Romanian

**Referring court**

Curtea de Apel București

**Parties to the main proceedings**

Person who is the subject of the European arrest warrant: C.J.

**Operative part of the judgment**

1. Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States and Articles 4, 22 and 25 of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, must be interpreted as meaning that:
  - first, the refusal by the executing judicial authority, based on the ground for optional non-execution provided for in Article 4(6) of Framework Decision 2002/584, to surrender a person who is the subject of a European arrest warrant issued for the purposes of enforcing a custodial sentence presupposes that that judicial authority has complied with the conditions and the procedure laid down in Framework Decision 2008/909 as regards the recognition of the judgment in respect of that sentence and the assumption of responsibility for the enforcement of that sentence and,
  - second, the issuing State retains the right to enforce that sentence and therefore to maintain the European arrest warrant in circumstances where the executing judicial authority, without having complied with the conditions and the procedure laid down in Framework Decision 2008/909 as regards the recognition of that judgment and that assumption of responsibility, has refused, on the basis of that ground, to execute that European arrest warrant.

<sup>(1)</sup> OJ C 368, 26.9.2022.

2. Article 3(2) of Framework Decision 2002/584

must be interpreted as meaning that a decision by which the executing judicial authority has refused, on the basis of Article 4(6) of that framework decision, to surrender a person who is the subject of a European arrest warrant issued for the purposes of enforcing a custodial sentence, recognised the sentencing judgment and ordered the enforcement of that sentence in the executing State is not covered by the concept of 'finally judged ... in respect of the same acts', within the meaning of that provision.

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