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Case Scenario 1

Mr. V, and Mr. M are both nationals of the **Member State A** and live and work in the **Member State B**. They were made subject of two extradition requests issued by a third country (country R).

In response to that request, the authorities of the **Member State B** have placed Mr. V and Mr. M into custody. Both of them were accused of the involvement in a criminal association in connection with the counterfeiting of payment cards. Under the law of the third country at issue, that offence is punishable with a term of imprisonment of between 4 and 8 years.

The Public Prosecutor's Office of the Member State B has authorised Mr. V's and Mr. M's extradition to the third country at issue.

However, Mr. V and Mr. M both filed an appeal against the respective extradition decisions before the competent national court, alleging that the extraditions are not justified.

The national court of the Member State B that has been seized of those appeals entertains doubts as to whether EU law may be relevant to the case at hand and whether that court should also take into the consideration the Charter of Fundamental Rights of the European Union (the 'Charter'). It observes that its national law prohibits the extradition of its nationals. However, it also observes that Mr. V and Mr. M are not nationals of the Member State B and that, moreover, there is no extradition treaty currently in force between the European Union and the third country at issue. For that reason, the matter at hand appears to be rather governed exclusively by the national law of the Member State A.

1. Do you agree with the premiss that the matter at hand falls entirely within the remit of national law of the Member State B?
2. If not, can you identify any aspect of EU law that may be relevant?

3. If so, how would you phrase the question(s) that the court seized of the appeals at issue may refer to the Court of Justice for a preliminary ruling?
4. In what respect may the Charter become relevant?
5. Let us assume now that the court of the Member State B has indeed sent a request for a preliminary ruling to Luxembourg. After that request has been made, it turns out that, on the one hand, Mr. V has been in fact extradited because the competent authorities of the Member State B decided to execute the extradition decision of the Public Prosecutor. On the other hand, Mr. M has been released from the custody and, on the very same day, absconded. It seems that he went back to the Member State of his nationality (Member State A) although that is not certain.

Do you think that, under those circumstances, the Court of Justice will reply to the question(s) referred?