

Invocation of the Charter: Scenarios

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Case Scenario 1

Invocation of the Charter

- Judgment of 6 September 2016 (GC), *Petruhhin* (C-182/15, EU:C:2016:630 [52]: the decision of at issue to extradite a Union citizen comes within the scope of Article 18 TFEU and Article 21 TFEU and, therefore, of EU law for the purposes of Article 51(1) of the Charter
- the extradition may not prejudice the rights guaranteed by Article 19 of the Charter
- See also judgments of 18 June 2024 (GC), *Generalstaatsanwaltschaft Hamm (Request for the extradition of a refugee to Türkiye)* (C-352/22, EU:C:2024:521) [Articles 18 and 19(2) of the Charter]; of 28 October 2022 (GC), *Generalstaatsanwaltschaft München and ne bis in idem* (C-435/22 PPU, EU:C:2022:852) [Article 50 of the Charter]; of 22 December 2022 (GC), *Generalstaatsanwaltschaft München (Request for Extradition to Bosnia and Herzegovina)* (C-237/21, EU:C:2022:1017) [‘rights guaranteed by the Charter’] or of 2 April 2020 (GC), *Ruska Federacija* (C-897/19 PPU, EU:C:2020:262) [Article 19(2) of the Charter].

Admissibility/need to adjudicate

- Judgment of 6 September 2016 (GC), *Petruhhin* (C-182/15, EU:C:2016:630).
 - The Court replied to the questions referred despite the fact that the person concerned had left the territory of the requested State.
 - The compatibility of the Latvian decision authorising the extradition with EU law - remained relevant for determining whether that decision could be maintained (should the requested person return to Latvia).
- Order of 3 October 2023, *Ministerio Fiscal (Extradition of a UK national to the United States)* (C-235/22, EU:C:2023:730).
 - No need to adjudicate on the reference: The person concerned was extradited to the United States after the reference for preliminary ruling was made.
- See also the pending case *Procureur de la République (Concurrence of a European Arrest Warrant and an Extradition Request)*, Opinion of Advocate General N. Emiliou of 5 September 2024, C-763/22, EU:C:2024:707).

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Case Scenario 2

Invocation of the Charter

- Judgment of 16 December 2021, *AB and Others (Revocation of an amnesty)* (C-203/20 -EU:C:2021:1016)
 - ‚Article 50 of the Charter ... must be interpreted as not precluding the issue of a European arrest warrant against a person who was subject to a criminal prosecution that was initially discontinued by a final judicial decision adopted on the basis of an amnesty, and resumed following the adoption of a law revoking that amnesty and setting aside that judicial decision, in the case where that decision was adopted before any determination as to the criminal liability of the person concerned‘

Admissibility

- See *ibid*, paras 44 to 54 and also judgments of 25 July 2018, *AY (Arrest Warrant – Witness)* (C-268/17, EU:C:2018:602, paragraphs 28 and 29; of 28 January 2021, *Spetsializirana prokuratura (Letter of rights)* (C-649/19, EU:C:2021:75, paragraphs 38 and 39); and of 31 January 2023, *Puig Gordi and Others* (C-158/21, EU:C:2022:57, paragraphs 52 to 54) or of 24 November 2020, *Openbaar Ministerie (Forgery of documents)* (C-510/19, EU:C:2020:953, in particular paragraphs 30 to 37).

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Case Scenario 3

- Judgment of 4 September 2018, *Salvoni* (C-347/18, EU:C:2019:661).
 - Article 53 of Regulation 1215/2012 + Article 47 of the Charter: the court requested to issue the Article 53 Certificate cannot ascertain of its own motion whether there has been a breach of the rules set out in Chapter II, Section 4 of that regulation, so that it may inform the consumer of any breach for the purposes of the remedy under Article 45 of that regulation.
- See also, *inter alia*, judgment of 11 July 2024, *Volvo (Service of Summons at the Registered Office of a Subsidiary of the Defendant)* (C-632/22EU:C:2024:601)
 - Article 47 of the Charter, Article 101 TFEU + Regulation (EC) No 1393/2007 (the service of documents): a parent company against which proceedings have been brought for compensation for damage caused by an infringement of competition law is not validly served with a summons where service was effected at the address of its subsidiary, even if both form an economic unit
 - (Similarly judgment of 4 July 2024, *MOL Magyar Olaj- és Gázipari Nyrt.* (C-425/22, EU:C:2024:578, however the Charter not invoked, interpretation of Regulation 1215/2012 only)

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Case Scenario 4

- Judgment of 20 February 2024 (GC), *X (Lack of reasons for termination)* (C-715/20, EU:C:2024:139).
 - Clause 4 of the framework agreement on fixed-term work precludes national legislation according to which an employer is not required to state the reasons for the termination of a fixed-term employment contract (although it is bound by such an obligation in the event of termination of an employment contract of indefinite duration)
 - The national court is required, where consistent interpretation not possible, to ensure the judicial protection which individuals derive from Article 47 of the Charter and to guarantee the full effectiveness of that article by disapplying any contrary provision of national law.