



C/2023/753

20.11.2023

**Request for a preliminary ruling from the Corte di appello di Napoli (Italy) lodged on 26 September 2023 — Criminal proceedings against EDS**

**(Case C-595/23, Cuprea <sup>(1)</sup>)**

(C/2023/753)

*Language of the case: Italian*

**Referring court**

Corte di appello di Napoli

**Party to the main proceedings**

EDS

**Questions referred**

The Court of Justice of the European Union is requested to declare whether the combined provisions of the following articles:

- Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002; <sup>(2)</sup>
- Articles 22(1) and 25 of Council Framework Decision 2008/909/JHA of 27 November 2008; <sup>(3)</sup>
- Articles 24, 25, 26 and 55(1) of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018; <sup>(4)</sup>
- recital 46 of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018;

must be interpreted as meaning that:

1. when the executing State has refused surrender of the person, requested by the issuing State by means of a European arrest warrant issued for the enforcement of a criminal conviction, recognised the judgment and ordered enforcement of the sentence on its territory in accordance with its domestic law, and the enforcement has begun, the issuing State is obliged to delete the alert entered in the SIS and to discharge the European arrest warrant;
2. until the issuing State has proceeded with the discharge and the deletion, the judicial authority of the executing State has the power to request the SIRENE Bureau of the issuing State to delete the alert from the SIS, and that SIRENE Bureau is obliged to comply with that request.

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<sup>(1)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

<sup>(2)</sup> Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

<sup>(3)</sup> 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 (OJ 2008 L 327, p. 27).

<sup>(4)</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ 2018 L 312, p. 56).