



C/2024/2596

22.4.2024

**Request for a preliminary ruling from the Corte di appello di Napoli (Italy) lodged on 6 February
2024 – Criminal proceedings against ATAU**

(Case C-95/24, Khuzdar) ⁽¹⁾

(C/2024/2596)

Language of the case: Italian

Referring court

Corte di appello di Napoli

Party to the main proceedings

ATAU

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; ⁽²⁾
- Article 9(1)(i) and Article 25 of Council Framework Decision 2008/909/JHA of 27 November 2008; ⁽³⁾

must be interpreted as meaning that:

1. the court of the executing State, requested to recognise a foreign criminal conviction, has discretionary power, not the obligation, to refuse recognition of the judgment, where it appears that the trial resulting in that judgment has not afforded the defendant any of the procedural safeguards provided for in Article 9(1)(i) of Council Framework Decision 2008/909/JHA of 27 November 2008;
2. the court of the executing State, requested to order the surrender based on a European arrest warrant issued to enforce a judgment, when the conditions for ordering the surrender of the convicted person to the sentencing State and the requirements for refusing the same have all been satisfied, simultaneously ordering that the sentence be carried out in the territory of the executing State, has the power to refuse the surrender, recognise the judgment and order the enforcement of that judgment in its territory, even if the trial resulting in the recognised judgment has not afforded the accused any of the procedural safeguards provided for by Article 9(1)(i) of Council Framework Decision 2008/909/JHA of 27 November 2008.

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

⁽²⁾ on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

⁽³⁾ 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).