



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/2935/2019

In the matter of an application during proceedings under the Extradition Act 2003

MARIAN VALENTIN GHEORGE

Appellant

-and-

GIURGIU DISTRICT COURT (ROMANIA)

Respondent

-and-

NATIONAL CRIME AGENCY

Interested Party

UPON considering the Appellant's application dated 24 March 2020 to refer a question to the Court of Justice of the European Union, namely:

"Must the provisions of Article 15 of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between members states (2002/584/JHA) ("the Framework Decision") be interpreted within the context of the time limits set out in Article 17, meaning that either (a) additional information sought from, or proffered by, the Issuing Judicial Authority pursuant to Article 15 must be provided within a maximum period of 90 days of a requested person's arrest; and/or (b) that the 'reasonable time' limit referred to in *Aranyosi* must be interpreted in the light of (and giving due respect to) the overall 90-day limit in Article 17?"

AND UPON the Appellant's application of the same date to certify, as raising a point (or points) of law of general public importance, the following questions:

- "(1) Is a Court fixing a time-limit under Article 15 of the Framework Decision for the receipt of supplementary information from an issuing judicial authority bound by the provisions as to overall time limits in Article 17?
- (2) Is a Court assessing the admission and receivability of information (including prison assurances) from an issuing judicial authority under Article 15, required to give effect to the provisions of Article 17 of the Framework Decision?
- (3) In view of the questions above, how is the question of 'reasonable time' in the case of *Aranyosi* to be approached?"

AND UPON the Appellant's application of the same date for permission to appeal to the Supreme Court,

AND UPON considering the Respondent's written submissions in response dated 3 April 2020

AND UPON the Court having signified its intention to refuse make a reference or to certify a point of law of public importance with a view to an appeal to the Supreme Court, the case has been listed for pronouncement, without attendance of the parties, as this has the effect of fixing the start date of the 'required period', as defined by section 36 and section 118 of the Extradition Act 2003, within which the extradition must be carried out.

Order by the Honourable Mrs Justice Steyn DBE

1. The Appellant's application for a question to be referred to the Court of Justice of the European Union is refused.
2. The Appellant's application to certify a point of law of general public importance is refused.
3. The Appellant's application for permission to appeal to the Supreme Court is refused.

Reasons:

The question that the Appellant seeks to have referred to the CJEU has been clearly answered by the Grand Chamber in *Lanigan* (C-237/15 PPU) [2016] QB 252: see especially [37]-[42]. The expiry of the time limits stipulated in Article 17 of the Framework Decision does not relieve the executing judicial authority of its obligation to carry out the extradition procedure of a EAW, which includes seeking information where necessary from the issuing judicial authority or (as in this case) receiving "*additional useful information*" forwarded by the issuing judicial authority. The CJEU cited *Lanigan* in *Aranyosi*, and made clear that if the executing judicial authority requires further information from the issuing judicial authority regarding conditions, it "must postpone its decision on the surrender of the individual concerned until it obtains the supplementary information that allows it to discount the existence of such a risk. If the existence of that risk cannot be discounted within a reasonable time, the executing judicial authority must decide whether the surrender procedure should be brought to an end" (104).

In this case, the point had not even been reached where the Court sought supplementary information from the issuing judicial authority. The effect of *Langan* and *Aranyosi* is clear that it cannot be said that the reasonable time has come to an end before the executing judicial authority has even sought additional information, let alone allowed the issuing judicial authority a period to provide it.

In my judgment on the appeal ([2020] EWHC 722 (Admin)) I said at [34]: "It is only if the existence of a real risk of Article 3 mistreatment cannot be discounted within a reasonable time that the surrender procedure should be brought to an end. There is no sensible basis on which it could be suggested that that point had been reached in this case." The basis on which it was said that extradition would breach Article 3 ECHR was only identified on appeal, at which point the issuing judicial authority promptly addressed the points raised. This was a clear-cut case,

applying existing case-law.

In the circumstances, I have refused the Appellant's applications for a reference, to certify points of law of general public importance and for leave to appeal to the Supreme Court.



Signed

18 May 2020

Sent to the applicant and respondent on (date):

Solicitors
Ref No.