

3. In a situation such as that in the main proceedings, the national court must disapply any provision of the national legislation which is contrary to Article 43 EC.

⁽¹⁾ OJ C 89, 19.3.2011.

Judgment of the Court (Grand Chamber) of 5 September 2012 (reference for a preliminary ruling from the Cour d'appel d'Amiens — France) — European arrest warrant issued against João Pedro Lopes Da Silva Jorge

(Case C-42/11) ⁽¹⁾

(Police and judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — European arrest warrant and surrender procedures between Member States — Article 4(6) — Ground for optional non-execution of the European arrest warrant — Implementation in national law — Arrested person is a national of the issuing Member State — European arrest warrant issued for the purposes of enforcing a custodial sentence — Legislation of a Member State restricting the power not to execute the European arrest warrant to cases where the requested persons are nationals of that State)

(2012/C 331/07)

Language of the case: French

Referring court

Cour d'appel d'Amiens

Parties to the main proceedings

João Pedro Lopes Da Silva Jorge

Re:

Reference for a preliminary ruling — Cour d'appel d'Amiens — Interpretation of Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1) and Article 18 TFEU — European arrest warrant issued for the purposes of enforcing a custodial sentence — Legislation of a Member State restricting the option of non-execution of a European arrest warrant to cases in which the persons sought are nationals of that Member State — Discrimination based on nationality

Operative part of the judgment

Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States and Article 18 TFEU must be interpreted as meaning that, although a Member State may, in trans-

posing Article 4(6), decide to limit the situations in which an executing judicial authority may refuse to surrender a person who falls within the scope of that provision, it cannot automatically and absolutely exclude from its scope the nationals of other Member States staying or resident in its territory irrespective of their connections with it.

The national court is required, taking into consideration the whole body of domestic law and applying the interpretative methods recognised by it, to interpret that law, so far as possible, in the light of the wording and the purpose of Framework Decision 2002/584, with a view to ensuring that that framework decision is fully effective and to achieving an outcome consistent with the objective pursued by it.

⁽¹⁾ OJ C 103, 2.4.2011.

Judgment of the Court (Grand Chamber) of 5 September 2012 (reference for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v Y (C-71/11), Z (C-99/11)

(Joined Cases C-71/11 and C-99/11) ⁽¹⁾

(Directive 2004/83/EC — Minimum standards for determining who qualifies for refugee status or for subsidiary protection status — Article (2)(c) — Classification as a 'refugee' — Article 9(1) — Definition of 'acts of persecution' — Article 10(1)(b) — Religion as ground for persecution — Connection between the reasons for persecution and the acts of persecution — Pakistani nationals who are members of the Ahmadiyya religious community — Acts by the Pakistani authorities designed to prohibit the manifestation of a person's religion in public — Acts sufficiently serious for the person concerned to have a well founded fear of being persecuted on account of his religion — Individual assessment of the facts and circumstances — Article 4)

(2012/C 331/08)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Bundesrepublik Deutschland

Defendants: Y (C-71/11), Z (C-99/11)

Other parties: Vertreter des Bundesinteresses beim Bundesverwaltungsgericht, Bundesbeauftragter für Asylangelegenheiten beim Bundesamt für Migration und Flüchtlinge