

No Decision on Aranyosi II Case by CJEU



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News

On 15 November 2017, the CJEU released an order in which it stated that no decision will be taken on a reference for a preliminary ruling on the CJEU's case law on detention conditions by the Higher Regional Court of Bremen. After the CJEU's landmark judgment of 5 April 2016 in the *Aranyosi/Căldăraru* case, the Higher Regional Court launched a second reference for a preliminary ruling regarding the surrender of *Mr. Aranyosi* (case C-496/16 – *Aranyosi II*). The Higher Regional Court sought clarification on the concrete procedure of determining whether there is a real risk of inhuman or degrading treatment within the meaning of Art. 4 CFR regarding the detention conditions that an extradited person may face in the state issuing a European Arrest Warrant. It mainly wanted to know to which prisons the assessment of the detention conditions must be extended.

The CJEU observed, however, that the Hungarian court had rescinded the warrants against *Mr. Aranyosi*, meaning that no European Arrest Warrant was currently being implemented. Therefore, the CJEU clarified that there was no need to decide on the merits of the case since the questions referred are only of a hypothetical nature.

The order of the CJEU is only available in [German](#) and [French](#).

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