

**Question for written answer E-003017/2014
to the Commission**
Rule 117
Gaston Franco (PPE)

Subject: Execution of a European arrest warrant: the Sophie Toscan du Plantier case

In 1996, Frenchwoman Sophie Toscan du Plantier was murdered in Ireland. A suspect was identified, but he was never prosecuted by the Irish authorities. In 2008, the French authorities launched their own investigation, and in 2010 issued a European arrest warrant (EAW) against the suspect.

Two years later, after hearing an appeal, the Supreme Court of Ireland rejected the EAW, citing a lack of reciprocity between Irish and French law.

Following the Supreme Court's decision, in 2012 the plaintiffs attempted to bring the case before the Court of Justice of the European Union (CJEU), but DG Justice has not forwarded their complaint on the grounds that, until 1 December 2014, the Commission does not have the power to instigate infringement proceedings against a state whose national criminal law does not comply with EU law.

1. Is reciprocity between different countries' national criminal law a precondition for the execution of an EAW? If not, has Ireland not failed to meet its obligation to transpose the 2002 framework decision correctly by incorporating a reciprocity condition which is at odds with the spirit of the text?

Although framework decisions do not have direct effect and give the Member States considerable leeway to decide how they should be applied, a 2005 CJEU judgment ('Pupino' Case, C-105/03) acknowledges that they can have direct effect owing to their similarity to directives.

2. Could this judgment not apply to the Sophie Toscan du Plantier case?
3. Would the Commission consider instigating infringement proceedings against Ireland after 1 December 2014, as authorised under the Treaty of Lisbon, to make its national criminal law comply with the 2002 framework decision?