

12. In the allocation of free allowances in respect of heat consumption, is it compatible with the trading directive and Guidance Documents No 2 and 6 to have regard in the assessment to the heat source which produces the heat consumed?
13. Is Commission Decision 2013/448/EU invalid and incompatible with Article 290 TFEU and Article 10a(1) and (5) of the trading directive on the basis that it alters the calculation method set out in Article 10a(5), second subparagraph, (a) and (b) of the trading directive by excluding from the basis of calculation emissions which are caused by the incineration of residual gas and the production of combined heat and power, despite the fact that the free allocation of allowances is permitted in that regard pursuant to Article 10a(1) and (4) of the trading directive and Commission Decision 2011/278/EU?
14. Is measurable heat in the form of steam from an ETS installation which is delivered to a steam network with many consumers of steam, of which at least one is not an ETS installation, to be regarded as constituting a heat benchmark sub-installation under Article 3(c) of Commission Decision 2011/278/EU?
15. Is it relevant to the answer to question 14:
 - (a) whether the steam network is owned by the largest consumer of steam in the network and that consumer is an ETS installation,
 - (b) what share of the total heat delivery to the steam network is used by the largest consumer,
 - (c) how many suppliers and consumers of steam there are in the steam network,
 - (d) whether there is uncertainty as to who has produced the measurable heat which the respective consumers of steam acquire, and
 - (e) whether the allocation of steam usage within the network can be altered in such a way that a number of consumers of steam which are not ETS installations join it or the existing non-ETS installations' usage increases?
16. If the answer to question 14 depends on the facts of the individual case, to which facts is particular weight to be given?

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).

⁽²⁾ Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2013) 5666) (OJ 2013 L 240, p. 27).

⁽³⁾ Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2011) 2772) (OJ 2011 L 130, p. 1).

Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 22 April 2015 — Aleksei Petruhhin

(Case C-182/15)

(2015/C 205/31)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Applicant: Aleksei Petruhhin

Other party to the proceedings: Latvijas Republikas Ģenerālprokuratūra

Questions referred

1. Are the first paragraph of Article 18 and Article 21(1) of the Treaty on the Functioning of the European Union to be interpreted as meaning that, in the event of extradition of a citizen of any Member State of the European Union to a non-Member State under an extradition agreement concluded between a Member State and a third country, the same level of protection must be guaranteed as is guaranteed to a citizen of the Member State in question?
2. In those circumstances, must the court of the Member State to which the request for extradition has been made apply the conditions for extradition of the EU State of which the person concerned is a citizen or of that in which he has his habitual residence?
3. In cases in which extradition must be carried out without taking into consideration the specific level of protection established for the citizens of the State to which the request for extradition has been made, must the Member State to which the request for extradition has been made verify compliance with the safeguards established in Article 19 of the Charter of Fundamental Rights of the European Union, that is, that no one may be extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment? May such verification be limited to checking that the State requesting extradition is a party to the Convention against Torture or is it necessary to check the factual situation by taking into consideration the evaluation of that State carried out by the bodies of the Council of Europe?

Appeal brought on 27 April 2015 by Tarif Akhras against the judgment of the General Court (Seventh Chamber) delivered on 12 February 2015 in Case T-579/11: Tarif Akhras v Council of the European Union

(Case C-193/15 P)

(2015/C 205/32)

Language of the case: English

Parties

Appellant: Tarif Akhras (represented by: S. Millar, S. Ashley, Solicitors, D. Wyatt QC, R. Blakeley, Barrister)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The appellant claims that the Court should:

- Set aside in part the judgment of the General Court (Seventh Chamber) of 12 February 2015 in Case T-579/11 Tarif Akhras v Council of the European Union;
- Annul the measures contested in Case T-579/11 dated 23 March 2012 and later insofar as they apply to the Appellant;
- Order the Council to pay the costs of the appeal and the costs of the proceedings before the General Court.

Pleas in law and main arguments

In support of its appeal, the Appellant invokes two grounds.

First, the General Court erred in law in holding that the Council was entitled to apply a presumption that the Appellant benefitted from and/or supported the regime, and the General Court failed to apply the correct test, viz., whether the established facts amounted to a set of indicia sufficiently specific, precise and consistent to establish that the Appellant benefitted from and/or supported the regime.