

*Luxembourg, 31 January 2012*

*Mr Villy Søvndal  
President  
Council of the European Union  
Rue de la Loi, 175*

**B – 1048 BRUSSELS**

*Dear President,*

*Further to the statement annexed to the Council's decision of 20 December 2007, I hereby enclose a report on the use of the urgent preliminary ruling procedure by the Court of Justice.*

*The report is enclosed in all the official languages.*

*Yours faithfully,*

*Vassilios SKOURIS*

## **Report on the use of the urgent preliminary ruling procedure by the Court of Justice <sup>1</sup>**

As of 1 March 2008, a reference for a preliminary ruling which raises one or more questions concerning the area of freedom, security and justice may, at the request of the national court or tribunal or, exceptionally, of the Court's own motion, be dealt with under an urgent procedure. <sup>2</sup> This report on the Court's application of that procedure is its first review and covers the period 1 March 2008 to 6 October 2011 ('the reference period'), which includes three full judicial years.

It may be recalled that that procedure was introduced in response to the Presidency Conclusions of the European Council inviting the Commission to bring forward, after consultation of the Court of Justice, a proposal to '*enable the Court to respond quickly*' by creating a solution '*for the speedy and appropriate handling of requests for preliminary rulings concerning the area of freedom, security and justice*'. <sup>3</sup> The Commission considered that it was necessary to '*trust in the proper functioning of the Court of Justice*' and stated that '*where necessary, special rules allowing immediate treatment of particularly urgent cases might be inserted in the Statute of the Court of Justice ... and in its Rules of Procedure.*' <sup>4</sup>

In the proposal ultimately drawn up by the Court, as endorsed by the Council, the Court opted for the introduction of an urgent preliminary ruling procedure which has, in essence, three specific features distinguishing it from the ordinary preliminary ruling procedure (and, therefore, from the accelerated procedure, which reproduces in all respects the procedural rules of an ordinary procedure, while significantly accelerating it). First, only the parties to the main proceedings, the Member State of the referring court or tribunal, the Commission, and the other institutions if one of their measures is at issue, may participate in the written

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<sup>1</sup> Report delivered to the Council in accordance with the statement annexed to its decision of 20 December 2007 (OJ L 24 of 29 January 2008, p. 44).

<sup>2</sup> Council Decision of 20 December 2007 amending the Protocol on the Statute of the Court of Justice, OJ L 24 of 29 January 2008, p. 42; Amendments to the Rules of Procedure of the Court of Justice, OJ L 24 of 29 January 2008, p. 39, and OJ L 92 of 13 April 2010, p. 12.

<sup>3</sup> Presidency Conclusions, Brussels European Council, 4 and 5 November 2004, 14292/1/04, paragraph 3.1.

<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the Court of Justice of the European Communities Adaptation of the provisions of Title IV of the Treaty establishing the European Community relating to the jurisdiction of the Court of Justice with a view to ensuring more effective judicial protection, 28 June 2006, COM(2006) 346 final.

procedure. Since these have a command of the language of the case, the written procedure can be initiated immediately, without any need to await the translation of the reference for a preliminary ruling into all the official languages. Second, cases that may be dealt with under an urgent procedure are referred to a Chamber specifically designated for that purpose, which gives its ruling without first going through the General Meeting of the Court. Third, communications in the urgent procedure (both internal and those involving the parties and interested persons) are, as far as possible, entirely electronic. These measures were expected to achieve substantial savings in terms of the duration of proceedings.

### **1. Average duration of proceedings in cases dealt with under the urgent preliminary ruling procedure**

The cases dealt with under the urgent preliminary ruling procedure were completed, on average, within 66 days (see Table 1 annexed). In no case did proceedings exceed three months. The Court's principal intended and declared objective – to dispose of that type of case speedily, in approximately two to four months, with possible variations depending on the level of urgency – has thus been fully achieved.

### **2. Volume and nature of litigation affected by the urgent preliminary ruling procedure**

Before the entry into force of the Treaty of Lisbon, the urgent preliminary ruling procedure was applicable in the areas covered by Title VI of the Union Treaty or Title IV of Part Three of the EC Treaty. Since 1 December 2009, the procedure has been applicable in the areas covered by Title V of Part Three of the Treaty on the Functioning of the European Union, which brought together the previous provisions.<sup>5</sup> In particular, since the entry into force of the Treaty of Lisbon, the Court's jurisdiction has been substantially extended by virtue of the number of national courts and tribunals which may now refer questions to the Court in the areas concerned.

During the reference period, the Court received **126** requests for a preliminary ruling relating to the area of freedom, security and justice which were thus capable of being dealt with under

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<sup>5</sup> Amendments to the Rules of Procedure of the Court of Justice, OJ L 92 of 13 April 2010, p. 12.

the urgent procedure. That figure represents **11.64%** of all references for a preliminary ruling made during that period, that is 1 082.

It is interesting to note that after the introduction of the urgent preliminary ruling procedure, but before the entry into force of the Treaty of Lisbon, only 4.85% of references for a preliminary ruling concerned the area of freedom, security and justice.<sup>6</sup>

Of the 126 cases falling within the scope of the urgent preliminary ruling procedure, more than half (68 cases, or 54%) concerned judicial cooperation in civil matters, of which two thirds (42 cases) related to Regulation No 44/2001.<sup>7</sup> Ten of those cases concerned the interpretation of Regulations No 1347/2000 and No 2201/2003.<sup>8</sup>

One third of the 126 cases capable of being dealt with under the urgent preliminary ruling procedure concerned the area of ‘visas, asylum and immigration’ (43 cases, or 34%), of which 22 related specifically to Directive 2008/115/EC<sup>9</sup> and 14 to Directive 2004/83/EC.<sup>10</sup>

Lastly, 18 of those 126 cases (that is 14%) related to cooperation in criminal matters, of which 10 related to Framework Decision 2002/584/JHA.<sup>11</sup>

Of those 126 cases, 21 were accompanied by a request for application of the urgent preliminary ruling procedure from the national court or tribunal, and in one case,

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<sup>6</sup> 25 cases out of a total of 515 references for a preliminary ruling made between 1 March 2008 and 30 November 2009.

<sup>7</sup> Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 12 of 16 January 2001, p. 1.

<sup>8</sup> Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, OJ L 160 of 30 June 2000, p. 19, and Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338 of 23 December 2003, p. 1.

<sup>9</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 of 24 December 2008, p. 98.

<sup>10</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304 of 30 September 2004, p. 2 or 12.

<sup>11</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190 of 18 July 2002, p. 1.

exceptionally, that procedure was applied of the Court's own motion, following a request by the President of the Court.<sup>12</sup>

Thus, during the reference period, almost **one fifth (17.5%) of cases capable of being dealt with under the urgent preliminary ruling procedure were the subject of a request to that effect.**

**Of those 22 requests, 12 were granted,** including that of the President of the Court, **that is more than half** (around 55%). 8 were refused (see Table 2 annexed) and 2 did not proceed.<sup>13</sup>

Half of the 12 cases dealt with under the urgent preliminary ruling procedure concerned the jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility.<sup>14</sup> One quarter related to the European arrest warrant.<sup>15</sup> The remaining cases fell within the area of 'visas, asylum and immigration' and concerned, in particular, the interpretation of Directive 2008/115/EC.<sup>16</sup>

Two main conclusions can be drawn from these figures.

First, although in absolute terms the number of requests has remained modest,<sup>17</sup> the proportion of those requests in comparison with cases that could potentially fall within the scope of the urgent preliminary ruling procedure (almost one fifth) is not negligible.

Second, the reasons which the national courts and tribunals put forward in support of their requests for application of the urgent procedure were for the most part valid, since more than half of those requests were successful.

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<sup>12</sup> The first and third subparagraphs of Article 104b(1) of the Rules of Procedure allow the Court, exceptionally, of its own motion to deal with a reference for a preliminary ruling under the urgent procedure. It is for the President of the Court to ask the designated Chamber to consider whether it is necessary to deal with the reference under the urgent preliminary ruling procedure, if the application of that procedure appears, prima facie, to be required, even though it has not been requested by the national court or tribunal. That provision has been used only once, in Case C-491/10 *Aguirre Zarraga*.

<sup>13</sup> The cases in question are Cases C-140/11 *Ngagne* and C-156/11 *Music*, in which the references were withdrawn by the referring courts after delivery of the judgment in related Case C-61/11 PPU *El Dridi Hassen*, and which were removed from the register before the designated Chamber had determined the request for application of the urgent preliminary ruling procedure.

<sup>14</sup> See footnote 8.

<sup>15</sup> See footnote 11.

<sup>16</sup> See footnote 9.

<sup>17</sup> It is unlikely that the relative restraint on the part of national courts and tribunals can be attributed to any lack of awareness of the procedure established, since the requests submitted during the reference period were made by courts at various levels of the court hierarchy, in various locations throughout a number of Member States.

### **3. Conduct of the written and oral procedure**

The Court has never availed itself of the possibility afforded by Article 104b(4) of the Rules of Procedure of omitting the written procedure in cases of extreme urgency.

On average, the duration of the written procedure in cases dealt with under the urgent preliminary ruling procedure was more than 16 days<sup>18</sup> (see Table 3 annexed). The Court has thus ensured that the Member States are allowed the time necessary for drafting written observations, the Court having been called upon by the Council not to reduce the time allowed to less than 10 working days.<sup>19</sup>

The same concern has governed the fixing of the date for the hearing, which has been held, on average, a little over 16 days after written observations lodged, together with their translations, have been communicated to the parties and interested persons (see Table 3 annexed).

Participation in the hearing of Member States other than the Member State of the referring court or tribunal has been comparatively high: on average, three Member States have attended to submit oral observations (see Table 4 annexed), whereas, based on a representative sample of hearings held in preliminary ruling proceedings,<sup>20</sup> on average, just one Member State (over and above that of the referring court or tribunal) takes part in the hearing.

Views of the Advocate General in urgent preliminary ruling procedures have been delivered on average in a little over three days after the hearing (see Table 3), and, with just one exception,<sup>21</sup> have all been published.<sup>22</sup>

### **4. Designation of the Chamber responsible for cases in which the urgent preliminary ruling procedure is requested**

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<sup>18</sup> The second subparagraph of Article 104b(2) of the Rules of Procedure provides that the decision to deal with the reference under the urgent procedure is to prescribe the period within which the parties and interested persons entitled to participate in the written procedure may lodge statements of case or written observations.

<sup>19</sup> Statement of the Council, annexed to its decision of 20 December 2007, OJ L 24 of 29 January 2008, p. 44.

<sup>20</sup> That is all hearings held, before any and all formations of the Court, in the month of October 2011.

<sup>21</sup> In Case C-388/08 PPU *Leymann and Pustovarov*.

<sup>22</sup> In accordance with the Court's practice, Views, where presented in writing, are published unless the formation of the Court decides otherwise after hearing the Advocate General.

Pursuant to the second and third subparagraphs of Article 9(1) of the Rules of Procedure, the Court has designated the Chambers responsible for cases in which the urgent preliminary ruling procedure is requested. It has never designated more than one Chamber of five Judges for that purpose.

During the reference period, the four Chambers of five Judges currently within the Court have each been designated in turn.<sup>23</sup> Thus, the great majority of Judges of the Court have had occasion to sit in a case in which the urgent preliminary ruling procedure has been requested.

Successive designated Chambers have always sat with five Judges.<sup>24</sup> Only once has the designated Chamber decided to refer the case back to the Court in order for it to be assigned to a formation composed of a greater number of Judges.<sup>25</sup>

While the number of requests for application of the urgent preliminary ruling procedure – which have largely been consecutive and have only rarely needed to be dealt with concurrently by the designated Chamber – has not justified the designation of several Chambers ruling simultaneously, the management of cases dealt with under the urgent procedure has proved to be particularly demanding for the Chamber concerned.

## **5. The Court's practice with regard to decisions as to whether or not to initiate the urgent procedure**

Owing to the extreme urgency with which the designated Chamber is obliged to rule on requests for application of the urgent preliminary ruling procedure – which, during the reference period, it did in a little more than an average of 8 days<sup>26</sup> (see Table 3 annexed) – decisions as to whether or not to initiate the urgent procedure do not include a statement of reasons.

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<sup>23</sup> The Third Chamber for the period 1 March 2008 to 6 October 2008; the Second Chamber for the period 7 October 2008 to 6 October 2009; the new Third Chamber (former Fourth Chamber) for the period 7 October 2009 to 6 October 2010; the First Chamber for the period 7 October 2010 to 6 October 2011.

<sup>24</sup> Under Article 104b(5) of the Rules of Procedure, the designated Chamber may decide to sit in a formation of three Judges.

<sup>25</sup> In Case C-357/09 PPU *Kadzoev*, which the Court referred to the Grand Chamber.

<sup>26</sup> This period includes the necessary time for translation of the request before it is dealt with.

However, it is possible, on the basis of an analysis of the circumstances of fact and of law in which the urgent preliminary ruling procedure has been approved, to isolate two types of situation which have resulted in the Court delivering a ruling in the shortest possible time:

- where there is a risk of an irreparable change for the worse in the parent/child relationship, for example, where what is at stake is the return of a child who has been deprived of contact with one of its parents (C-195/08 PPU *Rinau*; C-403/09 PPU *Detiček*; C-211/10 PPU *Povse*; C-400/10 PPU *McB*; C-491/10 PPU *Aguirre Zarraga*; C-497/10 PPU *Mercredi*) or family reunification (C-155/11 PPU *Imran*);
- where a person is being detained and further detention depends on the answer to be given by the Court (C-296/08 PPU *Santesteban Goicoechea*; C-388/08 PPU *Leymann and Pustovarov*; C-357/09 PPU *Kadzoev*; C-105/10 PPU *Gataev and Gataeva*; C-61/11 PPU *El Dridi Hassen*).

This practice is consistent with the scenarios envisaged by the Court in its Information note on references from national courts for a preliminary ruling<sup>27</sup> and with the Council's request that the urgent preliminary ruling procedure be applied in situations involving deprivation of liberty,<sup>28</sup> which has been enshrined in the fourth paragraph of Article 267 of the Treaty on the Functioning of the European Union.

## 6. Method of communication

Documents have been communicated, both internally and with the parties and interested persons, electronically, by virtue of the creation of 'functional mailboxes' specifically dedicated to communication in relation to the urgent preliminary ruling procedure.

Since the establishment in the Court of a general system of lodging and service of procedural documents by electronic means,<sup>29</sup> the relative advantage of these 'functional mailboxes' has been reduced, as regards the anticipated acceleration of the transmission of information. Nevertheless, they have enabled communications in relation to an urgent preliminary ruling

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<sup>27</sup> OJ C 160 of 28 May 2011, p. 1, point 37: '... a national court or tribunal might, for example, consider submitting a request for the urgent preliminary ruling procedure to be applied in the following situations: in the case, referred to in the fourth paragraph of Article 267 TFEU, of a person in custody or deprived of his liberty, where the answer to the question raised is decisive as to the assessment of that person's legal situation or, in proceedings concerning parental authority or custody of children, where the identity of the court having jurisdiction under European Union law depends on the answer to the question referred for a preliminary ruling.'

<sup>28</sup> Statement of the Council, annexed to its decision of 20 December 2007, OJ L 24 of 29 January 2008, p. 44.

<sup>29</sup> Decision of the Court of Justice of 13 September 2011 on the lodging and service of procedural documents by means of e-Curia, OJ C 289 of 1 October 2011, p. 7.



procedure to be put on a separate track that is subject to special and continuous monitoring, thereby helping to ensure that all involved are kept on standby.

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The reference period has been a good running-in period for the application of the urgent preliminary ruling procedure by the Court. The modest flow of requests has facilitated its smooth application, while at the same time providing an opportunity to gauge the constraints associated with the procedure, which weigh not only on the designated Chamber but also on the Court's services, in particular the translation, Registry and interpreting services. With the same resources, considerable efforts would be required to maintain the objectives set, in the event of an appreciable increase in reasoned requests, and would probably have an impact on the handling of other cases.

**Table 1**  
**Duration of proceedings in cases dealt with under the urgent preliminary ruling procedure**

Case	Duration (in days)
<p><b>1. C-195/08 PPU Rinau</b>  <i>Referring court or tribunal:</i> Lietuvos Aukščiausiasis Teismas, Lithuania  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	58 <sup>30</sup>
<p><b>2. C-296/08 PPU Santesteban Goicoechea</b>  <i>Referring court or tribunal:</i> Cour d'appel de Montpellier, France  <i>Re:</i> European arrest warrant</p>	40
<p><b>3. C-388/08 PPU Leymann and Pustovarov</b>  <i>Referring court or tribunal:</i> Korkein oikeus, Finland  <i>Re:</i> European arrest warrant</p>	87
<p><b>4. C-357/09 PPU Kadzoev</b><sup>31</sup>  <i>Referring court or tribunal:</i> Administrativen sad Sofia-grad, Bulgaria  <i>Re:</i> Return of illegally staying third-country nationals</p>	84
<p><b>5. C-403/09 PPU Detiček</b>  <i>Referring court or tribunal:</i> Višje sodišče v Mariboru, Slovenia  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	64
<p><b>6. C-105/10 PPU Gataev and Gataeva</b><sup>32</sup>  <i>Referring court or tribunal:</i> Korkein oikeus, Finland  <i>Re:</i> European arrest warrant and refugee status</p>	/
<p><b>7. C-211/10 PPU Povse</b>  <i>Referring court or tribunal:</i> Oberster Gerichtshof, Austria  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	59
<p><b>8. C-400/10 PPU McB.</b>  <i>Referring court or tribunal:</i> Supreme Court, Ireland  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	60
<p><b>9. C-491/10 PPU Aguirre Zarraga</b>  <i>Referring court or tribunal:</i> Oberlandesgericht Celle, Germany  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	68
<p><b>10. C-497/10 PPU Mercredi</b>  <i>Referring court or tribunal:</i> Court of Appeal (England &amp; Wales) (Civil Division), United Kingdom  <i>Re:</i> Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility</p>	65
<p><b>11. C-61/11 PPU El Dridi Hassen</b>  <i>Referring court or tribunal:</i> Corte di Appello di Trento, Italy  <i>Re:</i> Return of illegally staying third-country nationals</p>	77
<p><b>12. C-155/11 PPU Imran</b><sup>33</sup>  <i>Referring court or tribunal:</i> Rechtbank 's-Gravenhage, zittinghoudende te Zwolle-Lelystad, Netherlands  <i>Re:</i> Right to family reunification</p>	/

<sup>30</sup> 50 days from the request for the case to be dealt with under the urgent preliminary ruling procedure.

<sup>31</sup> This case was referred to the Grand Chamber.

<sup>32</sup> In this case the reference was withdrawn by the referring court and the case was removed from the register by order of 3 April 2010.

	<b>Average</b> <b>66.2</b>
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<sup>33</sup> This case was concluded by order of 10 June 2011 declaring that there was no need to adjudicate.

**Table 2**

**List of cases in which the request for an urgent preliminary ruling procedure was refused**

	Traitement procédural ultérieur
1. <b>C-123/08 Wolzenburg</b> <i>Referring court or tribunal:</i> Rechtbank Amsterdam, Netherlands <i>Re:</i> European arrest warrant	/
2. <b>C-261/08 Zurita García</b> <i>Referring court or tribunal:</i> Tribunal Superior de Justicia de Murcia, Spain <i>Re:</i> Schengen Borders Code	/
3. <b>C-375/08 Pontini</b> <i>Referring court or tribunal:</i> Tribunale di Treviso, Italy <i>Re:</i> does not fall within the area covered by the urgent preliminary ruling procedure	/
4. <b>C-261/09 Mantello</b> <i>Referring court or tribunal:</i> Oberlandesgericht Stuttgart, Germany <i>Re:</i> European arrest warrant	/
5. <b>C-264/10 Kita</b> <sup>34</sup> <i>Referring court or tribunal:</i> Inalta Curte de Casație și Justiție, Roumanie <i>Re:</i> European arrest warrant	/
6. <b>C-175/11 HID and BA</b> <i>Referring court or tribunal:</i> High Court of Ireland, Ireland <i>Re:</i> Refugee status	/
7. <b>C-277/11 MM</b> <sup>35</sup> <i>Referring court or tribunal:</i> High Court of Ireland, Ireland <i>Re:</i> Refugee status	Priority treatment
8. <b>C-329/11 Achughbabian</b> <i>Referring court or tribunal:</i> Cour d'appel de Paris, France <i>Re:</i> Return of illegally staying third-country nationals	Accelerated procedure <sup>36</sup>

<sup>34</sup> This case was removed from the register as a result of the referring court's withdrawal of the reference.

<sup>35</sup> In this case, the referring court twice submitted a request for the urgent preliminary ruling procedure; in each case it was refused.

<sup>36</sup> See order of the President of the Court of 30 September 2011 (in particular, paragraphs 9 to 12).

**Table 3**  
**Duration of particular stages of the procedure**

<b>Case</b>	<b>Time between the submission of the request and the decision (days)</b>	<b>Duration of the written procedure (days)</b>	<b>Time between service of pleadings and the hearing (days)</b>	<b>Time between the hearing and the Advocate General's View (days)</b>
1. C-123/08 Wolzenburg	12			
2. <b>C-195/08 PPU Rinau</b>	1	17	10	5
3. C-261/08 Zurita García	6			
4. <b>C-296/08 PPU Santesteban Goicoechea</b>	4	15	13	0
5. C-375/08 Pontini	3			
6. <b>C-388/08 PPU Leymann and Pustovarov</b>	6	19	33	0
7. C-261/09 Mantello	6			
8. <b>C-357/09 PPU Kadzoev</b>	15	15	18	14
9. <b>C-403/09 PPU Detiček</b>	7	16	21	2
10. <b>C-105/10 PPU Gataev and Gataeva</b>	5	15		
11. <b>C-211/10 PPU Povse</b>	8	15	11	2
12. C-264/10 Kita	11			
13. <b>C-400/10 PPU McB.</b>	5	16	19	2
14. <b>C-491/10 PPU Aguirre Zarraga</b>	9	18	17	1
15. <b>C-497/10 PPU Mercredi</b>	10	17	8	5
16. <b>C-61/11 PPU El Dridi Hassen</b>	7	17	15	2
17. <b>C-155/11 PPU Imran</b>	3	21		
18. C-175/11 HID and BA	19			
19. C-277/11 MM	16 (10 <sup>37</sup> )			
20. C-329/11 Achughbalian	12			
<b>Average</b>	<b>8.3</b>	<b>16.75</b>	<b>16.5</b>	<b>3.3</b>

<sup>37</sup> On the second request for application of the urgent preliminary ruling procedure.

**Table 4**  
**Participation of Member States**  
**(other than the Member State of the referring court or tribunal)**  
**in the oral procedure in cases dealt with under the urgent preliminary ruling procedure**

<b>Case</b>
1. <b>C-195/08 PPU Rinau</b> <i>Germany, France, Latvia, Netherlands, United Kingdom</i>
2. <b>C-296/08 PPU Santesteban Goicoechea</b> <i>Spain</i>
3. <b>C-388/08 PPU Leymann and Pustovarov</b> <i>Spain, Netherlands</i>
4. <b>C-357/09 PPU Kadzoev</b> <i>Lithuania</i>
5. <b>C-403/09 PPU Detiček</b> <i>Czech Republic, Germany, France, Italy, Latvia, Poland</i>
6. <i>C-105/10 PPU Gataev and Gataeva</i> <sup>38</sup>
7. <b>C-211/10 PPU Povse</b> <i>Czech Republic, Germany, France, Italy, Latvia, Slovenia, United Kingdom</i>
8. <b>C-400/10 PPU McB.</b> <i>Germany</i>
9. <b>C-491/10 PPU Aguirre Zarraga</b> <i>Greece, Spain, France, Latvia</i>
10. <b>C-497/10 PPU Mercredi</b> <i>Germany, Ireland, France</i>
11. <b>C-61/11 PPU El Dridi Hassen</b> /
12. <i>C-155/11 PPU Imran</i> <sup>39</sup>

<sup>38</sup> The referring court's withdrawal of the reference reached the Court before the hearing was held.

<sup>39</sup> No hearing was held in this case which was concluded by an order declaring that there was no need to adjudicate.