

**Case number:**

U-I-488/18, Up-1432/18

ECLI:

ECLI:SI:USRS:2018:U.I.488.18

Challenged act:**Operative provisions:****Abstract:**

In accordance with Article 22 of the Constitution, in proceedings to decide on authorisation to surrender a person on the basis of a European arrest warrant, the requested person must be ensured the possibility to make a statement regarding all facts and evidence, as well as regarding legal questions that are important for decision-making. The right to make a statement must therefore be ensured also regarding the explanations of the issuing Member State on which the competent court bases its decision whether the surrender is authorised or not.

If a petition does not contain reasons substantiating the inconsistency of the contested articles of a law with the Constitution, the Constitutional Court rejects it.

The contested act at issue is not an individual act by which a right or obligation of the complainant was decided on; therefore, a constitutional complaint against such an act is inadmissible.

Thesaurus:**Legal basis:****Cases joined:****Full text:****Type of procedure:**

ocena ustavnosti in zakonitosti predpisov in drugih splošnih aktov
ustavna pritožba

Type of act:

zakon
posamični akt

Applicant:

Sascha Daniel Franke, Zvezna republika Nemčija

Date of application:

8. 11. 2018

Date of Decision:

29. 11. 2018

Type of decision adopted:

odločba

Outcome of proceedings:

razveljavitev ali odprava

zavrženje

zavrženje

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