

**Parties to the main proceedings**

*Applicant:* Riksåklagaren

*Defendant:* Zenon Robert Akarsar

**Question referred**

The question concerns the interpretation of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA <sup>(1)</sup>).

Can a Member State refuse to execute a European arrest warrant, which concerns the execution of a custodial sentence which was passed as a combined sentence for a number of offences, when one of those offences does not constitute an offence under the law of the executing Member State and it is not possible in the issuing Member State to order that the sentence be split?

The offence in question does not constitute such an offence covered by Article 2.2 of the Framework Decision in respect of which the requirement of double criminality cannot be applied.

<sup>(1)</sup> OJ 2002 L 190, p. 1.

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**Request for a preliminary ruling from the Attunda tingsrätt (Sweden) lodged on 21 March 2016 —  
Airhelp Limited v Thomas Cook Airlines Scandinavia A/S**

**(Case C-161/16)**

(2016/C 175/15)

*Language of the case: Swedish*

**Referring court**

Attunda tingsrätt

**Parties to the main proceedings**

*Applicant:* Airhelp Limited

*Defendants:* Thomas Cook Airlines Scandinavia A/S

**Questions referred**

1. Must Articles 2(g) and 3(2)(a) of the regulation <sup>(1)</sup> be interpreted as meaning that a passenger must have a reserved seat (that is to say, the right to his own seat in the aeroplane) or is it sufficient for the passenger to have received confirmation of his booking on the flight (that is to say, the right to be transported in the aeroplane) for compensation to be payable?
2. Must a ticket at a reduced fare for a child who does not have his own seat for the flight, but travels in the company of another passenger, be regarded as available directly or indirectly to the public under Article 3(3) of the regulation?

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<sup>(1)</sup> Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 2004, p. 1).