

responsibility were retained as members of the legal entity's staff; or (iii) the fact that other persons were temporarily placed in positions of responsibility by the decision of the competent body removing employees from positions of responsibility?

- (¹) Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community — Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ 2002 L 80, p. 29).

Request for a preliminary ruling from the Krajský soud v Brně (Czech Republic) lodged on 20 June 2022 — CV v Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky

(Case C-406/22)

(2022/C 359/44)

Language of the case: Czech

Referring court

Krajský soud v Brně

Parties to the main proceedings

Applicant: CV

Defendant: Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky

Questions referred

1. Should the criterion for the designation of safe countries of origin for the purposes of Article 37(1) of Directive 2013/32/EU (¹) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection in Annex I(b) to [that directive] — i.e., that the country concerned provides protection against persecution and ill treatment through observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular the rights from which derogation cannot be made under Article 15(2) of that convention — be interpreted as meaning that, if the country withdraws from its commitments under the Convention for the Protection of Human Rights and Fundamental Freedoms in time of emergency under Article 15 of the Convention, it no longer meets the criterion for being designated as a safe country of origin?
2. Should Articles 36 and 37 of Directive 2013/32/EU of the European Parliament and of the Council be interpreted as meaning that they prevent a Member State from designating a country as a safe country of origin only in part, with certain territorial exceptions, to which the assumption that that part of the country is safe for the applicant will not apply, and if the Member State does designate a country with such territorial exceptions as safe, then the country concerned as a whole cannot be deemed a safe country of origin for the purposes of [that directive]?
3. If the reply to either of these two questions referred is affirmative, should Article 46(3) of Directive 2013/32/EU of the European Parliament and of the Council, in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that a court deciding about an appeal challenging the decision on the manifestly unfounded nature of the application, pursuant to Article 32(2) of [that directive], issued in proceedings conducted pursuant to Article 31(8)(b) of [that directive], must take into account *ex officio* that the designation of the country as safe is contrary to EU law, due to the reasons stated above, without requiring an objection on the part of the applicant?

(¹) OJ 2013 L 180, p. 60.