

Party/parties to the main proceedings

Markus D.

Question referred

Is Article 1(2)(b) of Directive 2001/83/EC of 6 November 2001,⁽¹⁾ as amended by Directive 2004/27/EC of 31 March 2004,⁽²⁾ to be interpreted as meaning that substances or combinations of substances within the meaning of that provision which merely modify — that is, do not restore or correct — human physiological functions are to be regarded as medicinal products only if they are of therapeutic benefit or at any rate bring about a modification of bodily functions along positive lines? Consequently, do substances or combinations of substances which are consumed solely for their — intoxication-inducing — psychoactive effects, and in the process also have an effect which at least poses a risk to health, fall under the definition of ‘medicinal product’ contained in the directive?

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

⁽²⁾ Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ 2004 L 136, p. 34).

Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg (Germany) lodged on 2 July 2013 — H. T. v Land Baden-Württemberg

(Case C-373/13)

(2013/C 325/14)

Language of the case: German

Referring court

Verwaltungsgerichtshof Baden-Württemberg

Parties to the main proceedings

Applicant: H. T.

Defendant: Land Baden-Württemberg

Questions referred

1. (a) Must the rule contained in the first subparagraph of Article 24(1) of Directive 2004/83/EC,⁽¹⁾ concerning the obligation of Member States to issue a residence permit to persons who have been granted refugee status, be observed even in the case of revocation of a previously issued residence permit?
- (b) Must that rule therefore be interpreted as meaning that it precludes the revocation or termination of the residence permit (by expulsion under national law, for example) of

a beneficiary of refugee status in cases where the conditions laid down in Article 21(3) in conjunction with (2) of Directive 2004/83/EC are not fulfilled or there are ‘compelling reasons of national security or public order’ within the meaning of the first subparagraph of Article 24(1) of Directive 2004/83/EC?

2. If the first question is to be answered in the affirmative:

(a) How must the ground for exclusion of ‘compelling reasons of national security or public order’ in the first subparagraph of Article 24(1) of Directive 2004/83/EC be interpreted in relation to the risks represented by support for a terrorist association?

(b) Is it possible for ‘compelling reasons of national security or public order’ within the meaning of the first subparagraph of Article 24(1) of Directive 2004/83/EC to exist in the case where a beneficiary of refugee status has supported the PKK, in particular by collecting donations and regularly participating in PKK-related events, even if the conditions for non-compliance with the principle of non-refoulement laid down in Article 33(2) of the Geneva Convention relating to the Status of Refugees and also, therefore, the conditions laid down in Article 21(2) of Directive 2004/83/EC are not fulfilled?

3. If Question 1(a) is to be answered in the negative:

Is the revocation or termination of the residence permit issued to a beneficiary of refugee status (by expulsion under national law, for example) permissible under European Law only in cases where the conditions laid down in Article 21(3) in conjunction with (2) of Directive 2004/83/EC (or the identically-worded provisions of Directive 2011/95/EU, the successor to Directive 2004/83/EC) are satisfied?

⁽¹⁾ 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 2004 L 304, p. 12).

Request for a preliminary ruling from the Gerechtshof Den Haag (Netherlands) lodged on 22 July 2013 — FNV Kunsten Informatie en Media v Staat der Nederlanden

(Case C-413/13)

(2013/C 325/15)

Language of the case: Dutch

Referring court

Gerechtshof Den Haag