

**Parties to the main proceedings**

*Applicant:* Secretary of State for the Home Department

*Defendant:* O A

**Questions referred**

1. Is 'protection of the country of nationality' within the meaning of Article 11(l)(e) and Article 2(e) of the Qualification Directive <sup>(1)</sup> to be understood as state protection?
2. In deciding the issue of whether there is a well-founded fear of being persecuted within the meaning of Article 2(e) of the QD and the issue of whether there is protection available against such persecution, pursuant to Article 7 QD, is the 'protection test' or 'protection inquiry' to be applied to both issues and, if so, is it governed by the same criteria in each case?
3. Leaving to one side the applicability of protection by non-State actors under Article 7(l)(b), and assuming the answer to question (1) above is yes, is the effectiveness or availability of protection to be assessed solely by reference to the protective acts/functions of state actors or can regard be had to the protective acts/functions performed by private (civil society) actors such as families and/or clans?
4. Are (as is assumed in questions (2) and (3)) the criteria governing the 'protection inquiry' that has to be conducted when considering cessation in the context of Article 11(l)(e), the same as those to be applied in the Article 7 context?

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<sup>(1)</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 2004, L 304, p. 12).

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**Action brought on 26 March 2019 — European Commission v Ireland**

**(Case C-257/19)**

(2019/C 206/36)

*Language of the case: English*

**Parties**

*Applicant:* European Commission (represented by: S. L. Kaléda, N. Yerrell, Agents)

*Defendant:* Ireland

**The applicant claims that the Court should:**

- declare that by failing to provide for an investigative body which is independent in its organisation, legal structure and decision-making of any party whose interests could conflict with the task entrusted to it, Ireland has failed to fulfil its obligations under Article 8(1) of Directive 2009/18/EC <sup>(1)</sup> of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council;
- order Ireland to pay the costs.

**Pleas in law and main arguments**

According to Article 8(1) of Directive 2009/18/EC, Member States must ensure that safety investigations into very serious marine casualties are conducted under the responsibility of an impartial permanent investigative body. In order to carry out a safety investigation in an unbiased manner, Article 8(1) requires the investigative body to be independent in its organisation, legal structure and decision-making of any party whose interests could conflict with the task entrusted to it.

The Commission considers that this requirement is not satisfied by the Marine Casualty Investigation Board set up by Ireland, on the grounds that two of its five members also have general regulatory and enforcement responsibilities in relation to the maritime safety of vessels flying the Irish flag and safety inspections in Irish waters.

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<sup>(1)</sup> OJ 2009, L 131, p. 114.

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**Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 28 March 2019 —  
T Systems Magyarország Zrt. and Others v Közbiztonsági Hatóság Közbiztonsági Döntőbizottság  
and Others**

**(Case C-263/19)**

(2019/C 206/37)

*Language of the case: Hungarian*

**Referring court**

Fővárosi Törvényszék

**Parties to the main proceedings**

**Applicants:** T Systems Magyarország Zrt., BKK Budapesti Közlekedési Központ Zrt., Közbiztonsági Hatóság Közbiztonsági Döntőbizottság