Request for a preliminary ruling from the Kúria (Hungary) lodged on 26 June 2019 — Emberi Erőforrások Minisztériuma v Szent Borbála Kórház

(Case C-491/19)

(2019/C 348/05)

Language of the case: Hungarian

Referring court

Kúria

Parties to the main proceedings

Appellant: Emberi Erőforrások Minisztériuma

Respondent: Szent Borbála Kórház

Questions referred

1. In the legal relationship arising from a subsidy agreement, are the authorities and intermediate bodies of the Member States which are competent to conduct irregularity proceedings at first or second tier empowered to examine directly in the course of the proceedings before them, in accordance with Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 ('the Regulation'), ([1]) and in particular as part of the control mechanism provided for in Articles 60, 70 and 98 thereof, any infringement that has or may have an impact prejudicial to the financial interests of the budget of the European Union, and are they obliged, if necessary, to apply a financial correction?

2. Is the protection of the financial interests of the European Union effectively guaranteed by national procedural legislation, or by the case-law interpreting it, which, in the case of a subsidy agreement, allows a breach of that agreement consisting in an infringement of public procurement legislation (an irregularity) to be established, and any civil claim based on the establishment of that infringement to be asserted, only where a final declaration as to the existence of that infringement has been made by the Arbitration Committee or, following a judicial review of the decision of the Arbitration Committee, by a court?

3. If the infringement of public procurement legislation constitutes an irregularity but proceedings have not been instituted before the Arbitration Committee, is the court hearing the civil claims relating to compliance with the subsidy agreement empowered to assess the irregularity in the public procurement process in the course of examining the breach of the agreement?

([1]) OJ 2006 L 210, p. 25.

Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 3 July 2019 — Federal Republic of Germany v XT

(Case C-507/19)

(2019/C 348/06)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Defendant: Federal Republic of Germany

Applicant: XT

Questions referred

1. When assessing the question of whether, within the meaning of the second sentence of Article 12(1)(a) of Directive 2011/95/EU, ([1]) a stateless Palestinian is no longer granted protection or assistance of the UNRWA, is account to be taken from a geographical perspective solely of the respective field of operation (Gaza Strip, Jordan, Lebanon, Syria, West Bank) in which the stateless person had his actual residence upon leaving the area of operations of the UNRWA (in this case: Syria), or also of further fields of operation belonging to the area of operations of the UNRWA?

2. If account is not solely to be taken of the field of operation upon leaving: Is account always to be taken, regardless of further conditions, of all the fields of operation of the area of operations? If not: Are further fields of operation only to be taken into consideration if the stateless person had a substantial (territorial) connection to that field of operation? Is a habitual residence — at the time of or prior to leaving — required for such a connection? Are further circumstances to be taken into consideration when examining a substantial (territorial) connection? If so: Which ones? Does it matter whether it is possible and reasonable for the stateless person to enter the relevant field of operation when leaving the UNRWA area of operations?

3. Is a stateless person who leaves the area of operations of the UNRWA because his personal safety is at serious risk in the field of operation of his actual residence, and it is impossible for the UNRWA to grant him protection or assistance there, entitled, within the meaning of the second sentence of Article 12(1)(a) of Directive 2011/95/EU, *ipso facto* to the benefits of the Directive even if he previously went to that field of operation without his personal safety having been at serious risk in the field of operation of his former residence and without being able to expect, according to the circumstances at the time of the move, to experience protection or assistance by the UNRWA in the field of operation into which he moves and to return to the field of operation of his previous residence in the foreseeable future?

4. When assessing the question of whether a stateless person is not to be granted *ipso facto* refugee status because the conditions of the second sentence of Article 12(1)(a) of Directive 2011/95/EU ceased to apply once he left the area of operations of the UNRWA, is account to be taken solely of the field of operation of the last habitual residence? If not: Is consideration also, by analogy, to be given to the areas of which account is to be taken under No 2 for the time of leaving? If not: Which criteria are to be used to determine the areas which are to be taken into consideration at the time of the ruling on the application? Does the cessation of application of the conditions of the second sentence of Article 12(1)(a) of Directive 2011/95/EU require the (state or quasi-state) bodies in the relevant field of operation to be prepared to (re)admit the stateless person?

5. In the event that, in connection with the satisfaction or cessation of application of the conditions of the second sentence of Article 12(1)(a) of Directive 2011/95/EU, the field of operation of the (last) habitual residence is of significance: Which criteria are decisive for establishing habitual residence? Is lawful residence authorised by the country of residence required? If not: Is there at least a need for the conscious acceptance of the residence of the stateless person concerned by the responsible bodies of the field of operation? If so in this respect: Does the presence of the individual stateless person have to be specifically known to the responsible bodies or is the conscious acceptance of residence as a member of a larger group of people sufficient? If not: Is actual residence for a relatively long period of time sufficient in itself?

([1]) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).