

2. If the answer is in the affirmative, what precisely should be understood by the 'essence' of the confidential reasons on which that decision is based, for the purposes of applying Article 23(1)(b) of the Asylum Procedure Directive in the light of Articles 41 and 47 of the Charter?
3. Must Articles 14(4)(a) and 17(1)(d) of the Qualification Directive ⁽²⁾ and Article 45(1)(a) and (3) to (4) and recital 49 of the Asylum Procedure Directive be interpreted as meaning that they preclude national legislation according to which refugee or foreign national beneficiary of subsidiary protection status may be withdrawn or excluded by a non-reasoned decision which is based solely on automatic reference to the — likewise non-reasoned — binding and mandatory report of the national security authority and finds that there is a danger to national security?
4. Must recitals 20 and 34, Article 4 and Article 10(2) and (3)(d) of the Asylum Procedure Directive and Articles 14(4)(a) and 17(1)(d) of the Qualification Directive be interpreted as meaning that they preclude national legislation according to which that national security authority examines the ground for exclusion and takes a decision on the substance in a procedure that does not comply with the substantive and procedural provisions of the Asylum Procedure Directive and the Qualification Directive?
5. Must Article 17(1)(b) of the Qualification Directive be interpreted as meaning that it precludes an exclusion based on a circumstance or crime that was already known before the judgment or final decision granting refugee status was adopted but which was not the basis of any ground for exclusion in relation to either the grant of refugee status or to subsidiary protection?

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

⁽²⁾ 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 (recast) (OJ 2011 L 337, p. 9).

**Request for a preliminary ruling from the Cour de cassation (France) lodged on 16 March 2021 —
Procureur général près la cour d'appel d'Angers v KL**

(Case C-168/21)

(2021/C 228/26)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Appellant in the appeal on a point of law: Procureur général près la cour d'appel d'Angers

Respondent in the appeal on a point of law: KL

Questions referred

1. Must Articles 2(4) and 4(1) of Framework Decision 2002/584 ⁽¹⁾ be interpreted as meaning that the condition of double criminality is met in a situation, such as that at issue in the main proceedings, in which surrender is sought for acts which, in the issuing State, have been categorised as devastation and looting and which consist of acts of devastation and looting such as to cause a breach of the public peace when, in the executing State, there are criminal offences of theft accompanied by damage or offences of causing destruction or damage that do not require that element of a breach of the public peace?

2. In the event that the first question is answered in the affirmative, must Articles 2(4) and 4(1) of Framework Decision 2002/584 be interpreted as meaning that the courts in the executing State may refuse to execute a European arrest warrant issued for the enforcement of a sentence where they find that the judicial authorities in the issuing State imposed that sentence on the person concerned for the commission of a single offence covering various acts and where only some of those acts constitute a criminal offence in the executing State? Does a distinction need to be made depending on whether or not the trial court in the issuing State considered those various acts to be divisible or indivisible?
3. Does Article 49(3) of the Charter of Fundamental Rights require the judicial authorities in the executing Member State to refuse to execute a European arrest warrant where, first, that warrant was issued in order to enforce a single sentence imposed for a single offence and, second, where, given that some of the acts for which that sentence was imposed do not constitute an offence under the law of the executing Member State, a surrender can only be ordered in relation to some of those acts?

(¹) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

**Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 19 March 2021 —
EF v Deutsche Lufthansa AG**

(Case C-172/21)

(2021/C 228/27)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicant and appellant: EF

Defendant and respondent: Deutsche Lufthansa AG

Questions referred

1. Is a corporate fare which is more favourable than the standard fare (*in casu*, EUR 152.00 instead of EUR 169.00), and which is based on a framework agreement between an air carrier and another undertaking and which can be booked only for employees of the undertaking concerned for the purposes of business trips, a reduced fare not available directly or indirectly to the public within the meaning of the first sentence of Article 3(3) of Regulation (EC) No 261/2004? (¹)
2. If Question 1 is answered in the affirmative, is such a corporate fare not also part of a frequent flyer programme or other commercial programme of an air carrier or tour operator within the meaning of the second sentence of Article 3(3) of Regulation (EC) No 261/2004?

(¹) 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 2004 L 46, p. 1).

**Request for a preliminary ruling from the Landgericht Saarbrücken (Germany) lodged on 23 March
2021 — Maxxus Group GmbH & Co. KG v Globus Holding GmbH & Co. KG**

(Case C-183/21)

(2021/C 228/28)

Language of the case: German

Referring court

Landgericht Saarbrücken