

Judgment of the Court (Fourth Chamber) of 17 March 2016 (request for a preliminary ruling from the Debreceni Közigazgatási és Munkaügyi Bíróság — Hungary) — Shiraz Baig Mirza v Bevándorlási és Állampolgársági Hivatal

(Case C-695/15 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Regulation (EU) No 604/2013 — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection — Article 3(3) — Right of Member States to send an applicant to a safe third country — Article 18 — Obligations of the Member State responsible for examining the application in the event that the applicant is taken back — Directive 2013/32/EU — Common procedures for granting and withdrawing international protection — Examination of an application for international protection)

(2016/C 156/29)

Language of the case: Hungarian

Referring court

Debreceni Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Shiraz Baig Mirza

Defendant: Bevándorlási és Állampolgársági Hivatal

Operative part of the judgment

1. Article 3(3) of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person must be interpreted as meaning that the right to send an applicant for international protection to a safe third country may also be exercised by a Member State after that Member State has accepted that it is responsible, pursuant to that regulation and within the context of the take-back procedure, for examining an application for international protection submitted by an applicant who left that Member State before a decision on the substance of his first application for international protection had been taken.
2. Article 3(3) of Regulation No 604/2013 must be interpreted as not precluding the sending of an applicant for international protection to a safe third country when the Member State carrying out the transfer of that applicant to the Member State responsible has not been informed, during the take-back procedure, either of the rules of the latter Member State relating to the sending of applicants to safe third countries or of the relevant practice of its competent authorities.
3. Article 18(2) of Regulation No 604/2013 must be interpreted as not requiring that, in the event that an applicant for international protection is taken back, the procedure for examining that applicant's application be resumed at the stage at which it was discontinued.

⁽¹⁾ OJ C 90, 7.3.2016.

Request for a preliminary ruling from the Kúria (Hungary) lodged on 18 January 2016 — Magyar Villamos Művek Zrt. (MVM) v Nemzeti Adó- és Vámhivatal Fellebviteli Igazgatósága

(Case C-28/16)

(2016/C 156/30)

Language of the case: Hungarian

Referring court

Kúria