

**Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on
15 September 2017 — Bundesrepublik Deutschland v Amar Omar**

(Case C-541/17)

(2017/C 402/16)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Appellant on a point of law: Bundesrepublik Deutschland

Respondent in the appeal on a point of law: Amar Omar

Questions referred

1. Does EU law preclude a Member State (in this case, Germany) from rejecting an application for international protection as inadmissible on the ground that refugee status has been granted in another Member State (in this case, Bulgaria), in implementation of the power under Article 33(2)(a) of Directive 2013/32/EU ⁽¹⁾ or under the rule in Article 25(2)(a) of Directive 2005/85/EC ⁽²⁾ that preceded it, if the form which the international protection takes, and, more specifically, the living conditions of persons qualifying as refugees, in the other Member State which has already granted the applicant international protection (in this case, Bulgaria),
 - (a) does not meet the requirements of Article 20 et seq. of Directive 2011/95/EU ⁽³⁾ and/or
 - (b) infringes Article 4 of the Charter of Fundamental Rights of the European Union and/or Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms?
2. If Question 1(a) or (b) is to be answered in the affirmative, is this also the case where
 - (a) persons qualifying as refugees in the Member State in which they so qualify (in this case, Bulgaria) do not receive any subsistence benefits at all, or those which they do receive are very limited by comparison with those available in other Member States, but they are to that extent not treated any differently from nationals of that Member State,
 - (b) persons qualifying as refugees are, admittedly, formally treated in the same way as nationals of that State with regard to the conditions relating to subsistence but in fact have greater difficulty in accessing the corresponding benefits and there is no integration programme appropriately tailored and addressing the special needs of the persons concerned such as to ensure *de facto* equivalent treatment to that of nationals of that State?

⁽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⁾ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13).

⁽³⁾ 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).