

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch (Netherlands) lodged on 12 June 2019 — TQ v Staatssecretaris van Justitie en Veiligheid

(Case C-441/19)

(2019/C 270/27)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch

Parties to the main proceedings

Applicant: TQ

Defendant: Staatssecretaris van Justitie en Veiligheid

Questions referred

1. Should Article 10 of Directive 2008/115/EC ⁽¹⁾ (“the Return Directive”), read in conjunction with Articles 4 and 24 of the Charter of Fundamental Rights of the European Union (“the Charter”), recital 22 of the preamble and Article 5(a) of the Return Directive and Article 15 of Directive 2011/95/EU ⁽²⁾ (‘the Qualification Directive’), be interpreted as meaning that, before imposing an obligation to return on an unaccompanied minor, a Member State should ascertain and then should investigate whether, at least in principle, adequate reception facilities exist and are available in the country of origin?
2. Should Article 6(1) of the Return Directive, read in conjunction with Article 21 of the Charter, be interpreted as meaning that a Member State is not permitted to make distinctions on the basis of age when granting lawful residence on a territory if it is established that an unaccompanied minor does not qualify for refugee status or subsidiary protection?
3. Should Article 6(4) of the Return Directive be interpreted as meaning that, if an unaccompanied minor does not comply with his obligation to return and the Member State does not and will not undertake any concrete actions to proceed with removal, the obligation to return should be suspended and lawful residence should be granted? Should Article 8(1) of the Return Directive be interpreted as meaning that, where a Member State imposes a return decision on an unaccompanied minor without then undertaking any removal actions until the unaccompanied minor reaches the age of eighteen, that must be considered to be contrary to the principle of loyalty and the principle of sincere cooperation in the Union?

⁽¹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008, L 348, p. 98).

⁽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 (OJ 2011, L 337, p. 9).

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 6 June 2019 — Viasat Broadcasting UK Ltd v TV 2/Danmark A/S, Kingdom of Denmark

(Case C-445/19)

(2019/C 270/28)

Language of the case: Danish

Referring court

Østre Landsret