



C/2024/2929

6.5.2024

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 8 February 2024 – Questore della Provincia di Ragusa, Ministero dell’Interno v D.A.

(Case C-104/24, Questore della Provincia di Ragusa and Ministero dell’Interno)

(C/2024/2929)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellants: Questore della Provincia di Ragusa, Ministero dell’Interno

Respondent: D.A.

Question referred

Do Articles 8 and 9 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, ⁽¹⁾ having regard also to the objectives set out in recitals 15 and 20 thereof, preclude national legislation which provides, as an alternative measure to the detention of the applicant (who has not handed over his or her passport or other equivalent document), for the provision of a financial guarantee, the amount of which is established as a fixed rate (a single amount set at EUR 4 938,00 for 2023, to be paid individually, by means of a bank guarantee or surety insurance policy) rather than as a variable amount, without allowing for any adjustment of the amount on the basis of the individual situation of the applicant or for the possibility of providing that guarantee through the intervention of third parties, even in the context of family solidarity, thus imposing rules capable of obstructing the use of the alternative measure by those who do not have adequate resources, and precluding the adoption of a reasoned decision which examines and assesses on a case-by-case basis the reasonableness and proportionality of such a measure in relation to the situation of the applicant?

⁽¹⁾ OJ 2013 L 180, p. 96.