



C/2024/3446

10.6.2024

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Italy) lodged on 7 March 2024 – AF, in his own name and as person exercising parental responsibility over the child BF v Ministero dell’Interno – U.T.G. – Prefettura di Milano

(Case C-184/24, Sidi Bouzid) ⁽¹⁾

(C/2024/3446)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Lombardia

Parties to the main proceedings

Applicant: AF, in his own name and as person exercising parental responsibility over the child BF

Defendant: Ministero dell’Interno – U.T.G. – Prefettura di Milano

Question referred

Does Article 20 of Directive 2013/33/EU, ⁽²⁾ and the principles set out by the Court of Justice in its judgments of 12 November 2019 in Case C-233/2018 and 1 August 2022 in Case C-422/2021 – in so far as they preclude the administrative authority of the Member State from ordering, as a sanction, the withdrawal of reception measures where that decision would be detrimental to the basic vital needs of the foreign national applying for international protection and of his family – preclude national legislation which permits, following a reasoned individual assessment, relating also to the necessity and proportionality of the measure, withdrawal of reception, not for sanctioning reasons, but because the conditions for being granted it are no longer met, in particular, on account of the foreign national’s refusal, on grounds which do not relate to covering basic vital needs and protecting human dignity, to agree to the transfer to another accommodation centre, designated by the administrative authority on account of objective organisational needs and guaranteeing, under the responsibility of the administrative authority itself, that the material reception conditions equivalent to those enjoyed at the centre of origin will be maintained, where the refusal to transfer and subsequent decision ordering the withdrawal place the foreign national in the position of being unable to meet basic needs of personal and family life?

⁽¹⁾ The name of the present case is fictitious. It does not correspond to the real name of any of the parties to the proceedings.

⁽²⁾ 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 (recast) (OJ 2013 L 180, p. 96).