



C/2024/3894

1.7.2024

**Request for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen
(Germany) lodged on 8 March 2024 – QS v Bundesrepublik Deutschland**

(Case C-189/24, Tudmur) ⁽¹⁾

(C/2024/3894)

Language of the case: German

Referring court

Oberverwaltungsgericht für das Land Nordrhein-Westfalen

Parties to the main proceedings

Applicant: QS

Defendant: Bundesrepublik Deutschland

Questions referred

1. Is the second subparagraph of Article 3(2) of Regulation (EU) No 604/2013 ⁽²⁾ to be interpreted as meaning that there are systemic flaws in the asylum procedure and the reception conditions for applicants in the Member State primarily designated as responsible, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, where that Member State refuses in principle to (take back or) take charge of asylum seekers, for an indefinite period of time, on account of a State-ordered suspension of the acceptance of transfers?
2. If Question 1 is to be answered in the negative, is the second subparagraph of Article 3(2) of Regulation (EU) No 604/2013 to be interpreted as meaning that the rules of EU law on the determination of the facts, which require the establishment of objective, reliable, specific and properly updated information on the asylum procedure and the reception conditions for applicants to be transferred, are restricted where the adjudicating court cannot obtain that information and would be able to determine only a hypothetical set of facts because the Member State in question refuses in principle to (take back or) take charge of asylum seekers, for an indefinite period of time, on account of a State-ordered suspension of the acceptance of transfers?

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

⁽²⁾ 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 (OJ 2013 L 180, p. 31).