



C/2024/5608

30.9.2024

**Request for a preliminary ruling from the Verwaltungsgericht Sigmaringen (Germany) lodged on
27 June 2024 – DO v Bundesrepublik Deutschland**

(Case C-458/24, Daraa) ⁽¹⁾

(C/2024/5608)

Language of the case: German

Referring court

Verwaltungsgericht Sigmaringen

Parties to the main proceedings

Applicant: DO

Defendant: Bundesrepublik Deutschland

Questions referred

1. Is Article 3(2) of Regulation (EU) No 604/2013 ⁽²⁾ (Dublin III Regulation), or Regulation No 604/2013 as such, to be interpreted as meaning that the determining Member State must continue its examination of the criteria set out in Chapter III and itself becomes responsible if the Member State responsible on the basis of those criteria is not willing to receive Dublin returnees?
2. Does that obligation incumbent upon the determining Member State to continue its examination of the criteria set out in Chapter III also apply if there are no systemic flaws within the meaning of the second subparagraph of Article 3(2) of Regulation No 604/2013 in the Member State that is not willing to receive Dublin returnees, 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?
3. Is Article 33(1) of Directive 2013/32/EU ⁽³⁾ (Asylum Procedures Directive) to be interpreted as precluding national legislation under which an asylum application has to be rejected as inadmissible where the Member State responsible under Regulation No 604/2013 is not willing to receive Dublin returnees?
4. Does the determining Member State have to assume that the Member State responsible under Regulation No 604/2013 is not willing to receive Dublin returnees if the Ministry of the Interior of the Member State responsible declares in writing that no Dublin returnees are being received for the time being and if the Member State responsible subsequently prevents the reception of Dublin returnees?
5. Does the refusal of the Member State responsible to receive Dublin returnees, taken in isolation and regardless of any resulting risk for the purposes of Article 4 of the Charter of Fundamental Rights of the European Union, infringe subjective rights of the person concerned? Does Article 27(1) of Regulation No 604/2013 also provide for an effective remedy for such an infringement of subjective rights?

⁽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 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).

⁽³⁾ Directive 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).