



Request for a preliminary ruling from the Tribunale ordinario di Roma (Italy) lodged on 4 November 2024 – LC v Commissione Territoriale per il riconoscimento della Protezione Internazionale di Roma – Sezione procedure alla frontiera II

(Case C-758/24, Alace) ⁽¹⁾

(C/2025/384)

Language of the case: Italian

Referring court

Tribunale ordinario di Roma

Parties to the main proceedings

Applicant: LC

Defendant: Commissione Territoriale per il riconoscimento della Protezione Internazionale di Roma – Sezione procedure alla frontiera II

Questions referred

1. Does EU law, and in particular Articles 36, 37 and 38 of Directive 2013/32/EU, ⁽²⁾ read also in conjunction with recitals 42, 46 and 48 of that directive, and interpreted in the light of Article 47 of the Charter of Fundamental Rights of the European Union (and Articles 6 and 13 of the European Convention on Human Rights (ECHR)), preclude a national legislature, which has the authority to consent to the drawing up of lists of safe countries of origin and to prescribe the criteria to be applied and the sources to be used for that purpose, from also directly designating a third country as a safe country of origin, by a legislative act of primary law?
2. In any event, does EU law, and in particular Articles 36, 37 and 38 of Directive 2013/32, read also in conjunction with recitals 42, 46 and 48 of that directive, and interpreted in the light of Article 47 of the Charter of Fundamental Rights of the European Union (and Articles 6 and 13 of the ECHR), preclude, at the very least, the legislature from designating a third country as a safe country of origin without making the sources used to justify that designation accessible and verifiable, thus preventing an asylum seeker from challenging, and the court from reviewing, the origin, authoritativeness, reliability, relevance, topicality, completeness and, in any event, the content in general of those sources, and from making their own assessments as to whether the substantive conditions for such a designation, laid down in Annex I to the directive, are satisfied?
3. Should EU law, and in particular Articles 36, 37 and 38 of Directive 2013/32, read also in conjunction with recitals 42, 46 and 48 of that directive, and interpreted in the light of Article 47 of the Charter of Fundamental Rights of the European Union (and Articles 6 and 13 of the ECHR), be interpreted as meaning that, in the course of an accelerated border procedure [for persons from] a country of origin designated as safe, the courts may in any event use information on the country of origin drawn independently from the sources referred to in Article 37(3) of Directive 2013/32/EU, which can be used to establish whether the substantive conditions for such a designation, laid down in Annex I to that directive, are satisfied?

⁽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⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ 2013 L 180, p. 60).

4. Does EU law, and in particular Articles 36, 37 and 38 of Directive 2013/32, read also in conjunction with recitals 42, 46 and 48 of that directive, and interpreted in the light of Article 47 of the Charter of Fundamental Rights of the European Union (and Articles 6 and 13 of the ECHR), preclude a third country from being designated as a 'safe country of origin' where there are categories of persons in that country for whom it does not meet the substantive conditions for such a designation laid down in Annex I to that directive?
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