

Question referred

Must Article 3a of Regulation (EC) No 795/2004 ⁽¹⁾, read in conjunction with Article 2(r) and (s) of Regulation (EC) No 2419/2001 ⁽²⁾, be interpreted as preventing only the perpetuation of a reduction or exclusion applied under Regulation (EC) No 2419/2001, or is that provision also applicable to reductions or exclusions applied on the basis of other regulations?

⁽¹⁾ Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ 2004 L 41, p. 1).

⁽²⁾ Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 (OJ 2001 L 327, p. 11).

Reference for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 29 April 2008 — Aydin Salahadin Abdulla v Federal Republic of Germany

(Case C-175/08)

(2008/C 197/04)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Aydin Salahadin Abdulla

Defendant: Federal Republic of Germany

Questions referred

1. Is Article 11(1)(e) of Council Directive 2004/83/EC of 29 April 2004 ⁽¹⁾ to be interpreted as meaning that — apart from the second clause of Article 1(C)(5) of the Convention of 28 July 1951 relating to the Status of Refugees (Geneva Convention on Refugees) — refugee status ceases to exist if the refugee's well-founded fear of persecution within the terms of Article 2(c) of that directive, on the basis of which refugee status was granted, no longer exists and he also has no other reason to fear persecution within the terms of Article 2(c) of Directive 2004/83?

2. If Question 1 is to be answered in the negative: does the cessation of refugee status under Article 11(1)(e) of Directive 2004/83 also require that, in the country of the refugee's nationality,

- (a) an actor of protection within the meaning of Article 7(1) of Directive 2004/83 be present, and is it sufficient in that regard if protection can be assured only with the help of multinational troops,
- (b) the refugee should not be threatened with serious harm, within the meaning of Article 15 of Directive 2004/83, which leads to the granting of subsidiary protection under Article 18 of that directive, and/or
- (c) the security situation be stable and the general living conditions ensure a minimum standard of living?

3. In a situation in which the previous circumstances, on the basis of which the person concerned was granted refugee status, have ceased to exist, are new, different circumstances founding persecution to be

- (a) measured against the standard of probability applied for recognising refugee status, or is another standard to be applied in favour of the person concerned, and/or
- (b) assessed having regard to the relaxation of the burden of proof under Article 4(4) of Directive 2004/83?

⁽¹⁾ OJ 2004 L 304, p. 12.

Reference for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 29 April 2008 — Kamil Hasan v Federal Republic of Germany

(Case C-176/08)

(2008/C 197/05)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Kamil Hasan

Defendant: Federal Republic of Germany

Questions referred

1. Is Article 11(1)(e) of Council Directive 2004/83/EC of 29 April 2004 ⁽¹⁾ to be interpreted as meaning that — apart from the second clause of Article 1(C)(5) of the Convention of 28 July 1951 relating to the Status of Refugees (Geneva Convention on Refugees) — refugee status ceases to exist if the refugee's well-founded fear of persecution within the terms of Article 2(c) of that directive, on the basis of which refugee status was granted, no longer exists and he also has no other reason to fear persecution within the terms of Article 2(c) of Directive 2004/83?
2. If Question 1 is to be answered in the negative: does the cessation of refugee status under Article 11(1)(e) of Directive 2004/83 also require that, in the country of the refugee's nationality,
 - (a) an actor of protection within the meaning of Article 7(1) of Directive 2004/83 be present, and is it sufficient in that regard if protection can be assured only with the help of multinational troops,
 - (b) the refugee should not be threatened with serious harm, within the meaning of Article 15 of Directive 2004/83, which leads to the granting of subsidiary protection under Article 18 of that directive, and/or
 - (c) the security situation be stable and the general living conditions ensure a minimum standard of living?
3. In a situation in which the previous circumstances, on the basis of which the person concerned was granted refugee status, have ceased to exist, are new, different circumstances founding persecution to be
 - (a) measured against the standard of probability applied for recognising refugee status, or is another standard to be applied in favour of the person concerned, and/or
 - (b) assessed having regard to the relaxation of the burden of proof under Article 4(4) of Directive 2004/83?

⁽¹⁾ OJ 2004 L 304, p. 12.

**Reference for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 29 April 2008 —
Khoshnaw Abdullah v Federal Republic of Germany**

(Case C-177/08)

(2008/C 197/06)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Khoshnaw Abdullah

Defendant: Federal Republic of Germany

Questions referred

1. Is Article 11(1)(e) of Council Directive 2004/83/EC of 29 April 2004 ⁽¹⁾ to be interpreted as meaning that — apart from the second clause of Article 1(C)(5) of the Convention of 28 July 1951 relating to the Status of Refugees (Geneva Convention on Refugees) — refugee status ceases to exist if the refugee's well-founded fear of persecution within the terms of Article 2(c) of that directive, on the basis of which refugee status was granted, no longer exists and he also has no other reason to fear persecution within the terms of Article 2(c) of Directive 2004/83?
2. If Question 1 is to be answered in the negative: does the cessation of refugee status under Article 11(1)(e) of Directive 2004/83 also require that, in the country of the refugee's nationality,
 - (a) an actor of protection within the meaning of Article 7(1) of Directive 2004/83 be present, and is it sufficient in that regard if protection can be assured only with the help of multinational troops,
 - (b) the refugee should not be threatened with serious harm, within the meaning of Article 15 of Directive 2004/83, which leads to the granting of subsidiary protection under Article 18 of that directive, and/or
 - (c) the security situation be stable and the general living conditions ensure a minimum standard of living?
3. In a situation in which the previous circumstances, on the basis of which the person concerned was granted refugee status, have ceased to exist, are new, different circumstances founding persecution to be
 - (a) measured against the standard of probability applied for recognising refugee status, or is another standard to be applied in favour of the person concerned, and/or
 - (b) assessed having regard to the relaxation of the burden of proof under Article 4(4) of Directive 2004/83?

⁽¹⁾ OJ 2004 L 304, p. 12.