

**Judgment of the Court (Fourth Chamber) of 3 May 2012
(reference for a preliminary ruling from the Kammarrätten
i Stockholm — Migrationsöverdomstolen — Sweden) —
Migrationsverket v Nurije Kastrati, Valdrina Kastrati,
Valdrin Kastrati**

(Case C-620/10) ⁽¹⁾

*(Dublin system — Regulation (EC) No 343/2003 —
Procedure for determining the Member State responsible for
examining an asylum application — Third-country nationals
in possession of a valid visa issued by the ‘Member State
responsible’ within the meaning of Regulation No 343/2003
— Asylum application lodged in a Member State other than
the State responsible pursuant to that regulation — Appli-
cation for a residence permit in a Member State other than
the State responsible followed by the withdrawal of the
asylum application — Withdrawal occurring before the
Member State responsible accepted that it should take
charge — Withdrawal terminating the procedures set up by
Regulation No 343/2003)*

(2012/C 174/14)

Language of the case: Swedish

Referring court

Kammarrätten i Stockholm — Migrationsöverdomstolen

Parties to the main proceedings

Applicant: Migrationsverket

Defendants: Nurije Kastrati, Valdrina Kastrati, Valdrin Kastrati

Re:

Reference for a preliminary ruling — Kammarrätten i Stockholm — Migrationsöverdomstolen — Interpretation of the second subparagraph of Article 4(5), Article 5(2) and Article 16(3) and (4) of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 50, p. 1) — Conditions for application of the regulation in the case of the withdrawal of an asylum application — Withdrawal of asylum applications made by third-country nationals in a Member State A during the procedure for the determination of the Member State responsible for examining the application under that regulation and following agreement by a Member State B to take charge of the applicants — Decision by the competent authority in Member State A to reject the applications for asylum and to set in train the procedure for the transfer of the applicants to Member State B, regardless of the fact that the asylum applications made in Member State A have been withdrawn

Operative part of the judgment

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State

responsible for examining an asylum application lodged in one of the Member States by a third-country national must be interpreted as meaning that the withdrawal of an application for asylum within the terms of Article 2(c) of that regulation, which occurs before the Member State responsible for examining that application has agreed to take charge of the applicant, has the effect that that regulation can no longer be applicable. In such a case, it is for the Member State within the territory of which the application was lodged to take the decisions required as a result of that withdrawal and, in particular, to discontinue the examination of the application, with a record of the information relating to it being placed in the applicant's file.

⁽¹⁾ OJ C 72, 5.3.2011.

**Judgment of the Court (Second Chamber) of 26 April 2012
(references for a preliminary ruling from the Administrativen sad Varna (Bulgaria) — Balkan and Sea Properties ADSITs (C-621/10), Provadinvest OOD (C-129/11) v Direktor na Direktsia ‘Obzhalvane i upravljenie na izpalnenieto’ — Varna pri Tsentralno upravljenie na Natsionalnata agentsia za prihodite**

(Joined Cases C-621/10 and C-129/11) ⁽¹⁾

(VAT — Directive 2006/112/EC — Articles 73 and 80(1) — Sale of immovable property between connected companies — Value of the transaction — National legislation providing that for transactions between connected persons the taxable amount for VAT purposes is the open market value of the transaction)

(2012/C 174/15)

Language of the case: Bulgarian

Referring court

Administrativen sad Varna

Parties to the main proceedings

Applicants: Balkan and Sea Properties ADSITs (C-621/10), Provadinvest OOD (C-129/11)

Defendants: Direktor na Direktsia ‘Obzhalvane i upravljenie na izpalnenieto’ — Varna pri Tsentralno upravljenie na Natsionalnata agentsia za prihodite

Re:

References for a preliminary ruling — Administrativen sad Varna — Bulgaria — Interpretation of Article 80(1)(c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Connected companies concluding a contract for the sale of