

land leased is used for producing agricultural products intended for export, free of duty, outside the internal market of the European Union and so gives rise to distortion of competition, if the application of that legislation affects a much greater number of nationals of the other Contracting Party than nationals of the Member State on whose territory that legislation applies. It is for the national court to determine whether that latter situation in fact exists.

(<sup>1</sup>) OJ C 30, 29.1.2011.

**Reference for a preliminary ruling from the Fővárosi Bíróság (Budapest, Hungary) lodged on 11 July 2011 — Abed El Karem El Kott Mostafa and Others v Bevándorlási és Állampolgársági Hivatal, Hivatal, ENSZ Menekültügyi Főbiztosság**

(Case C-364/11)

(2011/C 347/10)

*Language of the case: Hungarian*

#### Referring court

Fővárosi Bíróság

#### Parties to the main proceedings

*Applicants:* Abed El Karem El Kott Mostafa, Chadi Amin A Radi, Kamel Ismail Hazem

*Defendants:* Bevándorlási és Állampolgársági Hivatal, ENSZ Menekültügyi Főbiztosság

#### Questions referred

1. Do the benefits of the Directive (<sup>1</sup>) mean recognition as a refugee, or either of the two forms of protection covered by the Directive (recognition as a refugee and the grant of subsidiary protection), according to the choice made by the Member State, or, possibly, neither automatically but merely inclusion within the scope *ratione personae* of the Directive?
2. Does cessation of the agency's protection or assistance mean residence outside the agency's area of operations, cessation of the agency and cessation of the possibility of receiving the agency's protection or assistance or, possibly, an invol-

untary obstacle caused by legitimate or objective reasons such that the person entitled thereto is unable to avail himself of that protection or assistance?

(<sup>1</sup>) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12).

**Reference for a preliminary ruling from the Budapest Metropolitan Court lodged on 1 August 2011 — Gábor Csonka and Others v Hungarian State**

(Case C-409/11)

(2011/C 347/11)

*Language of the case: Hungarian*

#### Referring court

Fővárosi Bíróság

#### Parties to the main proceedings

*Applicants:* Gábor Csonka, Tibor Isztli, Dávid Juhász, János Kiss, Csaba Szontágh

*Defendant:* Hungarian State

#### Questions referred

1. At the time when the applicants caused the damage had the Hungarian State implemented Directive 72/166/EC (<sup>1</sup>) having particular regard to the obligations set out in Article 3 of that directive? Must the directive thus be declared to have direct effect as regards the applicants?
2. According to the applicable Community law, may an individual whose rights have been prejudiced as a result of the fact that the State did not implement Directive 72/1966/EEC require that State to comply with the provisions of the directive by relying directly on the Community legislation vis-à-vis that negligent State in order to obtain the guarantees which that State should have offered him?