

**Judgment of the Court (Grand Chamber) of 18 December 2014 (request for a preliminary ruling from the Cour constitutionnelle — Belgium) — Mohamed M'Bodj v État belge**

(Case C-542/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Article 19(2) — Directive 2004/83/EC — Minimum standards for determining who qualifies for refugee status or subsidiary protection status — Person eligible for subsidiary protection — Article 15(b) — Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin — Article 3 — More favourable standards — Applicant suffering from a serious illness — No appropriate treatment available in the country of origin — Article 28 — Social protection — Article 29 — Health care)*

(2015/C 065/16)

Language of the case: French

**Referring court**

Cour constitutionnelle

**Parties to the main proceedings**

Applicant: Mohamed M'Bodj

Defendant: État belge

**Operative part of the judgment**

Articles 28 and 29 of 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, read in conjunction with Articles 2(e), 3, 15, and 18 of that directive, are to be interpreted as not requiring a Member State to grant the social welfare and health care benefits provided for in those measures to a third country national who has been granted leave to reside in the territory of that Member State under national legislation such as that at issue in the main proceedings, which allows a foreign national who suffers from an illness occasioning a real risk to his life or physical integrity or a real risk of inhuman or degrading treatment to reside in that Member State, where there is no appropriate treatment in that foreign national's country of origin or in the third country in which he resided previously, unless such a foreign national is intentionally deprived of health care in that country.

<sup>(1)</sup> OJ C 367, 14.12.2013.

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**Judgment of the Court (Sixth Chamber) of 18 December 2014 (request for a preliminary ruling from the Commissione tributaria provinciale di Cagliari — Italy) — Società Edilizia Turistica Alberghiera Residenziale (SETAR) v Comune di Quartu S. Elena**

(Case C-551/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2008/98/EC — Article 15 — Waste management — Possibility for the waste producer to carry out the waste treatment independently — National transposition law adopted, but not yet in force — Expiry of the transposition period — Direct effect)*

(2015/C 065/17)

Language of the case: Italian

**Referring court**

Commissione Tributaria Provinciale di Cagliari

**Parties to the main proceedings**

*Applicant:* Società Edilizia Turistica Alberghiera Residenziale (SETAR)

*Defendant:* Comune di Quartu S. Elena

**Operative part of the judgment**

EU law and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which transposes into national law a provision of that directive, but the entry into force of which is deferred pending the adoption of a subsequent internal measure, if that entry into force takes place after the end of the transposition period prescribed by the directive.

Article 15(1) of Directive 2008/98, read in conjunction with Articles 4 and 13 of that directive, must be interpreted as not precluding national legislation under which no provision is made permitting a waste producer or waste holder to dispose of that waste independently and accordingly to be exempted from liability for payment of a municipal tax for the disposal of waste, provided that that legislation meets the requirements entailed by the principle of proportionality.

<sup>(1)</sup> OJ C 377, 21.12.2013.

**Judgment of the Court (Grand Chamber) of 18 December 2014 (request for a preliminary ruling from the Cour du travail de Bruxelles — Belgium) — Centre public d'action sociale d'Ottignies-Louvain-la-Neuve v Moussa Abdida**

(Case C-562/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Articles 19(2) and 47 — Directive 2004/83/EC — Minimum standards for determining who qualifies for refugee status or subsidiary protection status — Person eligible for subsidiary protection — Article 15 (b) — Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin — Article 3 — More favourable standards — Applicant suffering from a serious illness — No appropriate treatment available in the country of origin — Directive 2008/115/EC — Return of illegally staying third-country nationals — Article 13 — Judicial remedy with suspensive effect — Article 14 — Safeguards pending return — Basic needs)*

(2015/C 065/18)

Language of the case: French

**Referring court**

Cour du travail de Bruxelles

**Parties to the main proceedings**

*Applicant:* Centre public d'action sociale d'Ottignies-Louvain-la-Neuve

*Defendant:* Moussa Abdida

**Operative part of the judgment**

Articles 5 and 13 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, taken in conjunction with Articles 19 (2) and 47 of the Charter of Fundamental Rights of the European Union and Article 14(1)(b) of that directive, are to be interpreted as precluding national legislation which:

- does not endow with suspensive effect an appeal against a decision ordering a third country national suffering from a serious illness to leave the territory of a Member State, where the enforcement of that decision may expose that third country national to a serious risk of grave and irreversible deterioration in his state of health, and