



## Reports of Cases

Case C-528/15

**Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie  
v  
Salah Al Chodor and Others**

(Request for a preliminary ruling from the Nejvyšší správní soud)

(Reference for a preliminary ruling — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection — Regulation (EU) No 604/2013 (Dublin III) — Article 28(2) — Detention for the purpose of transfer — Article 2(n) — Significant risk of absconding — Objective criteria — Absence of a legal definition)

Summary — Judgment of the Court (Second Chamber), 15 March 2017

*Border controls, asylum and immigration — Asylum policy — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection — Regulation No 604/2013 — Detention for the purpose of transfer — Condition — Significant risk of absconding — Obligation on Member States to establish objective criteria defining such a risk in a binding provision of general application*

*(European Parliament and Council Regulation No 604/2013, Arts 2(n) and 28(2))*

Article 2(n) and Article 28(2) of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, read in conjunction, must be interpreted as requiring Member States to establish, in a binding provision of general application, objective criteria underlying the reasons for believing that an applicant for international protection who is subject to a transfer procedure may abscond. The absence of such a provision leads to the inapplicability of Article 28(2) of that regulation.

Taking account of the purpose of the provisions concerned, and in the light of the high level of protection which follows from their context, only a provision of general application could meet the requirements of clarity, predictability, accessibility and, in particular, protection against arbitrariness.

(see paras 43, 47, operative part)