

**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 7 April 2017 — X,  
Y v Staatssecretaris van Veiligheid en Justitie**

(Case C-180/17)

(2017/C 202/18)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Applicants:* X, Y

*Defendant:* Staatssecretaris van Veiligheid en Justitie

**Questions referred**

1. Must Article 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 (OJ 2008 L 348, p. 98; 'the Return Directive'), read in conjunction with Articles 4, 18, 19(2) and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that under EU law, if national law makes provision to that effect, in proceedings challenging a decision which includes a return decision within the meaning of Article 3(4) of Directive 2008/115/EC, the legal remedy of an appeal has automatic suspensory effect where the third-country national claims that enforcement of the return decision would result in a serious risk of infringement of the principle of non-refoulement? In other words, in such a case, should the expulsion of the third-country national concerned be suspended during the period for lodging an appeal, or, if an appeal has been lodged, until a decision has been delivered on that appeal, without the third-country national concerned being required to submit a separate request to that effect?
2. Must Article 46 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ 2013 L 180, p. 60), read in conjunction with Articles 4, 18, 19(2) and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that, under EU law, if national law makes provision to that effect, in proceedings relating to the rejection of an application for the granting of international protection, the legal remedy of an appeal has automatic suspensory effect? In other words, in such a case, should the expulsion of an applicant be suspended during the period for lodging an appeal, or, if an appeal has been lodged, until a decision has been delivered on that appeal, without the applicant concerned being required to submit a separate request to that effect?
3. In order for there to be such automatic suspensory effect, is it still relevant whether the application for international protection which prompted the procedures of bringing an action in law and a subsequent appeal has been rejected on one of the grounds mentioned in Article 46(6) of Directive 2013/32/EU? Alternatively, does that requirement apply for all categories of asylum decisions as set out in that directive?

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**Order of the President of the Eighth Chamber of the Court of 16 March 2017 (request for a preliminary ruling from the Vergabekammer Südbayern — Germany) — DUK Versorgungswerk e. V., Gothaer Pensionskasse AG v BG Klinik für Berufskrankheiten Bad Reichenhall gGmbH, in the presence of: Versorgungsanstalt des Bundes und der Länder, VBG Verwaltungs-Berufsgenossenschaft**

(Case C-212/16) <sup>(1)</sup>

(2017/C 202/19)

*Language of the case: German*

The President of the Eighth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 251, 11.7.2016.