**Judgment of the Court (Fourth Chamber) of 25 June 2020 (request for a preliminary ruling from the Juzgado de Instrucción No 3 de San Bartolomé de Tirajana — Spain) — proceedings concerning VL**

**(Case C-36/20 PPU)** [1]

***(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Asylum and immigration policy — Common procedures for granting and withdrawing international protection — Directive 2013/32/EU — Article 6 — Access to the procedure — Application for international protection made to an authority competent under national law to register such applications — Application made to other authorities that are likely to receive such applications but are not, under national law, competent to register them — Definition of 'other authorities' — Article 26 — Detention — Standards for the reception of applicants for international protection — Directive 2013/33/EU — Article 8 — Detention of the applicant — Grounds for detention — Decision to hold an applicant in detention on account of a lack of capacity at humanitarian reception centres)***

(2020/C 279/19)

*Language of the case: Spanish*

**Referring court**

Juzgado de Instrucción No 3 de San Bartolomé de Tirajana

**Parties to the main proceedings**

VL

*Intervening party:* Ministerio Fiscal

**Operative part of the judgment**

1. The second subparagraph of Article 6(1) of Directive 2013/32 of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection must be interpreted as meaning that examining magistrates called upon to adjudicate on the detention of a third-country national without a legal right of residence with a view to that person's refoulement are among the 'other authorities' referred to in that provision, which are likely to receive applications for international protection but are not competent, under national law, to register such applications;

2. The second and third subparagraphs of Article 6(1) of Directive 2013/32 must be interpreted as meaning that examining magistrates, as 'other authorities' within the meaning of that provision, must, first, inform third-country nationals without a legal right of residence of the procedure for lodging an application for international protection and, second, where a third-country national has expressed his or her wish to make such an application, send the file to the competent authority for the purposes of registering that application, in order that that third-country national may benefit from the material reception conditions and health care provided for in Article 17 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection;

3. Article 26 of Directive 2013/32 and Article 8 of Directive 2013/33 must be interpreted as meaning that a third-country national without a legal right of residence who has expressed his or her wish to apply for international protection before 'other authorities', within the meaning of the second subparagraph of Directive 2013/32, cannot be detained on grounds other than those laid down in Article 8(3) of Directive 2013/33.

[1] OJ C 137, 27.4.2020.

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**Request for a preliminary ruling from the Sofiyski gradski sad (Bulgaria) lodged on 17 April 2019 — KPKONPI v ZV, AX, Meditsinski tsentar po dermatologia i estetichna meditsina PRIMA DERM OOD**

**(Case C-319/19)**

(2020/C 279/20)

*Language of the case: Bulgarian*

**Referring court**

Sofiyski gradski sad

**Parties to the main proceedings**

*Applicant:* Komisia za protivodeystvie na koruptsiata i za otnemane na nezakonno pridobitoto imushtestvo (KPKONPI)

*Defendants:* ZV, AX, Meditsinski tsentar po dermatologia i estetichna meditsina PRIMA DERM OOD

**Questions referred**

1. Does the confiscation of illegally obtained assets constitute a punitive measure for the purposes of Directive 2014/42/EU ([1]) of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union or a measure under civil law if:

   A) the objective of the confiscation of assets as declared by national law is general prevention, that is to say the prevention of the possibility of obtaining and disposing of assets illegally, whereby confiscation is not conditional on the commission of a crime or other offence or on a direct or indirect connection between the offence and the assets obtained;

   B) the confiscation threatens not an individual asset, but (i) the total assets of the person under inquiry, (ii) property rights of third persons (natural and legal) acquired by the person under inquiry, whether for consideration or not, and (iii) property rights of the contracting partners of the person under inquiry and of the third parties;

   (C) the only condition for confiscation is the introduction of an irrebuttable presumption of the unlawfulness of all the assets for which no legal origin has been identified (without a previously established definition of 'legal/illegal origin');

   (D) in the absence of proof of the origin of the acquisition of assets by the person under inquiry, the law governing the lawfulness of the acquired assets is revised with retroactive effect for a period of ten years for all the persons concerned (person under inquiry, third parties and their contracting partners in the past), whereby at the time of acquisition of the specific property right there was no statutory obligation to provide such proof?

2. Must the minimum standards of guaranteed rights of owners and third parties contained in Article 8 of Directive 2014/42/EU be interpreted as permitting national law and case-law which prescribe confiscation without it being necessary to satisfy the conditions laid down for that purpose in Articles 4, 5 and 6 of that directive if the criminal proceedings against the person concerned have been terminated (as confirmed by the court) owing to the absence of a criminal offence or the person has been acquitted owing to the absence of a criminal offence?

3. In particular, must Article 8 of Directive 2014/42/EU be interpreted as meaning that the guarantees contained in that provision for the rights of a convicted person whose assets are subject to confiscation are also applicable in a case such as that in the present proceedings which runs in parallel with and independently of the criminal proceedings?

4. Are the presumption of innocence enshrined in Article 48(1) of the Charter of Fundamental Rights of the European Union, the guarantee of the rights of the defence enshrined in Article 48(2) of the Charter and the principle of effectiveness to be interpreted as allowing national legislation such as that at issue in the main proceedings which:

   — introduces a presumption for the criminal nature of assets of unknown or unproven origin (Article 1(2) of the Zakon za otnemane v polza na darzhavata na nezakonno pridobito imushtestvo [otm.] (Law on the confiscation of illegally obtained assets (repealed), 'ZOPDNPI');

   — introduces a presumption of reasonable suspicion that assets have been obtained illegally (Article 21(2) ZOPDNPI, repealed);

   — reverses the burden of proof regarding the origin of the assets and the means of acquiring them not only for the person under inquiry, but also for third parties, who must prove the origin not of their assets but of those of their legal predecessor, even in cases where the assets are acquired for no consideration;

   — introduces 'asset discrepancy' as the sole and decisive means of proving the existence of illegally obtained assets;

   — reverses the burden of proof for all persons concerned, and not only for the convicted person, even before, or irrespective of, the conviction;

— allows the application of a methodology for legal and financial investigation and analysis by means of which the suspicion of the illegal nature of the relevant assets and the value of the assets are determined, and that suspicion is binding on the adjudicating court without the latter being able to exercise full judicial control over the content and application of that methodology?

5. Must Article 5(1) of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union be interpreted as allowing national law to replace a reasonable suspicion (on the basis of the facts and circumstances gathered in the proceedings and assessed by the court) that the assets were obtained by means of a criminal offence with a suspicion (presumption) of the illegality of the origin of the increase in assets which is based solely on the established circumstance that the increase is higher than a value referred to in the national law (for example, EUR 75 000 in ten years)?

6. Must the right to property, as a general principle of EU law enshrined in Article 17 of the Charter of Fundamental Rights of the European Union, be interpreted as allowing national legislation such as that at issue in the main proceedings which:

— introduces an irrebuttable presumption regarding the content and scope of the illegally obtained assets (Article 63(2) ZOPDNPI, repealed);

— introduces an irrebuttable presumption of the invalidity of transactions acquiring or disposing of assets (Article 65 ZOPDNPI, repealed) or

— restricts the rights of third parties holding or asserting independent rights to assets subject to confiscation by means of the procedure for notifying them of the case, as provided for in Article 76(1) ZOPDNPI (repealed)?

7. Do the provisions of Article 6(2) and Article 8(1) to (10) of Directive 2014/42/EU have direct effect in so far as they provide guarantees and safeguard clauses for the persons affected by the confiscation or for bona fide third parties?

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([1]) OJ 2014 L 127, p. 39.

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**Appeal brought on 29 October 2019 by Paix et justice pour les juifs séfarades en Israël against the order of the General Court (First Chamber) delivered on 5 September 2019 in Case T-337/19, Paix et justice pour les juifs séfarades en Israël v Commission and Council of Europe**

**(Case C-798/19 P)**

(2020/C 279/21)

*Language of the case: French*

**Parties**

*Appellant:* Paix et justice pour les juifs séfarades en Israël (represented by: R. Paternel, avocat)

*Other parties to the proceedings:* European Commission, Council of Europe

By order of 27 May 2020, the Court (Seventh Chamber) dismissed the appeal as manifestly inadmissible.

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**Appeal brought on 3 December 2019 by Roxtec AB against the judgment of the General Court (Second Chamber) delivered on 24 September 2019 in Case T-261/18, Roxtec v EUIPO — Wallmax**

**(Case C-893/19 P)**

(2020/C 279/22)

*Language of the case: English*

**Parties**

*Appellant:* Roxtec AB (represented by: T. Lampel, Rechtsanwalt, K. Wagner, Rechtsanwältin, J. Olsson, advokat)