

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.

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