

Questions referred

1. Is Article 15(c) of the Qualification Directive⁽¹⁾ intended to provide protection only in the exceptional situation where the degree of indiscriminate violence in a situation of international or internal armed conflict reaches such a high level that there are substantial grounds for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the threat referred to in that provision? And does that exceptional situation fall under the ‘most extreme cases of general violence’ referred to in the judgment in *N.A. v. United Kingdom*?⁽²⁾

If the first part of the first question is answered in the negative:

2. Should Article 15(c) of the Qualification Directive be interpreted as meaning that a lesser degree of indiscriminate violence than the aforementioned exceptional situation, in conjunction with an applicant's personal and individual circumstances, may also lead to there being substantial grounds for believing that an applicant who returns to the country or region concerned faces a risk of being subject to the threat referred to in that provision?

If the second question is answered in the affirmative:

3. In that situation, should a sliding scale be used which differentiates between possible degrees of indiscriminate violence and the associated degree of individual circumstances? And what are the personal and individual circumstances that can play a role in the assessment by the determining authority and the national court or tribunal?

If the first question is answered in the affirmative:

4. Is Article 15 of the Qualification Directive satisfied where an applicant who finds himself in a situation involving a lesser degree of indiscriminate violence than that of the exceptional situation referred to, and who is able to prove that he is specifically affected thereby (inter alia) for reasons relating to his personal circumstances, is granted subsidiary protection solely on the basis of Article 15(a) or (b) of the Qualification Directive?

⁽¹⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

⁽²⁾ ECtHR, 17 July 2008, CE:ECHR:2008:0717JUDO02590407.

**Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Amsterdam
(Netherlands) lodged on 24 November 2020 — E.K. v Staatssecretaris van Justitie en Veiligheid**

(Case C-624/20)

(2021/C 128/09)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats Amsterdam

Parties to the main proceedings

Applicant: E.K.

Defendant: Staatssecretaris van Justitie en Veiligheid

Questions referred

1. Is it within the competence of the Member States to determine whether the right of residence on the basis of Article 20 TFEU is in itself of a temporary or a non-temporary nature, or should it be interpreted in conformity with Union law?
2. If interpretation must be in conformity with Union law, does a distinction [then] exist, when applying Directive 2003/109/EC,⁽¹⁾ between the various dependents' residence rights to which third-country nationals are entitled on the basis of Union law, including the dependent's right of residence granted to a family member of a Union citizen on the basis of the Residence Directive and the right of residence on the basis of Article 20 TFEU?

3. Is the right of residence on the basis of Article 20 TFEU, which by its nature depends on the existence [of] a relationship of dependency between the third-country national and the Union citizen and is therefore finite, of a temporary nature?
4. If the right of residence on the basis of Article 20 TFEU is of a temporary nature, must Article 3(2)(e) of the Directive [then] be interpreted as precluding national legislation which only excludes residence permits issued under national law from acquiring long-term residence status within the meaning of the Directive?

(¹) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).

Appeal brought on 23 November 2020 by Arkadiusz Kaminski against the judgment of the General Court (Second Chamber) delivered on 23 September 2020 in Case T-677/19, Polfarmex v EUIPO — Kaminski

(Case C-626/20 P)

(2021/C 128/10)

Language of the case: English

Parties

Appellant: Arkadiusz Kaminski (represented by: E. Pijewska, M. Mazurek, W. Trybowski, radcowie prawni)

Other parties to the proceedings: European Union Intellectual Property Office, Polfarmex S.A

By order of 28 January 2021, the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal was not allowed to proceed and that Mr Arkadiusz Kaminski should bear his own costs.

Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 7 December 2020 — European arrest warrant issued against X; other Party to the proceedings: Openbaar Ministerie

(Case C-665/20)

(2021/C 128/11)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

European arrest warrant issued against: X

Other Party to the proceedings: Openbaar Ministerie

Questions referred

1. Should Article 4(5) of Framework Decision 2002/584/JHA (¹) be interpreted as meaning that, where a Member State chooses to transpose that provision into domestic law, the executing judicial authority must have a certain discretion as to whether or not it is appropriate to refuse to execute the EAW?
2. Should the concept of ‘the same acts’ in Article 4(5) of Framework Decision 2002/584/JHA be interpreted in the same way as in Article 3(2) of Framework Decision 2002/584/JHA and, if not, how should that concept be interpreted in the former provision?