

Operative part of the order

Articles 5 and 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, read in the light of Article 19(2) and Article 47 of the Charter of Fundamental Rights of the European Union, as well as Article 14(1)(b) of that directive, must be interpreted as precluding national legislation which does not confer automatic suspensory effect on an action brought by a third-country national against a return decision, within the meaning of Article 3(4) of that directive, concerning him, after the withdrawal by the competent authority of his refugee status pursuant to Article 11 of 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, and, correlatively, does not confer on that third-country national a provisional right to reside and to have his basic needs taken care of until a decision on that action is taken, in the exceptional case where that national, who is affected by a serious illness, may, as a result of that decision being enforced, be exposed to a serious risk of grave and irreversible deterioration in his state of health. In this context, the national court, hearing a dispute the outcome of which is linked to the possible suspension of the effects of the return decision, must hold that the action brought against that decision has automatic suspensory effect, where that action contains arguments, that do not appear to be manifestly unfounded, seeking to establish that the enforcement of that decision would expose the third-country national to a serious risk of grave and irreversible deterioration in his state of health.

(¹) OJ C 44, 8.2.2021.

Appeal brought on 16 December 2020 by Eleanor Sharpston against the order of the General Court (Second Chamber) delivered on 6 October 2020 in Case T-180/20, Sharpston v Council and Conference of the Representatives of the Governments of the Member States

(Case C-684/20 P)

(2021/C 310/10)

Language of the case: English

Parties

Appellant: Eleanor Sharpston (represented by: N. Forwood, Barrister-at-Law, J. Robb, Barrister, J. Flynn QC and H. Mercer QC)

Other parties to the proceedings: Council of the European Union, Conference of the Representatives of the Governments of the Member States

By order of 16 June 2021, the Court of Justice (First Chamber) decided that the appeal is dismissed as, in part, manifestly inadmissible and, in part, manifestly unfounded and ordered the appellant to bear her own costs.

Appeal brought on 16 December 2020 by Eleanor Sharpston against the order of the General Court (Second Chamber) delivered on 6 October 2020 in Case T-550/20, Sharpston v Council and the Representatives of the Governments of the Member States

(Case C-685/20 P)

(2021/C 310/11)

Language of the case: English

Parties

Appellant: Eleanor Sharpston (represented by: N. Forwood, Barrister-at-Law, J. Robb, Barrister, J. Flynn QC and H. Mercer QC)

Other parties to the proceedings: Council of the European Union, Representatives of the Governments of the Member States