2. If the answer to the first question is in the affirmative, are third-country nationals who, irrespective of the reasons, have adopted comparable western norms and values through actual residence in the Member State during the phase of their lives in which they form their identity to be regarded as 'members of a particular social group' within the meaning of Article 10(1)(d) of the Qualification Directive? Is the question of whether there is a 'particular social group that has a distinct identity in the relevant country' to be assessed from the perspective of the Member State or must this, read in conjunction with Article 10(2) of the Qualification Directive, be interpreted as meaning that decisive weight is given to the ability of the foreign national to demonstrate that he or she is regarded in the country of origin as belonging to a particular social group or, at any rate, that this is attributed to him or her? Is the requirement that Westernisation can lead to refugee status only if it stems from religious or political motives compatible with Article 10 of the Qualification Directive, read in conjunction with the prohibition on refoulement and the right to asylum?

3. Is a national legal practice whereby a decision-maker, when assessing an application for international protection, weighs up the best interests of the child without first concretely determining (in each procedure) the best interests of the child compatible with EU law and, in particular, with Article 24(2) of the Charter of Fundamental Rights of the European Union ('the Charter'), read in conjunction with Article 51(1) of the Charter? Is the answer to this question different if the Member State has to assess a request for the grant of residence on ordinary grounds and the best interests of the child must be taken into account in deciding on that request?

4. Having regard to Article 24(2) of the Charter, in which manner and at what stage of the assessment of an application for international protection must the best interests of the child, and, more specifically, the harm suffered by a minor as a result of his or her long residence in a Member State, be taken into account and weighed up? Is it relevant in that regard whether that actual residence was lawful? Is it relevant, when weighing up the best interests of the child in the above assessment, whether the Member State took a decision on the application for international protection within the time limits laid down in EU law, whether a previously imposed obligation to return was not complied with and whether the Member State did not effect removal after a return decision had been issued, as a result of which the minor's actual residence in the Member State was able to continue?

5. Is a national legal practice whereby a distinction is made between initial and subsequent applications for international protection, in the sense that ordinary grounds are disregarded in the case of subsequent applications for international protection, compatible with EU law, having regard to Article 7 of the Charter, read in conjunction with Article 24(2) thereof?

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[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 (recast) (OJ 2011 L 337, p. 9).

Reference for a preliminary ruling from the Supreme Court (Ireland) made on 3 August 2021 — Criminal proceedings against SN and SD. Other parties: Governor of Cloverhill Prison, Ireland, Attorney General, Governor of Mountjoy prison

(Case C-479/21)

(2021/C 391/22)

Language of the case: English

Referring court

Supreme Court

Criminal proceedings against

SN and SD

Questions referred

1. Can the provisions of the Withdrawal Agreement, which provide for the continuance of the EAW [1] regime in respect of the United Kingdom, during the transition period provided for in that agreement, be considered binding on Ireland having regard to its significant AFSJ [2] content; and

2. Can the provisions of the Agreement on Trade and Cooperation which provide for the continuance of the EAW regime in respect of the United Kingdom after the relevant transition period, be considered binding on Ireland having regard to its significant AFSJ content?

(1) European Arrest Warrant.
(2) Area of freedom security and justice.

Reference for a preliminary ruling from the Supreme Court (Ireland) made on 3 August 2021 — W O, J L v Minister for Justice and Equality

(Case C-480/21)

(2021/C 391/23)

Language of the case: English

Referring court

Supreme Court

Parties to the main proceedings

Applicants: W O, J L

Defendant: Minister for Justice and Equality

Questions referred

1. Is it appropriate to apply the test set out in *LM* [1] and affirmed in *L and P* [2] where there is a real risk that the appellants will stand trial before courts which are not established by law?
2. Is it appropriate to apply the test set out in *LM* and affirmed in *L and P* where a person seeking to challenge a request under an EAW cannot meet that test by reason of the fact that it is not possible at that point in time to establish the composition of the courts before which they will be tried by reason of the manner in which cases are randomly allocated?
3. Does the absence of an effective remedy to challenge the validity of the appointment of judges in Poland, in circumstances where it is apparent that the appellants cannot at this point in time establish that the courts before which they will be tried will be composed of judges not validly appointed, amount to a breach of the essence of the right to a fair trial requiring the executing state to refuse the surrender of the appellants?

(1) Case C-216/18 PPU, ECLI:EU:C:2018:586.
(2) Cases C-354/20 PPU and C-412/20 PPU, ECLI:EU:C:2020:1033.

Appeal brought on 13 August 2021 by Health Information Management (HIM) against the judgment of the General Court (Tenth Chamber) delivered on 9 June 2021 in Case T-235/19, Health Information Management (HIM) v Commission

(Case C-500/21 P)

(2021/C 391/24)

Language of the case: French

Parties

Appellant: Health Information Management (HIM) (represented by: P. Zeegers, avocat)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— declare the present appeal admissible and well founded and, consequently;