

Appeal brought on 19 September 2017 by Ukraine against the order of the General Court (Sixth Chamber) delivered on 19 July 2017 in Case T-348/14 DEP: Yanukovych v Council

(Case C-551/17 P)

(2018/C 022/26)

Language of the case: English

Parties

Appellant: Ukraine (represented by: M. Kostytska, Advocate)

Other parties to the proceedings: Oleksandr Viktorovych Yanukovych, Council of the European Union, European Commission

By order of 23 November 2017 the Court of Justice (Tenth Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 2 October 2017 — Bundesamt für Fremdenwesen und Asyl

(Case C-577/17)

(2018/C 022/27)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant on a point of law: Bundesamt für Fremdenwesen und Asyl

Parties involved in the proceedings: Clinton Osas Alake alias Klenti Solim, Cynthia Nomamidobo and Prince Nomamidobo

Questions referred

1. Can the requested Member State — and the Member State responsible in accordance with the criteria set out in Chapter III of the Dublin III Regulation ⁽¹⁾ — effectively accept the take back request under Article 23(1) of the Dublin III Regulation even though the time limit for replying specified in Article 25(1) of that regulation has already passed and the requested Member State had previously refused the take back request within the time limit and also negatively replied within the time limit to the request for re-examination based on Article 5(2) of the Implementing Regulation? ⁽²⁾

If the first question is to be answered in the negative:

As a consequence of the refusal, communicated within the prescribed period, of the take back request by the Member State responsible in accordance with the criteria set out in Chapter III of the Dublin III Regulation, must the requesting Member State in which the new application was lodged examine that application in order to ensure that the application is examined by a Member State in accordance with Article 3(1) of the Dublin III Regulation?

⁽¹⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 180, p. 31).

⁽²⁾ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 222, p. 3).
