



C/2024/5605

30.9.2024

**Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Roermond
(Netherlands) lodged on 20 June 2024 – W v Staatssecretaris van Justitie en Veiligheid**

(Case C-431/24, Multan) ⁽¹⁾

(C/2024/5605)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats Roermond

Parties to the main proceedings

Applicant: W

Defendant: Staatssecretaris van Justitie en Veiligheid

Questions referred

1. Should Article 23(1) of Directive 2013/32, ⁽²⁾ read in conjunction with Article 46(1) of Directive 2013/32, and having regard to Articles 4 and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the (access to the) information in the applicant's file on the basis of which a decision has been or will be made also includes (access to) information on the manner in which that information was gathered and obtained?
2. Does Article 5 of Directive 2008/115, ⁽³⁾ read in conjunction with Article 13(1) of Directive 2008/115, and having regard to Articles 4, 19(2) and 47 of the Charter of Fundamental Rights of the European Union, require the judicial authority reviewing the lawfulness of a return decision to ascertain how the information referred to in Article 23(1) of Directive 2013/32 was gathered and obtained?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

⁽³⁾ 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 (OJ 2008 L 348, p. 98).