



C/2024/5213

2.9.2024

Request for a preliminary ruling from the Tribunale ordinario di Firenze (Italy) lodged on 4 June 2024 – GK v Ministero dell'Interno, Commissione Territoriale per la Protezione Internazionale – Sezione di Perugia

(Case C-388/24, Oguta) ⁽¹⁾

(C/2024/5213)

Language of the case: Italian

Referring court

Tribunale Ordinario di Firenze

Parties to the main proceedings

Applicant: GK

Defendants: Ministero dell'Interno, Commissione Territoriale per la Protezione Internazionale – Sezione di Perugia

Questions referred

1. Primarily, must EU law, Articles 36, 37 and 46 of Directive 2013/32/EU ⁽²⁾ in particular, be interpreted as precluding a Member State from designating a country as a safe country of origin subject to the exclusion of categories of persons at risk, in respect of whom the presumption of safety does not apply, and must, therefore, in such a case, the country as a whole not be regarded as a safe country of origin for the purposes of the directive?
2. In the alternative, if that method of designation is not held to be prohibited absolutely by EU law, does EU law preclude a national rule that designates a safe country of origin with personal exclusions that, by number and type, are difficult to ascertain, given the tight time-frame of the accelerated procedure (in particular 'prisoners; persons with physical or mental disabilities; albinos; HIV-positive persons; LGBT community; victims of discrimination on the basis of gender, including victims and potential victims of FGM; victims of trafficking; internally displaced persons (IDPs); journalists; members of the Islamic Movement of Nigeria (IMN); members of the Indigenous People of Biafra (IPOB)'), and must, therefore, in such a case, the country as a whole not be regarded as a safe country of origin for the purposes of the directive?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any of the parties 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 (recast) (OJ 2013 L 180, p. 60).