Reports of Cases

JUDGMENT OF THE COURT (Fifth Chamber)

30 October 2025 *

(Reference for a preliminary ruling – Asylum policy – Protocol (No 22) on the position of Denmark annexed to the EU Treaty and to the FEU Treaty – Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the Member State responsible for examining an application for international protection made by a third-country national – Regulation (EU) No 604/2013 – Article 18(1)(d) – Obligations of the Member State responsible – Obligation to take back a third-country national whose application was rejected and who made an application in another Member State – Concept of 'application (for international protection)' – Special status of the Kingdom of Denmark – Concept of 'rejection' – Decision not to extend or renew a temporary residence document – Not included)

In Case C-790/23 [Qassioun], [i]

REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland), made by decision of 18 December 2023, received at the Court on 21 December 2023, in the proceedings

X

v

Maahanmuuttovirasto,

THE COURT (Fifth Chamber),

composed of M.L. Arastey Sahún, President of the Chamber, J. Passer (Rapporteur), E. Regan, D. Gratsias and B. Smulders, Judges,

Advocate General: J. Richard de la Tour,

Registrar: G. Chiapponi, Administrator,

having regard to the written procedure and further to the hearing on 29 January 2025,

after considering the observations submitted on behalf of:

– X, by V. Matilainen, asianajaja,

* Language of the case: Finnish.

[i] The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

– the Maahanmuuttovirasto, by I. Haahtela and M. Montin, acting as Agents,

– the Finnish Government, by H. Leppo, acting as Agent,

– the Danish Government, by D. Elkan, M. Jespersen and C.A. Maertens, acting as Agents,

– the German Government, by J. Möller, R. Kanitz and N. Scheffel, acting as Agents,

– the Netherlands Government, by M.K. Bulterman and J.M. Hoogveld, acting as Agents,

– the European Commission, by A. Azéma, A. Katsimerou, T. Simonen and I. Söderlund, acting as Agents,

– the Swiss Government, by L. Lanzrein and V. Michel, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 30 April 2025,

makes the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 18(1)(d) of 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 The request has been made in proceedings between X, a Syrian national, and the Maahanmuuttovirasto (Immigration Bureau, Finland) ('the Immigration Bureau') concerning the decision of that national authority rejecting an application for international protection made by X, providing for her to be transferred to Denmark and banning her from entering Finland.

The legal framework

European Union law

The Protocol on the position of Denmark

3 Article 1 of Protocol (No 22) on the position of Denmark annexed to the EU Treaty and to the FEU Treaty ('the Protocol on the position of Denmark') states:

'Denmark shall not take part in the adoption by the Council [of the European Union] of proposed measures pursuant to Title V of Part Three of the [FEU Treaty]. …

…'

4 Article 2 of that protocol provides:

‘None of the provisions of Title V of Part Three of the [FEU Treaty], no measure adopted pursuant to that Title, no provision of any international agreement concluded by the [European] Union pursuant to that title, and no decision of the Court of Justice of the European Union interpreting any such provision or measure or any measure amended or amendable pursuant to that Title shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to Denmark. …’

The Agreement between the European Union and Denmark

5 Article 1 of the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention (OJ 2006 L 66, p. 38; ‘the Agreement between the European Union and Denmark’), which was approved on behalf of the European Union by Council Decision 2006/188/EC of 21 February 2006 (OJ 2006 L 66, p. 37), provides as follows:

‘1. The aim of this Agreement is to apply the provisions of Council Regulation (EC) No 343/2003 of 18 February 2003 on the criteria and mechanisms for establishing the Member State responsible for examining a request for asylum lodged in [one of the Member States by a third-country national (OJ 2003 L 50, p. 1)], Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of the Dublin Convention [(OJ 2000 L 316, p. 1; “the Eurodac Regulation”)] and their implementing measures to the relation between the Community and Denmark, in accordance with Article 2(1) and 2(2).

2. It is the objective of the Contracting Parties to arrive at a uniform application and interpretation of the provisions of the Regulations and their implementing measures in all Member States.

…’

6 Under Article 2(1) of that agreement:

‘The provisions of [Regulation No 343/2003] which is annexed to this Agreement and forms part thereof, together with its implementing measures … shall under international law apply to the relations between the Community and Denmark.’

7 Article 3 of that agreement, entitled ‘Amendments to [Regulation No 343/2003] and to the Eurodac Regulation’, provides:

‘1. Denmark shall not take part in the adoption of amendments to the [Regulation No 343/2003] and the Eurodac Regulation and no such amendments shall be binding upon or applicable in Denmark.

2. Whenever amendments to the Regulations are adopted Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments. Notification shall be given at the time of the adoption of the amendments or within 30 days hereafter.

…’

8 In accordance with the latter provision, Denmark notified the Commission of its decision to apply Regulation No 604/2013.

Regulation No 604/2013

9 Article 2 of Regulation No 604/2013 states:

‘For the purposes of this Regulation:

…

(b) “application for international protection” means an application for international protection as defined in Article 2(h) 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 (OJ 2011 L 337, p. 9)];

…

(l) “residence document” means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit;

…’

10 Article 3 of that regulation, entitled ‘Access to the procedure for examining an application for international protection’, provides:

‘1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III indicate is responsible.

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was lodged shall be responsible for examining it.

…’

11 Chapter III of that regulation, entitled 'Criteria for determining the Member State responsible', comprises Articles 7 to 15. Article 12 of that regulation, entitled, 'Issue of residence documents or visas', provides:

'1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.

2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection …

…

4. Where the applicant is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him or her actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the territories of the Member States.

Where the applicant is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him or her actually to enter the territory of a Member State and where he has not left the territories of the Member States, the Member State in which the application for international protection is lodged shall be responsible.

…'

12 Under Article 18 of Regulation No 604/2013, entitled 'Obligations of the Member State responsible':

'1. The Member State responsible under this Regulation shall be obliged to:

…

(d) take back … a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document.

…'

13 Article 48 of Regulation No 604/2013 provides that Regulation No 343/2003 is to be repealed and that references to that regulation are to be construed as referring to Regulation No 604/2013.

Directive 2011/95

14 Article 2(h) of Directive 2011/95 defines the term 'application for international protection', for the purposes of that directive, as 'a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of [that] Directive, that can be applied for separately'.

15 Article 19 of that directive, entitled 'Revocation of, ending of or refusal to renew subsidiary protection status', provides:

'1. Concerning applications for international protection …, Member States shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person granted by a governmental, administrative, judicial or quasi-judicial body if he or she has ceased to be eligible for subsidiary protection …

…

4. Without prejudice to the duty of the third-country national or stateless person … to disclose all relevant facts and provide all relevant documentation at his or her disposal, the Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection …'

Directive 2013/32/EU

16 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) provides in Article 11, entitled 'Requirements for a decision by the determining authority':

'1. Member States shall ensure that decisions on applications for international protection are given in writing.

2. Member States shall also ensure that, where an application is rejected with regard to refugee status and/or subsidiary protection status, the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.

Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with such information at an earlier stage either in writing or by electronic means accessible to the applicant.

…'

Finnish law

17 Under Paragraph 103(2) of the Ulkomaalaislaki (301/2004) (Law on Foreign Nationals (301/2004)) of 30 April 2004, an application for international protection, made in Finland, may be rejected as inadmissible if the person who made that application can be transferred to another Member State which is responsible for examining that application under Regulation No 604/2013.

Danish law

18 Paragraph 7 of the Udlændingeloven (Law on Foreign Nationals), in the version applicable to the dispute in the main proceedings ('the Law on Foreign Nationals'), provides:

'…

2. A foreign national shall be issued a temporary residence document upon application if he or she is threatened with the death penalty, torture or inhuman or degrading treatment or punishment upon return to his or her home country. …

3. In the cases referred to in subparagraph 2, in which the threat of the death penalty or torture or inhuman or degrading treatment or punishment is based on a particularly serious situation in the home country characterised by arbitrary violence and attacks on the civilian population, a temporary residence document shall be issued upon application. …

…'

19 Paragraph 11(2) of that law provides:

'… The Immigration Office shall take a decision of its own motion to extend a residence document issued for temporary residence pursuant to [Paragraph] 7 … if the grounds therefor still exist. …'

The dispute in the main proceedings and the questions referred for a preliminary ruling

20 The applicant in the main proceedings is a Syrian national.

21 On 1 July 2016, she made an application for international protection in the Kingdom of Denmark.

22 On 29 August 2016, she was issued with a temporary residence document by the relevant competent Danish authority pursuant to Paragraph 7(3) of the Law on Foreign Nationals. That residence document, which took effect on the day it was issued, was initially valid for a period of one year. It was subsequently extended several times for the same duration by that authority of its own motion. However, on 17 November 2020, that authority decided, again of its own motion, not to renew that document, pursuant to Paragraph 11(2) of the Law on Foreign Nationals.

23 On 27 July 2021, the applicant in the main proceedings applied for international protection in Finland.

24 On 29 July 2021, the Immigration Bureau, the relevant competent Finnish authority, submitted a request to the competent Danish authority for the Kingdom of Denmark to take back the applicant in the main proceedings pursuant to Article 18(1)(d) of Regulation No 604/2013.

25 The Kingdom of Denmark accepted that request on 5 August 2021.

26 On 12 November 2021, the Immigration Bureau, taking the view that the Kingdom of Denmark was the Member State responsible for examining the application for international protection submitted to it by the applicant in the main proceedings, adopted a decision rejecting that application as inadmissible, providing for her to be transferred to Denmark and banning her from entering Finland for a period of two years.

27 The applicant in the main proceedings brought an action against that decision before the Helsingin hallinto-oikeus (Administrative Court, Helsinki, Finland), which dismissed the action.

28 She subsequently sought leave to lodge an appeal before the Korkein hallinto-oikeus (Supreme Administrative Court, Finland), which is the referring court.

29 In order to be able to rule on that request, that court considers, in essence, that it is necessary to determine whether Article 18(1)(d) of Regulation No 604/2013 is applicable in a situation such as that of the applicant in the main proceedings and, to that end, whether her application for international protection to the Kingdom of Denmark may be regarded as an 'application [which] has been rejected' within the meaning of that provision.

30 In that regard, the referring court observes, in the first place, that that application initially met with a series of partially favourable decisions, in that the competent Danish authority issued the applicant in the main proceedings with a temporary residence document which it subsequently extended a number of times. That court adds that it was only later, and of that authority's own motion, that a decision not to renew that temporary residence document was made. In the light of those factors, that court asks whether it is possible to consider that that application has been 'rejected', within the meaning of Article 18(1)(d) of Regulation No 604/2013.

31 In the second place, the referring court recalls that the Kingdom of Denmark enjoys, as it is permitted to do under the Protocol on the position of Denmark, a special status with regard to the Common European Asylum System. Under the Agreement between the European Union and Denmark, that Member State undertook to apply Regulation No 604/2013. By contrast, that Member State has not undertaken to apply the acts of secondary EU law to which that regulation refers. In particular, it does not apply Directive 2011/95, to which, inter alia, Article 2(b) of that regulation refers. Consequently, the only forms of international protection which could effectively be requested from and granted by the competent Danish authority are those provided for by national law, to the exclusion of those to which that directive refers, it being noted, in essence, that in the present case it was not the protection applicable to refugees but the subsidiary protection provided for by the Law on Foreign Nationals that was granted to the applicant in the main proceedings. In view of that special status, it is necessary to determine whether an application for international protection made by a third-country national to that authority may be regarded as an 'application [for international protection]' within the meaning of Article 18(1)(d) of Regulation No 604/2013.

32 In those circumstances, the Korkein hallinto-oikeus (Supreme Administrative Court) decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling:

'Must Article 18(1)(d) of [Regulation No 604/2013] be interpreted as meaning that the rejection of an application, within the meaning of that provision, covers a situation in which a temporary residence document based on the need for protection previously granted to the person concerned in Denmark on his or her application was not renewed, where the decision not to renew was not taken on the application of that person but by the authority concerned of its own motion?'

The application to reopen the oral part of the procedure

33 By document lodged at the Registry of the Court of Justice on 1 July 2025, the Danish Government requested the reopening of the oral part of the procedure, pursuant to Article 83 of the Rules of Procedure of the Court of Justice. In support of its request, it argued, in essence, that the reasoning underlying the Advocate General's Opinion did not take due account of the entire legal framework in which the participation of the Kingdom of Denmark in Regulation No 604/2013 occurs.

34 In that regard, it should be pointed out, first, that the Statute of the Court of Justice of the European Union and the Rules of Procedure make no provision for the parties to the main proceedings or the interested persons to submit observations in response to the Advocate General's Opinion. Second, under the second paragraph of Article 252 TFEU, it is the duty of the Advocate General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his or her involvement. The Court is not bound either by the Advocate General's Opinion or by the reasoning which led thereto. As a consequence, the fact that a party to the main proceedings or an interested person disagrees with the Advocate General's Opinion, irrespective of the questions examined in the Opinion, does not in itself constitute grounds justifying the reopening of the oral procedure (see judgment of 4 October 2024, *Bezirkshauptmannschaft Landeck (Attempt to access personal data stored on a mobile telephone)*, C-548/21, EU:C:2024:830, paragraph 38 and the case-law cited).

35 Indeed, in accordance with Article 83 of its Rules of Procedure, the Court may at any time, after hearing the Advocate General, order the reopening of the oral part of the procedure, in particular if it considers that it lacks sufficient information or where a party to the main proceedings or an interested party has, after the close of that part of the procedure, submitted a new fact which is of such a nature as to be a decisive factor for the decision which the Court is called upon to make.

36 In the present case, however, the Court considers, after hearing the Advocate General, that it has all the information necessary to give a ruling and that the Danish Government's request that the oral part of the procedure be reopened does not disclose any new fact which is of such a nature as to be a decisive factor for the decision which it is called upon to make.

37 Consequently, it is not necessary to order the reopening of the oral part of the procedure.

Consideration of the question referred

38 By its question, the referring court asks, in essence, whether Article 18(1)(d) of Regulation No 604/2013 must be interpreted as meaning that the non-extension or non-renewal of a residence document previously issued to a third-country national may be treated in the same way as a rejection of the application for international protection made by that national, within the meaning of that provision.

39 As a preliminary point, it should be noted that the referring court seeks the Court's guidance on the interpretation of Article 18(1)(d) of Regulation No 604/2013 in a specific legal context.

40 The purpose of the main proceedings is to determine whether the Kingdom of Denmark is required to take back a third-country national who, after making an application for international protection in that Member State and obtaining subsidiary protection under its domestic law, made a fresh application for international protection in Finland.

41 As the Court has already held, the Kingdom of Denmark enjoys, under Articles 1 and 2 of the Protocol on the position of Denmark, a special status which distinguishes it from the other Member States, as regards Title V of Part Three of the FEU Treaty, which covers, inter alia, policies relating to border controls, asylum and immigration (judgment of 22 September 2022, *Bundesrepublik Deutschland (Application for asylum rejected by Denmark)*, C-497/21, EU:C:2022:721, paragraph 35).

42 Within the framework of that special status, Article 1(1) and Article 2(1) of the Agreement between the European Union and Denmark stipulate that the provisions of Regulation No 343/2003 are also to be implemented by the Kingdom of Denmark. Following the adoption of Regulation No 604/2013, which repealed Regulation No 343/2003, the Kingdom of Denmark, pursuant to Article 3(2) of that agreement, notified its decision also to apply Regulation No 604/2013.

43 Article 18(1)(d) of that regulation provides that a Member State is obliged to take back a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document. Consequently, in a situation, such as that at issue in the main proceedings, in which a third-country national has made an application for international protection in the Kingdom of Denmark, another Member State to which that national has made a fresh application for international protection may request the Kingdom of Denmark to take back that national, if the conditions laid down in that provision are satisfied.

44 By contrast, in accordance with the Protocol on the position of Denmark, Directive 2011/95 does not apply to the Kingdom of Denmark (see, to that effect, judgment of 22 September 2022, *Bundesrepublik Deutschland (Application for asylum rejected by Denmark)*, C-497/21, EU:C:2022:721, paragraph 43).

45 Thus, in particular, the definition of the concept of 'application for international protection' in Article 2(b) of Regulation No 604/2013 does not apply to that Member State, in so far as that definition itself refers to Article 2(h) of Directive 2011/95, according to which that concept refers to a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status.

46 Consequently, it is in the light of that specific legal context, arising from the special status enjoyed by the Kingdom of Denmark, that it is necessary to answer the question raised by the referring court relating to the requirement laid down in Article 18(1)(d) of Regulation No 604/2013 that the application for international protection made by a third-country national such as the applicant in the main proceedings must have been rejected.

47 In that respect, in the first place, it should be recalled that, as regards the Kingdom of Denmark, the application which must have been rejected can only be an application made to the competent authorities of that Member State with a view to obtaining one of the forms of international protection provided for in its domestic law, as the Advocate General observed in point 47 of his Opinion.

48 Since Directive 2011/95 does not apply to that Member State, as is apparent from paragraph 44 above, applications submitted to its competent authorities cannot actually seek one of the forms of international protection provided for in that directive (judgments of 22 September 2022, *Bundesrepublik Deutschland (Application for asylum rejected by Denmark)*, C-497/21, EU:C:2022:721, paragraph 43, and of 19 December 2024, *Khan Yunis and Baabda*, C-123/23 and C-202/23, EU:C:2024:1042, paragraph 60).

49 On that point, the implementation of Article 18(1)(d) of Regulation No 604/2013 in the event that it is necessary to determine whether or not an obligation to take back is imposed on the Kingdom of Denmark is therefore different from the implementation of that provision as regards any other Member State, which requires the existence of an application for international protection within the meaning of Article 2(h) of Directive 2011/95.

50 That said, since the European Union and the Kingdom of Denmark have concluded an international agreement intended to enable that Member State to participate in the implementation of Regulation No 604/2013, applications made in that Member State for one of the forms of international protection provided for in its domestic law must, for the purposes of Article 18(1)(d) of that regulation, be treated in the same way as applications that may be made in any other Member State for entitlement to one of the forms of international protection provided for in Directive 2011/95. Such treatment is necessary in order to ensure the effectiveness of that international agreement, which reflects the common intention of the European Union and the Kingdom of Denmark to allow that Member State to participate in the implementation of Regulation No 604/2013.

51 In the second place, the application referred to in Article 18(1)(d) of Regulation No 604/2013 must have been rejected by the competent authority.

52 Since the term 'rejected' in that provision is not accompanied by any express reference to the domestic law of the Member States, the view must be taken that the concept of 'rejection' for the purposes of that provision constitutes an independent concept of EU law which, in accordance with the settled case-law of the Court, must be interpreted uniformly (see, to that effect, judgment of 7 September 2022, *Staatssecretaris van Justitie en Veiligheid (Nature of the right of residence under Article 20 TFEU)*, C-624/20, EU:C:2022:639, paragraph 19 and the case-law cited), and this must be done by taking into consideration not only that term itself but also the context in which Article 18(1)(d) of Regulation No 604/2013 is set and the objective pursued by the legislation of which that provision forms part.

53 First of all, as regards the word 'rejection', it should be noted that, according to its usual meaning, that term refers to the action of refusing to provide a positive outcome to an application. Therefore, that term cannot refer to the action of agreeing to provide a positive outcome to such an application, irrespective of whether that agreement and that positive outcome are of a temporary or definitive nature.

54 Therefore, from a strictly literal point of view, the concept of 'rejection' referred to in Article 18(1)(d) of Regulation No 604/2013 cannot be interpreted as including the non-extension or non-renewal of a residence document previously issued to a third-country national who has made an application for international protection. On the contrary, the existence of that non-extension or that non-renewal necessarily implies that that application had a positive outcome at an earlier stage, even if that positive outcome was temporary.

55 From that perspective, the referring court considers, in essence, that, for the purposes of the dispute in the main proceedings, a decision by which the competent Danish authority issues a temporary residence document to a third-country national who has made an application for international protection in the Kingdom of Denmark, pursuant to Article 7(2) and (3) of the Law on Foreign Nationals, must, on the basis of the content of that law, be treated in the same way as a decision granting subsidiary protection, on a temporary basis, to that national. The Danish Government explains in its written observations to the Court that there is correspondence

between those two types of decision. In particular, it states that the temporary residence document issued to the applicant in the main proceedings constitutes the grant of subsidiary protection corresponding, under national law, to subsidiary protection provided for in Directive 2011/95.

56 Next, from a contextual point of view, it must be held that both the analysis of Regulation No 604/2013 itself and that of other acts of secondary EU law, in line with which that regulation must be interpreted in so far as their respective provisions may be applied together, support the literal interpretation set out in paragraph 54 above.

57 First, as regards Regulation No 604/2013, it should be noted, in particular, that Article 2(l) of that regulation defines the concept of 'residence document', for the purposes of that regulation, as any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in that regulation or during examination of an application for international protection or an application for a residence permit.

58 That definition thus confirms that the issue of a residence document to a third-country national constitutes authorisation for that national to remain in the territory of the Member State concerned, on the basis of the international protection granted to him or her. From that perspective, it is irrelevant whether the grant of that protection and the issue of that document are, depending on the applicable domestic law, the subject of separate and successive legal acts, separate but concomitant legal acts, or a single legal act, which is the case here as is apparent from the explanations provided by the Danish Government referred to in paragraph 55 above. As such, the issuing of that document implies that there was a positive outcome to that national's application for international protection, which is why it cannot be treated, even where it is temporary, in the same way as a form of 'rejection' of that application, for the purposes of Article 18(1)(d) of that regulation.

59 Furthermore, as the Advocate General stated in point 43 of his Opinion, the interpretation set out in paragraphs 54 and 58 above is supported by the fact that the situation of a third-country national who, like the applicant in the main proceedings, has an expired residence document, on the one hand, and has not left the territory of the Member States, on the other, is expressly referred to in Article 12(4) of Regulation No 604/2013, that is to say, by a provision other than Article 18(1)(d) of that regulation. Article 12(4) specifically governs the detailed rules for determining the Member State responsible in such a situation. In that regard, it is apparent from the latter provision that such a determination depends on the time that has elapsed since the date on which the residence permit issued to the national concerned has expired, a matter which it is for the referring court alone to verify.

60 Second, it must be borne in mind that, as is clear from Article 1(2) of the Agreement between the European Union and Denmark, compliance with the requirement for uniform interpretation and application of Regulation No 604/2013 must also be ensured in situations involving the Kingdom of Denmark.

61 That requirement means that Regulation No 604/2013 must be interpreted in the light of the provisions of Directive 2011/95 and those of Directive 2013/32, in so far as such consideration is limited to clarifying the scope of the concept of 'rejection' in Article 18(1)(d) of that regulation.

62 Both those directives clearly distinguish the situation in which an application for international protection is 'rejected' by the competent authority of a Member State from situations in which that authority terminates, withdraws, revokes or does not renew the international protection granted to a third-country national. In particular, as regards the subsidiary protection provided for by Directive 2011/95, Article 19 of that directive specifies, inter alia, in paragraphs 1 and 4, the conditions under which the status conferred by that protection may be removed where the third-country national to whom that status was granted ceases to be eligible for it. A similar arrangement is provided for in other provisions of that directive with regard to refugee status.

63 The decisions taken in that regard, all of which presuppose that there was a positive outcome to the application for international protection made by that national, are also different, both substantively and procedurally, from decisions in which such an application for international protection is rejected, also referred to as 'negative decisions', which are referred to in Article 11(2) of Directive 2013/32.

64 Thus, the examination of the context of Article 18(1)(d) of Regulation No 604/2013 confirms that the concept of 'rejection' referred to in that provision cannot be interpreted as including the non-extension or non-renewal of a residence document previously issued to a third-country national who made an application for international protection.

65 Lastly, the textual and contextual analysis of the concept of 'rejection' in Article 18(1)(d) of Regulation No 604/2013, as set out in paragraphs 53 to 64 above, meets the objective of that regulation, which, as is apparent from Article 3(1) and (2) of that regulation, is to subject the examination of applications for international protection to one and the same Member State, designated as responsible pursuant to the uniform criteria set out in Chapter III of that regulation. That objective is, moreover, recalled by the Agreement between the European Union and Denmark, as is apparent from paragraph 60 above.

66 Having regard to all of the foregoing, the answer to the question referred is that Article 18(1)(d) of Regulation No 604/2013 must be interpreted as meaning that the non-extension or non-renewal of a residence document previously issued to a third-country national may not be treated in the same way as a rejection of the application for international protection made by that national, within the meaning of that provision.

Costs

67 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Fifth Chamber) hereby rules:

Article 18(1)(d) of 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

must be interpreted as meaning that the non-extension or non-renewal of a residence document previously issued to a third-country national may not be treated in the same way

as a rejection of the application for international protection made by that national, within the meaning of that provision.

[Signatures]