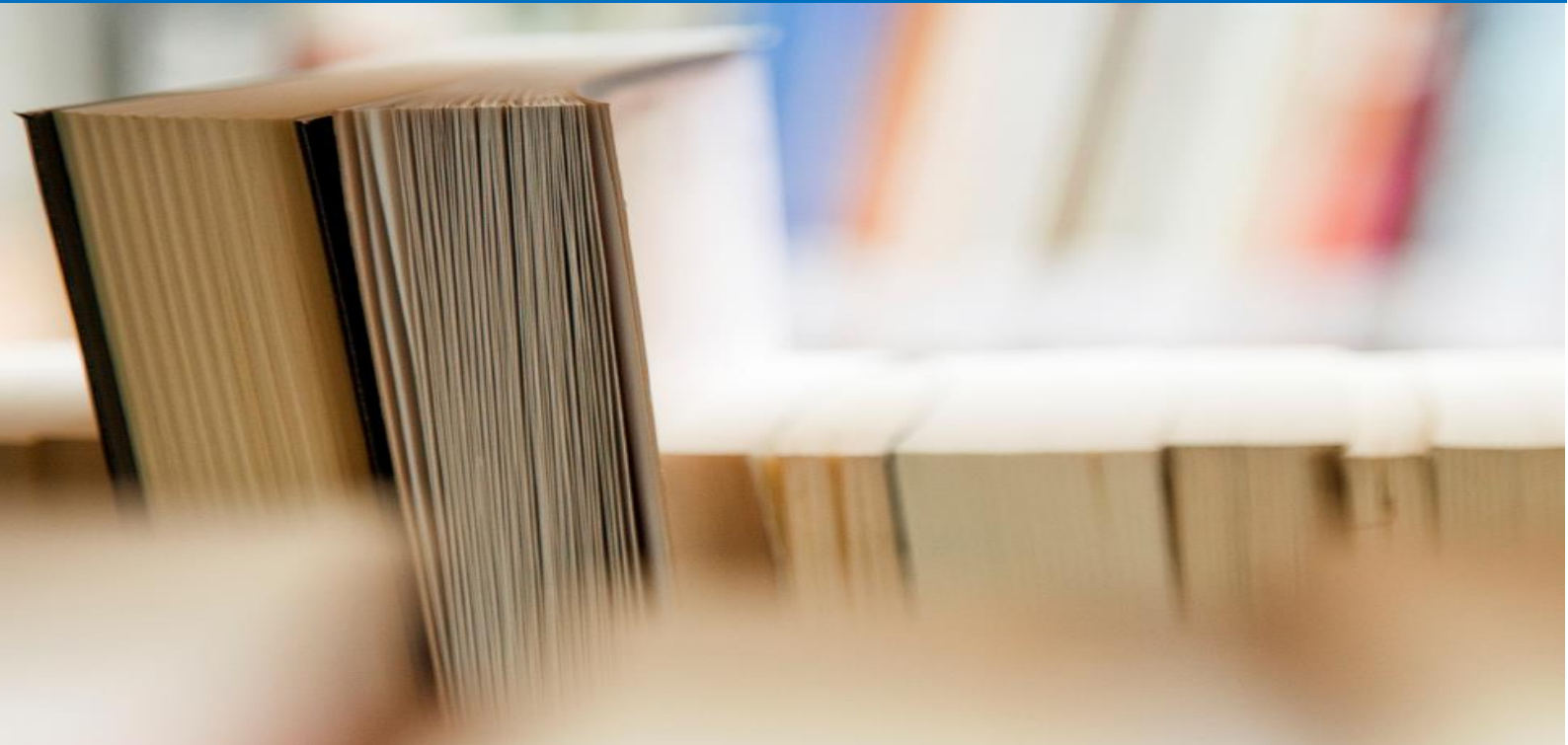


JEAN MONNET PROJECT EU VADIS EU SECURITY DATA BASE



COURT OF JUSTICE OF THE EUROPEAN UNION ON EU SECURITY

No 1 – Collection of case law of the EU Court of Justice
Based on research, key words and links
from curia.europa.eu and eur-lex

RESEARCH: *ASSISTANT PROFESSOR KALLIOPI CHAINOGLOU*

DATA REGISTRATION, FORMATION, LINKS AND TEXT EDITING:
ANGELIKI ALIKI CHAPSANIDOU VIDAKI

TEXT SUPERVISION: *ASSOC. PROFESSOR DESPOINA ANAGNOSTOPOULOU*

THESSALONIKI, UNIVERSITY OF MACEDONIA, 2022

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Co-funded by the
Erasmus+ Programme
of the European Union

JEAN MONNET PROJECT EUVADIS
Enhancing Intercultural Dialogue, EU Values and Diversity



Court of Justice of the European Union
Case law on EU Security

No 1: EU Court of Justice case law

Based on research, key words and links from
curia.europa.eu and eur-lex

Research: Ast. Professor KALLIOPI CHAINOGLOU

Data Registration, formation, links and text

editing: ANGELIKI ALIKI CHAPSANIDOU VIDAKI

Text supervision: Ass. Professor D. Anagnostopoulou



Co-funded by the
Erasmus+ Programme
of the European Union

UNIVERSITY OF MACEDONIA, THESSALONIKI 2022

JEAN MONNET PROJECT EU VADIS

EU SECURITY DATA BASE, vol.1

Table of Contents

COURT OF JUSTICE OF THE EUROPEAN UNION

Judgment of the Court (Second Chamber) of 11 October 2007, C-117/06	5
Judgment of the Court (Grand Chamber) of 3 September 2008, Joined cases C-402/05 P and C-415/05 P.	5
Judgment of the Court (Fourth Chamber) of 3 December 2009, C-399/06	5
Judgment of the Court (Grand Chamber) of 21 December 2011, C-27/09 P	6
Judgment of the Court (Grand Chamber) of 19 July 2012, C-130/10.	6
Judgment of the Court (Grand Chamber) of 28 May 2013, C-239/12 P	6
Judgment of the Court (Grand Chamber) of 4 June 2013, C-300/11	7
Judgment of the Court (Grand Chamber) of 18 July 2013, Joined Cases C-584/10 P, C-593/10 P and C-595/10 P	7
Judgment of the Court (Fourth Chamber), of 19 September 2013, C-297/12	7
Judgment of the Court (Fourth Chamber), of 19 September 2013, C-297/12	8
Judgment of the Court (Third Chamber) of 5 June 2014, C-146/14 PPU	8
Judgment of the Court (Fifth Chamber) of 5 November 2014, C-166/13	8
Judgment of the Court (Grand Chamber) of 18 December 2014, C-562/13	9
Judgment of the Court (Grand Chamber) of 4 April 2017, C-544/15	9
Judgment of the Court (Third Chamber) of 11 June 2015, C-554/13	9
Judgment of the Court (First Chamber) of 24 June 2015, C-373/13	10
Judgment of the Court (Fourth Chamber) of 1 October 2015, C-290/14	10
View of Advocate General Sharpston delivered on 26 January, 2016, Case C-601/15 PPU ..	10
Judgment of the Court (Fourth Chamber) of 17 March 2016, C-695/15 PPU	11
Judgment of the Court (Grand Chamber) of 7 June 2016, C-47/15	11
Judgment of the Court (Tenth Chamber) of 22 March 2017, Joined Cases C-497/15 and C-498/15	11
Judgment of the Court (Fourth Chamber) of 14 September 2017, C-18/16	12
Judgment of the Court (Third Chamber) of 13 July 2017, C-193/16	12
Judgment of the Court (Second Chamber) of 26 July 2017, C-225/16	12
Judgment of the Court (First Chamber) of 14 September 2017, C-184/16	13
Opinion of Advocate General Saugmandsgaard Øe delivered on 14 December 2017, Joined Cases C-331/16 and C-366/16	13

Judgment of the Court (Fifth Chamber) of 16 January 2018, C-240/17	13
Judgment of the Court (Fifth Chamber) of 16 January 2018, C-240/17	14
Judgment of the Court (Grand Chamber) of 2 May 2018, C-331/16.....	14
Judgment of the Court (Grand Chamber) of 8 May 2018, C-82/16	14
Judgment of the Court (Fourth Chamber) of 26 September 2018, C-175/17	15
Judgment of the Court (Fourth Chamber) of 26 September 2018, C-180/17	15
Judgment of the Court (Grand Chamber) of 19 March 2019, C-444/17	15
Judgment of the Court (Grand Chamber) of 14 May 2019, Joined Cases C-391/16, C-77/17 and C-78/17	16
Judgment of the Court (First Chamber) of 3 October 2019, C-70/18	16
Judgment of the Court (First Chamber) of 12 December 2019, Joined Cases C-381/18 and C- 382/18	16
JUDGMENT OF THE COURT (Grand Chamber) 14 May 2020, Joined Cases C-924/19 PPU and C-925/19 PPU.....	17
Judgment of the Court (First Chamber) of 2 July 2020, C-18/19	17
Judgment of the Court (Fifth Chamber) of 17 September 2020, C-806/18.....	17
Judgment of the Court (Grand Chamber) of 6 October 2020, C-623/17	18
Judgment of the Court (Grand Chamber) of 24 November 2020, Joined Cases C-225/19 and C-226/19	18
Judgment of the Court (Grand Chamber) of 17 December 2020, Case C-808/18	18
Judgment of the Court (Fifth Chamber) of 24 February 2021, C-673/19.....	19
Judgment of the Court (Fourth Chamber) of 3 June 2021, C-546/19	19
Judgment of the Court (Grand Chamber) of 16 November 2021, C-821/19.....	19
Judgment of the Court (Third Chamber) of 3 March 2022, C-409/20	20
Judgment of the Court (First Chamber) of 15 September 2022, C-420/20	20
Judgment of the Court (Second Chamber) of 6 October 2022, C-241/21.....	20

[Judgment of the Court \(Second Chamber\) of 11 October 2007, C-117/06](#)

[Case C-117/06](#) – Gerda Möllendorf and Christiane Möllendorf-Niehuus.

Reference for a preliminary ruling: Kammergericht Berlin - Germany.

Common foreign and security policy - Specific restrictive measures directed against persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban - Freezing of funds and economic resources - Regulation (EC) No 881/2002 - Articles 2(3) and 4(1) - Prohibition on making economic resources available to persons listed in Annex I to that regulation - Scope of prohibition - Sale of immovable property - Contract concluded before inclusion of a buyer in the list in Annex I - Application for registration of the transfer of ownership in the Land Register subsequent to that inclusion.

You can find the text of the Judgment of the Court [here C-117/06](#).

[Judgment of the Court \(Grand Chamber\) of 3 September 2008, Joined cases C-402/05 P and C-415/05 P.](#)

[Joined cases C-402/05 P and C-415/05 P](#) – Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities.

Common foreign and security policy (CFSP) - Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban - United Nations - Security Council - Resolutions adopted under Chapter VII of the Charter of the United Nations - Implementation in the Community - Common Position 2002/402/CFSP - Regulation (EC) No 881/2002 Measures against persons and entities included in a list drawn up by a body of the United Nations - Freezing of funds and economic resources - Committee of the Security Council created by paragraph 6 of Resolution 1267 (1999) of the Security Council (Sanctions Committee) - Inclusion of those persons and entities in Annex I to Regulation (EC) No 881/2002 - Actions for annulment - Competence of the Community - Joint legal basis of Articles 60 EC, 301 EC and 308 EC - Fundamental rights - Right to respect for property, right to be heard and right to effective judicial review.

You can find the text of the Judgment of the Court for the joined cases [C-402 and C-415/05 P here](#).

[Judgment of the Court \(Fourth Chamber\) of 3 December 2009, C-399/06](#)

[C-399/06 P](#) – Hassan and Ayadi v Council and Commission

Faraj Hassan v Council of the European Union and European Commission (C-399/06 P) and Chafiq Ayadi v Council of the European Union (C-403/06 P).

Common foreign and security policy (CFSP) - Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban - Regulation (EC) No 881/2002 - Freezing of the funds and economic resources of a person following his inclusion in a list drawn up by a body of the United Nations - Sanctions Committee - Subsequent inclusion in Annex I to Regulation (EC) No 881/2002 - Action for annulment - Fundamental rights - Right to respect for property, right to be heard and right to effective judicial review.

You can find the text of the Judgment of the Court [here C-399/06 P and C-403/06 P](#).

[Judgment of the Court \(Grand Chamber\) of 21 December 2011, C-27/09 P](#)

[Case C-27/09 P](#) – French Republic v People's Mojahedin Organization of Iran.

Appeal - Common foreign and security policy - Restrictive measures directed against certain persons and entities with a view to combating terrorism - Common Position 2001/931/CFSC - Regulation (EC) No 2580/2001 - Freezing of funds applicable to a group included in a list drawn up, revised and amended by the Council of the European Union - Rights of the defence.

You can find the text of the Judgment of the Court [here C-27/09 P](#).

[Judgment of the Court \(Grand Chamber\) of 19 July 2012, C-130/10](#)

[Case C-130/10](#) – European Parliament v Council of the European Union.

Common foreign and security policy — Regulation (EU) No 881/2002 — Regulation (EU) No 1286/2009 — Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Freezing of funds and economic resources — Choice of legal basis — Articles 75 TFEU and 215 TFEU — Entry into force of the Treaty of Lisbon — Transitional provisions — CFSP common positions and decisions — Joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and from the Commission.

You can find the text of the Judgment of the Court [here C-130/10](#).

[Judgment of the Court \(Grand Chamber\) of 28 May 2013, C-239/12 P](#)

[Case C-239/12 P](#) – Abdulbasit Abdulrahim v Council of the European Union and European Commission.

Appeal - Common foreign and security policy (CFSP) - Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban - Regulation (EC) No 881/2002 - Action for annulment - Removal of the interested party from the list of persons and entities concerned - Interest in bringing proceedings.

You can find the text of the Judgment of the Court [here C-239/12 P](#).

[Judgment of the Court \(Grand Chamber\) of 4 June 2013, C-300/11](#)

[Case C-300/11](#) – ZZ v Secretary of State for the Home Department

(Freedom of movement for persons — Directive 2004/38/EC — Decision refusing a citizen of the European Union admission to a Member State on public security grounds — Article 30(2) of the directive — Obligation to inform the citizen concerned of the grounds of that decision — Disclosure contrary to the interests of State security — Fundamental right to effective judicial protection)

You can find the text of the Judgment of the Court [here](#)

[Judgment of the Court \(Grand Chamber\) of 18 July 2013, Joined Cases C-584/10 P, C-593/10 P and C-595/10 P](#)

[Joined Cases C-584/10 P, C-593/10 P and C-595/10 P](#) – European Commission and Others v Yassin Abdullah Kadi.

Appeal — Common Foreign and Security Policy (CFSP) — Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Regulation (EC) No 881/2002 — Freezing of funds and economic resources of a person included in a list drawn up by a body of the United Nations — Listing of that person's name in Annex I to Regulation (EC) No 881/2002 — Action for annulment — Fundamental rights — Rights of the defence — Principle of effective judicial protection — Principle of proportionality — Right to respect for property — Obligation to state reasons.

You can find the text of the Judgment of the Court [here](#) [joined Cases C-584/10 P, C-593/10 P and C-595/10 P](#).

[Judgment of the Court \(Fourth Chamber\), of 19 September 2013, C-297/12](#)

[Case C-297/12](#) – Criminal proceedings against Gjoko Filev and Adnan Osmani.

Request for a preliminary ruling from the Amtsgericht Laufen.

Area of freedom, security and justice — Return of illegally staying third-country nationals — Directive 2008/115/CE — Article 11(2) — Return decision coupled with an entry ban — Length of the entry ban restricted to five years in principle — National legislation providing for an entry ban of unlimited duration in the absence of an application for a limitation — Article 2(2)(b) — Third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction — Non-application of the directive.

You can find the text of the Judgment of the Court [here](#) [C-297/12](#).

[Judgment of the Court \(Fourth Chamber\), of 19 September 2013, C-297/12](#)

[Case C-297/12](#) – Filev and Osmani

Criminal proceedings against Gjoko Filev and Adnan Osmani

Request for a preliminary ruling from the Amtsgericht Laufen

Area of freedom, security and justice — Return of illegally staying third-country nationals — Directive 2008/115/CE — Article 11(2) — Return decision coupled with an entry ban — Length of the entry ban restricted to five years in principle — National legislation providing for an entry ban of unlimited duration in the absence of an application for a limitation — Article 2(2)(b) — Third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction — Non-application of the directive.

You can find the text of the Judgment of the Court [here C-297/12](#).

[Judgment of the Court \(Third Chamber\) of 5 June 2014, C-146/14 PPU](#)

[Case C-146/14 PPU](#) – Bashir Mohamed Ali Mahdi

Request for a preliminary ruling from the Administrativen sad Sofia-grad

Visas, asylum, immigration and other policies related to free movement of persons — Directive 2008/115/EC — Return of illegally staying third-country nationals — Article 15 — Detention — Extension of detention — Obligations of the administrative or judicial authority — Review by a judicial authority — Third-country national without identity documents — Obstacles to implementation of a removal decision — Refusal of the embassy of the third country concerned to issue an identity document enabling the third-country national to be returned — Risk of absconding — Reasonable prospect of removal — Lack of cooperation — Whether the Member State concerned is under an obligation to issue a temporary document relating to the status of the person concerned.

You can find the text of the Judgment of the Court [here C-146/14 PPU](#).

[Judgment of the Court \(Fifth Chamber\) of 5 November 2014, C-166/13](#)

[Case C-166/13](#) – Sophie Mukarubega v Préfet de police and Préfet de la Seine-Saint-Denis

Request for a preliminary ruling from the tribunal administratif de Melun

Reference for a preliminary ruling — Visas, asylum, immigration and other policies related to free movement of persons — Directive 2008/115/EC — Return of illegally staying third-country nationals — Procedure for the adoption of a return decision — Principle of respect for the rights of the defence — Right of an illegally staying third-country national to be heard before the adoption of a decision liable to affect her interests — Administrative

authority refusing to grant such a national a resident permit as an asylum applicant and imposing an obligation to leave the territory — Right to be heard before the return decision is issued.

You can find the text of the Judgment of the Court [here C-166/13](#).

[Judgment of the Court \(Grand Chamber\) of 18 December 2014, C-562/13](#)

[Case C-562/13](#) – Centre public d’action sociale d’Ottignies-Louvain-La-Neuve v Moussa Abdida

Request for a preliminary ruling from the Cour du travail de Bruxelles

Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Articles 19(2) and 47 — Directive 2004/83/EC — Minimum standards for determining who qualifies for refugee status or subsidiary protection status — Person eligible for subsidiary protection — Article 15(b) — Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin — Article 3 — More favourable standards — Applicant suffering from a serious illness — No appropriate treatment available in the country of origin — Directive 2008/115/EC — Return of illegally staying third-country nationals — Article 13 — Judicial remedy with suspensive effect — Article 14 — Safeguards pending return — Basic needs.

You can find the text of the Judgment of the Court [here C-562/13](#).

[Judgment of the Court \(Grand Chamber\) of 4 April 2017, C-544/15](#)

[Case C-544/15](#) – Sahar Fahimian v Bundesrepublik Deutschland

Request for a preliminary ruling from the Verwaltungsgericht Berlin

Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2004/114/EC — Article 6(1)(d) — Conditions of admission of third country nationals — Refusal of admission — Concept of ‘threat to public security’ — Margin of discretion.

You can find the text of the Judgment of the Court [here C-544/15](#).

[Judgment of the Court \(Third Chamber\) of 11 June 2015, C-554/13](#)

[Case C-554/13](#) – Z. Zh. v Staatssecretaris van Veiligheid en Justitie and Staatssecretaris van Veiligheid en Justitie v I. O.

Request for a preliminary ruling from the Raad van State

Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2008/115/EC — Return of illegally staying third-country nationals — Article 7(4) — Concept of ‘risk to public policy’ — Circumstances in which Member States may refrain from granting a period for voluntary departure, or may grant a period shorter than seven days.

You can find the Judgment of the Court [here C-554/13](#).

You can find the Opinion of Advocate General Sharpston (delivered on 12 February 2015) [here](#).

Judgment of the Court (First Chamber) of 24 June 2015, C-373/13

[Case C-373/13](#) – H. T. v Land Baden-Württemberg

Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg

Reference for a preliminary ruling — Area of freedom, security and justice — Borders, asylum and immigration — Directive 2004/83/EC — Article 24(1) — Minimum standards for granting refugee or subsidiary protection status — Revocation of residence permit — Conditions for revocation of residence permit — Concept of ‘compelling reasons of national security or public order’ — Participation of a person with refugee status in the activities of an organisation entered in the list of terrorist organisations drawn up by the European Union.

You can find the text of the Judgment of the Court [here C-373/13](#).

Judgment of the Court (Fourth Chamber) of 1 October 2015, C-290/14

[Case C-290/14](#) – Skerdjan Celaj

Criminal proceedings against Skerdjan Celaj

Request for a preliminary ruling from the Tribunale di Firenze

Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2008/115/EC — Return of illegally staying third-country nationals — Return decision accompanied by an entry ban of three years’ duration — Breach of an entry ban — Third-country national previously removed — Sentence of imprisonment in case of new unlawful entry into the national territory — Compatibility.

You can find the text of the Judgment of the Court [here C-290/14](#).

View of Advocate General Sharpston delivered on 26 January, 2016, Case C-601/15 PPU

[Case C-601/15 PPU](#) – J. N. v Staatssecretaris van Veiligheid en Justitie

Request for a preliminary ruling from the Raad van State

Reference for a preliminary ruling — Urgent preliminary ruling procedure — Standards for the reception of applicants for international protection — Directive 2008/115/EC — Lawful residence — Directive 2013/32/EU — Article 9 — Right to remain in a Member State — Directive 2013/33/EU — Point (e) of the first subparagraph of Article 8(3) — Detention — Protection of national security or public order — Validity — Charter of Fundamental Rights of the European Union — Articles 6 and 52 — Limitation — Proportionality.

You can find the View of Advocate General Sharpston [here C-601/15 PPU](#).

[Judgment of the Court \(Fourth Chamber\) of 17 March 2016, C-695/15 PPU](#)

[Case C-695/15 PPU](#) – Shiraz Baig Mirza v Bevándorlási és Állampolgársági Hivatal

Request for a preliminary ruling from the Debreceni Közigazgatási és Munkaügyi Bíróság

Reference for a preliminary ruling — Urgent preliminary ruling procedure — Regulation (EU) No 604/2013 — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection — Article 3(3) — Right of Member States to send an applicant to a safe third country — Article 18 — Obligations of the Member State responsible for examining the application in the event that the applicant is taken back — Directive 2013/32/EU — Common procedures for granting and withdrawing international protection — Examination of an application for international protection.

You can find the text of the Judgment of the Court [here C-695/15 PPU](#).

[Judgment of the Court \(Grand Chamber\) of 7 June 2016, C-47/15](#)

[Case C-47/15](#) – Sélina Affum v Préfet du Pas-de-Calais and Procureur général de la Cour d'appel de Douai

Request for a preliminary ruling from the Cour de cassation

Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures for returning illegally staying third-country nationals — Police custody — National legislation providing for a sentence of imprisonment in the event of illegal entry — Situation of 'transit' — Multilateral readmission arrangement

You can find the text of the Judgment of the Court [here C-47/15](#).

[Judgment of the Court \(Tenth Chamber\) of 22 March 2017, Joined Cases C-497/15 and C-498/15](#)

[Joined Cases C-497/15 and C-498/15](#) – Euro-Team Kft. and Spirál-Gép Kft v Budapest Rendőrfőkapitánya

References for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság

Reference for a preliminary ruling — Approximation of laws — Road transport — Tax provisions — Directive 1999/62/EC — Charging of heavy goods vehicles for the use of certain infrastructures — Toll — Member States' obligation to establish effective, proportionate and dissuasive penalties — Flat-rate fine — Proportionality

You can find the text of the Judgment of the Court for the joined cases [here C-497/15 and C-498/15](#).

Judgment of the Court (Fourth Chamber) of 14 September 2017, C-18/16

[Case C-18/16](#) – K. v Staatssecretaris van Veiligheid en Justitie

Request for a preliminary ruling from the Rechtbank Den Haag zittingsplaats Haarlem

Reference for a preliminary ruling — Standards for the reception of applicants for international protection — Directive 2013/32/EU — Article 9 — Right to remain in a Member State during the examination of the application — Directive 2013/33/EU — First subparagraph of Article 8(3)(a) and (b) — Detention — Verification of identity or nationality — Determination of the elements on which the application for international protection is based — Validity — Charter of Fundamental Rights of the European Union — Articles 6 and 52 — Restriction — Proportionality.

You can find the text of the Judgment of the Court [here C-18/16](#).

Judgment of the Court (Third Chamber) of 13 July 2017, C-193/16

[Case C-193/16](#) – E v Subdelegación del Gobierno en Álava

Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco

Reference for a preliminary ruling — Citizenship of the Union — Right to move and reside freely in the territory of the Member States — Directive 2004/38/EC — The second subparagraph of Article 27(2) — Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health — Expulsion from the territory for reasons of public policy or public security — Conduct representing a sufficiently serious present and genuine threat for a fundamental interest of society — Present and genuine threat — Concept — Union citizen residing in the host Member State where he is serving a prison sentence for repeated child sexual abuse offences.

You can find the text of the Judgment of the Court [here C-193/16](#).

Judgment of the Court (Second Chamber) of 26 July 2017, C-225/16

[Case C-225/16](#) – Criminal proceedings against Mossa Ouhrami

Request for a preliminary ruling from the Hoge Raad der Nederlanden

Reference for a preliminary ruling — Area of freedom, security and justice — Return of illegally staying third-country nationals — Directive 2008/115/EC — Article 11(2) — Decision to impose an entry ban taken before that directive entered into force and relating to a longer period than that provided for by the directive — Time from which the period of the entry ban starts to run.

You can find the text of the Judgment of the Court [here C-225/16](#).

Judgment of the Court (First Chamber) of 14 September 2017, C-184/16

[Case C-184/16](#) – Ovidiu-Mihaita Petrea v Ypourgou Esoterikon kai Dioikitikis Anasygrotisis

Request for a preliminary ruling from the Dioikitiko Protodikeio Thessalonikis

Reference for a preliminary ruling — Directive 2004/38/EC — Directive 2008/115/EC — Right to move and reside freely in the territory of the Member States — Residence of a national of a Member State within the territory of another Member State despite a prohibition on entering that State — Lawfulness of a decision to withdraw a registration certificate and a further expulsion decision — Possibility to rely, exceptionally, on the unlawfulness of an earlier decision — Translation obligation.

You can find the text of the Judgment of the Court [here C-184/16](#).

Opinion of Advocate General Saugmandsgaard Øe delivered on 14 December 2017, Joined Cases C-331/16 and C-366/16

[Joined Cases C-331/16 and C-366/16](#) – K. v Staatssecretaris van Veiligheid en Justitie and H.F. v Belgische Staat

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Middelburg and the Raad voor Vreemdelingenbetwistingen

Reference for a preliminary ruling — Citizenship of the European Union — Right to move and reside freely within the territory of the Member States — Directive 2004/38/EC — Second subparagraph of Article 27(2) — Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health — Expulsion on grounds of public policy or public security — Conduct representing a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — Person whose asylum application has been refused for reasons within the scope of Article 1F of the Geneva Convention or Article 12(2) of Directive 2011/95/EU — Article 28(1) — Article 28(3)(a) — Protection against expulsion — Residence in the host Member State for the previous ten years — Imperative grounds of public security — Meaning

You can find the opinion for the joined cases [C-331/16 and C-366/16 here](#).

Judgment of the Court (Fifth Chamber) of 16 January 2018, C-240/17

[Case C-240/17](#) – Request for a preliminary ruling from the Korkein hallinto-oikeus

Reference for a preliminary ruling — Third-country national staying illegally in a Member State — Threat to public order and national security — Directive 2008/115/EC — Article 6(2) — Return decision — Ban on entry to the territory of the Member States — Alert for the purposes of refusing admission to the Schengen Area — Third-country national holding a valid residence permit issued by another Member State — Convention implementing the Schengen Agreement — Article 25(2) — Consultation procedure between the Member State issuing the alert and the Member State which issued the residence permit — Time limit —

Failure of the Contracting State consulted to adopt a position — Consequences for the enforcement of return decisions and entry ban)

You can find the text of the Judgment of the Court [here C-240/17](#).

[Judgment of the Court \(Fifth Chamber\) of 16 January 2018, C-240/17](#)

[Case C-240/17](#) – Request for a preliminary ruling from the Korkein hallinto-oikeus

Reference for a preliminary ruling — Third-country national staying illegally in a Member State — Threat to public order and national security — Directive 2008/115/EC — Article 6(2) — Return decision — Ban on entry to the territory of the Member States — Alert for the purposes of refusing admission to the Schengen Area — Third-country national holding a valid residence permit issued by another Member State — Convention implementing the Schengen Agreement — Article 25(2) — Consultation procedure between the Member State issuing the alert and the Member State which issued the residence permit — Time limit — Failure of the Contracting State consulted to adopt a position — Consequences for the enforcement of return decisions and entry ban).

You can find the text of the Judgment of the Court [here C-240/17](#).

[Judgment of the Court \(Grand Chamber\) of 2 May 2018, C-331/16](#)

[Case C-331/16](#) – K. v Staatssecretaris van Veiligheid en Justitie and H.F. v Belgische Staat

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Middelburg and the Raad voor Vreemdelingenbetwistingen

Reference for a preliminary ruling — Citizenship of the European Union — Right to move and reside freely within the territory of the Member States — Directive 2004/38/EC — Second subparagraph of Article 27(2) — Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health — Expulsion on grounds of public policy or public security — Conduct representing a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — Person whose asylum application has been refused for reasons within the scope of Article 1F of the Geneva Convention or Article 12(2) of Directive 2011/95/EU — Article 28(1) — Article 28(3)(a) — Protection against expulsion — Residence in the host Member State for the previous ten years — Imperative grounds of public security — Meaning.

You can find the text of the Judgment of the Court [here C-331/16](#).

[Judgment of the Court \(Grand Chamber\) of 8 May 2018, C-82/16](#)

[Case C-82/16](#) – K.A. and Others v Belgische Staat

Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen

Reference for a preliminary ruling — Border control, asylum, immigration — Article 20 TFEU — Charter of Fundamental Rights of the European Union — Articles 7 and 24 — Directive 2008/115/EC — Articles 5 and 11 — Third-country national subject to an entry ban — Application for residence for the purposes of family reunification with a Union citizen who has not exercised freedom of movement — Refusal to examine the application.

You can find the text of the Judgment of the Court [here C-82/16](#).

[Judgment of the Court \(Fourth Chamber\) of 26 September 2018, C-175/17](#)

[Case C-175/17](#) – Belastingdienst v Toeslagen (suspensory effect of the appeal)

Request for a preliminary ruling from the Raad van State

Reference for a preliminary ruling — Common policy on asylum and subsidiary protection — Directive 2005/85/EC — Article 39 — Directive 2008/115/EC — Article 13 — Charter of Fundamental Rights of the European Union — Article 18, Article 19(2) and Article 47 — Right to an effective remedy — Principle of non-refoulement — Decision rejecting an application for asylum and imposing an obligation to return — National legislation providing for a second level of jurisdiction — Automatic suspensory effect limited to the action at first instance.

You can find the text of the Judgment of the Court [here C-175/17](#).

[Judgment of the Court \(Fourth Chamber\) of 26 September 2018, C-180/17](#)

[Case C-180/17](#) – Staatssecretaris van Veiligheid en Justitie (suspensory effect of the appeal)

Request for a preliminary ruling from the Raad van State

Reference for a preliminary ruling — Common policy on asylum and subsidiary protection — Directive 2013/32/EU — Article 46 — Directive 2008/115/EC — Article 13 — Charter of Fundamental Rights of the European Union — Article 18, Article 19(2) and Article 47 — Right to an effective remedy — Principle of non-refoulement — Decision rejecting an application for international protection and imposing an obligation to return — National legislation providing for a second level of jurisdiction — Automatic suspensory effect limited to the action at first instance

You can find the text of the Judgment of the Court [here C-180/17](#).

[Judgment of the Court \(Grand Chamber\) of 19 March 2019, C-444/17](#)

[Case C-444/17](#) – Préfet des Pyrénées-Orientales v Abdelaziz Arib and Others

Request for a preliminary ruling from the Cour de cassation

Reference for a preliminary ruling — Area of freedom, security and justice — Border control, asylum and immigration — Regulation (EU) 2016/399 — Article 32 — Temporary

reintroduction of border control, by a Member State, at its internal borders — Illegal entry of a third-country national — Equation of internal borders with external borders — Directive 2008/115/EC — Scope — Article 2(2)(a).

You can find the text of the Judgment of the Court [here C-444/17](#).

Judgment of the Court (Grand Chamber) of 14 May 2019, Joined Cases C-391/16, C-77/17 and C-78/17

[Joined Cases C-391/16, C-77/17 and C-78/17](#) – M and Others v Commissaire général aux réfugiés et aux apatrides

Requests for a preliminary ruling from the Nejvyšší správní soud and Conseil du Contentieux des Étrangers

Reference for a preliminary ruling — Area of freedom, security and justice — Asylum policy — International protection — Directive 2011/95/EU — Refugee status — Article 14(4) to (6) — Refusal to grant or revocation of refugee status in the event of danger to the security or the community of the host Member State — Validity — Article 18 of the Charter of Fundamental Rights of the European Union — Article 78(1) TFEU — Article 6(3) TEU — Geneva Convention.

You can find the text of the Judgment of the Court for the joined cases [here C-391/16, C-77/17 and C-78/17](#).

Judgment of the Court (First Chamber) of 3 October 2019, C-70/18

[Case C-70/18](#) – Staatssecretaris van Justitie en Veiligheid v A and Others

Request for a preliminary ruling from the Raad van State

Reference for a preliminary ruling — EEC-Turkey Association Agreement — Decision No 2/76 — Article 7 — Decision No 1/80 — Article 13 — ‘Standstill’ clauses — New restriction — Collection, registration and retention of biometric data of Turkish nationals in a central filing system — Overriding reasons of public interest — Objective of preventing and combating identity and document fraud — Articles 7 and 8 of the Charter of Fundamental Rights of the European Union — Right to respect for private life — Right to the protection of personal data — Proportionality.

You can find the text of the Judgment of the Court [here C-70/18](#).

Judgment of the Court (First Chamber) of 12 December 2019, Joined Cases C-381/18 and C-382/18

[Joined Cases C-381/18 and C-382/18](#) – G.S. and V.G. v Staatssecretaris van Justitie en Veiligheid

Requests for a preliminary ruling from the Raad van State

References for a preliminary ruling — Border controls, asylum and immigration — Immigration policy — Directive 2003/86/EC — Right to family reunification — Requirements for the exercise of the right to family reunification — Concept of 'grounds of public policy' — Rejection of an application for entry and residence of a family member — Withdrawal of or refusal to renew a residence permit of a family member.

You can find the text of the Judgment of the Court for the joined cases [here C-381/18 and C-382/18](#).

JUDGMENT OF THE COURT (Grand Chamber) 14 May 2020, Joined Cases C-924/19 PPU and C-925/19 PPU

[Joined Cases C-924/19 PPU and C-925/19 PPU](#) – FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság

Requests for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság

Reference for a preliminary ruling — Asylum and immigration policy — Directive 2013/32/EU — Application for international protection — Article 33(2) — Grounds of inadmissibility — Article 40 — Subsequent applications — Article 43 — Border procedures — Directive 2013/33/EU — Article 2(h) and Articles 8 and 9 — Detention — Whether lawful — Directive 2008/115/EU — Article 13 — Effective remedies — Article 15 — Detention — Whether lawful — Right to an effective remedy — Article 47 of the Charter of Fundamental Rights of the European Union — Principle of primacy of EU law

You can find the Judgment of the Court for the joined cases C-924/19 PPU and C-925/19 PPU [here](#)

Judgment of the Court (First Chamber) of 2 July 2020, C-18/19

[Case C-18/19](#) – WM v Stadt Frankfurt am Main

Request for a preliminary ruling from the Bundesgerichtshof

Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures in Member States for returning illegally staying third-country nationals — Conditions of detention — Article 16(1) — Detention in prison accommodation for the purpose of removal — Third-country national who poses a serious threat to public policy or public security.

You can find the text of the Judgment of the Court [here C-18/19](#).

Judgment of the Court (Fifth Chamber) of 17 September 2020, C-806/18

[Case C-806/18](#) – Criminal proceedings against JZ

Request for a preliminary ruling from the Hoge Raad der Nederlanden

Reference for a preliminary ruling – Area of freedom, security and justice – Return of illegally staying third-country nationals – Directive 2008/115/EC – Article 11 – Entry ban – Third-country national against whom an entry ban was issued but who never left the Member State concerned – National legislation providing for a custodial sentence in the event of the third-country national staying in that Member State despite notice of the entry ban issued against him.

You can find the text of the Judgment of the Court [here C-806/18](#).

[Judgment of the Court \(Grand Chamber\) of 6 October 2020, C-623/17](#)

[Case C-623/17](#) – Privacy International v Secretary of State for Foreign and Commonwealth Affairs and Others

Request for a preliminary ruling from the Investigatory Powers Tribunal - London

Reference for a preliminary ruling – Processing of personal data in the electronic communications sector – Providers of electronic communications services – General and indiscriminate transmission of traffic data and location data – Safeguarding of national security – Directive 2002/58/EC – Scope – Article 1(3) and Article 3 – Confidentiality of electronic communications – Protection – Article 5 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – Article 4(2) TEU.

You can find the text of the Judgment of the Court [here C-623/17](#).

[Judgment of the Court \(Grand Chamber\) of 24 November 2020, Joined Cases C-225/19 and C-226/19](#)

[Joined Cases C-225/19 and C-226/19](#) – R.N.N.S. and K.A. v Minister van Buitenlandse Zaken

Requests for a preliminary ruling from the Rechtbank Den Haag zittingsplaats Haarlem

References for a preliminary ruling – Area of freedom, security and justice – Community Code on Visas – Regulation (EC) No 810/2009 – Article 32(1) to (3) – Decision to refuse a visa – Annex VI – Standard form – Statement of reasons – Threat to public policy, internal security or public health, or to the international relations of any of the Member States – Article 22 – Procedure of prior consultation of central authorities of other Member States – Objection to the issuing of a visa – Appeal against a decision to refuse a visa – Scope of judicial review – Article 47 of the Charter of Fundamental Rights of the European Union – Right to an effective remedy.

You can find the text of the Judgment of the Court the joined cases [here C-225/19 and C-226/19](#).

[Judgment of the Court \(Grand Chamber\) of 17 December 2020, Case C-808/18](#)

[Case C-808/18](#) – European Commission v Hungary

Failure of a Member State to fulfil obligations – Area of freedom, security and justice – Policies on border checks, asylum and immigration – Directives 2008/115/EC, 2013/32/EU and 2013/33/EU – Procedure for granting international protection – Effective access – Border procedure – Procedural safeguards – Compulsory placement in transit zones – Detention – Return of illegally staying third-country nationals – Appeals brought against administrative decisions rejecting the application for international protection – Right to remain in the territory

You can find the text of the Judgment of the Court [here C-808/18](#).

[Judgment of the Court \(Fifth Chamber\) of 24 February 2021, C-673/19](#)

[Case C-673/19](#) – M and Others v Staatssecretaris van Justitie en Veiligheid and T

Request for a preliminary ruling from the Raad van State (Netherlands)

Reference for a preliminary ruling – Asylum and immigration – Directive 2008/115/EC – Articles 3, 4, 6 and 15 – Refugee staying illegally in the territory of a Member State – Detention for the purpose of transfer to another Member State – Refugee status in that other Member State – Principle of non-refoulement – No return decision – Applicability of Directive 2008/115.

You can find the text of the Judgment of the Court [here C-673/19](#).

[Judgment of the Court \(Fourth Chamber\) of 3 June 2021, C-546/19](#)

[Case C-546/19](#) – BZ v Westerwaldkreis

Request for a preliminary ruling from the Bundesverwaltungsgericht

Reference for a preliminary ruling – Area of freedom, security and justice – Immigration policy – Return of illegally staying third-country nationals – Directive 2008/115/EC – Article 2(1) – Scope – Third-country national – Criminal conviction in the Member State – Article 3(6) – Entry ban – Grounds of public policy and public security – Withdrawal of the return decision – Lawfulness of the entry ban.

You can find the text of the Judgment of the Court [here C-546/19](#).

[Judgment of the Court \(Grand Chamber\) of 16 November 2021, C-821/19](#)

[Case C-821/19](#) – European Commission v Hungary

Actions for failure to fulfil obligations – Area of freedom, security and justice – Asylum policy – Directives 2013/32/EU and 2013/33/EU – Procedure for granting international protection – Grounds of inadmissibility – Concepts of ‘safe third country’ and ‘first country

of asylum' – Assistance given to asylum seekers – Criminalisation – Prohibition on entry to the border transit zone of the relevant Member State.

You can find the text of the Judgment of the Court [here C-821/19](#).

[Judgment of the Court \(Third Chamber\) of 3 March 2022, C-409/20](#)

[Case C-409/20](#) – UN v Subdelegación del Gobierno en Pontevedra

Request for a preliminary ruling from the Juzgado Contencioso Administrativo de Pontevedra

Reference for a preliminary ruling – Area of freedom, security and justice – Directive 2008/115/EC – Common standards and procedures in Member States for returning illegally staying third-country nationals – Article 6(1) and Article 8(1) – National legislation providing for the imposition, in the event of illegal stay, of a fine together with an obligation to leave the territory – Possibility of regularising the stay within a prescribed period – Article 7(1) and (2) – Period for voluntary departure.

You can find the text of the Judgment of the Court [here C-409/20](#).

[Judgment of the Court \(First Chamber\) of 15 September 2022, C-420/20](#)

[Case C-420/20](#) – Criminal proceedings against HN

Request for a preliminary ruling from the Sofiyski rayonen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Charter of Fundamental Rights of the European Union – Articles 47 and 48 – European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Directive (EU) 2016/343 – Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings – Article 8 – Right to be present at the trial – Return decision accompanied by an entry ban of five years – Conditions for holding a trial in the absence of the person concerned – Obligation to be present at the trial provided for under national law.

You can find the text of the Judgment of the Court [here C-420/20](#).

[Judgment of the Court \(Second Chamber\) of 6 October 2022, C-241/21](#)

[Case C-241/21](#) – I. L. v Politsei- ja Piirivalveamet

Request for a preliminary ruling from the Riigikohus.

Reference for a preliminary ruling – Directive 2008/115/EC – Return of illegally staying third-country nationals – Article 15(1) – Detention – Grounds for detention – General criterion based on the risk that the effective enforcement of the removal would be compromised – Risk that the person concerned would commit a criminal offence – Consequences of the

establishment of the offence and the imposition of a penalty – Complication of the removal process – Article 6 of the Charter of Fundamental Rights of the European Union – Restriction of the fundamental right to liberty – Requirement of a legal basis – Requirements of clarity, predictability and accessibility – Protection against arbitrariness.

You can find the text of the Judgment of the Court [here C-241/21](#).

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Co-funded by the
Erasmus+ Programme
of the European Union