



CJEU judgment regarding the applicability of inadmissibility criteria to persons granted subsidiary protection in another EU Member State (10th December 2020)

The CJEU delivered its judgment in Case C-616/19 *M.S., M.W., G.S. v Minister for Justice and Equality*, in respect of a preliminary reference made by the High Court concerning the interpretation of the rules on admissibility laid down in Directive 2005/85/EC (the Procedures Directive) on 10th December 2020. The full text of the judgment is available here:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=235344&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=23493627>

In the operative part of the judgment the CJEU states as follows:

Article 25(2) of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status must be interpreted as not precluding legislation of a Member State which is subject to 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, but which is not bound by 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, in accordance with which an application for international protection is considered to be inadmissible where the applicant benefits from subsidiary protection status in another Member State.