

Case C-189/24 [Tudmur] ⁱ**Request for a preliminary ruling****Date lodged:**

8 March 2024

Referring court:Oberverwaltungsgericht für das Land Nordrhein-Westfalen
(Germany)**Date of the decision to refer:**

14 February 2024

Applicant:

QS

Defendant:

Bundesrepublik Deutschland

Preliminary remark

- 1 The present request for a preliminary ruling is worded almost identically to that in Case C-185/24. The Oberverwaltungsgericht für das Land Nordrhein-Westfalen (Higher Administrative Court for the *Land* of North Rhine-Westphalia, Germany), which is making the request in both cases, points, at the end of each order for reference, to the other case.
- 2 Both requests concern Syrian nationals who entered Germany and made an application for asylum there and in respect of whom a search in Eurodac generated a category 2 hit in relation to Italy.
- 3 The referring court takes the view that the take-charge freeze imposed by the circulars issued by the Italian Dublin Unit on 5 and 7 December 2022 leads to systemic flaws within the meaning of the second subparagraph of Article 3(2) of Regulation (EU) No 604/2013.

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.

Succinct presentation of the facts and procedure in the main proceedings

- 4 The facts and procedure differ from those in Case C-185/24 essentially only in respect of the data of the respective applicant (such as date of birth, date of entry, date of the application for asylum).

Examination of the action and questions referred for a preliminary ruling

- 5 The questions referred and the legal reasoning of the referring court are identical to those in Case C-185/24.

WORKING DOCUMENT