

Order of the Court (First Chamber) of 5 July 2018 (request for a preliminary ruling from the Raad van State — Netherlands) — Staatssecretaris van Veiligheid en Justitie v C and J, S v Staatssecretaris van Veiligheid en Justitie

(Case C-269/18 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Article 99 of the Rules of Procedure of the Court of Justice — Common procedures for granting and withdrawing international protection — Directive 2013/32/EU — Article 46(6) and (8) — Manifestly unfounded application for international protection — Right to an effective remedy — Authorisation to remain in the territory of a Member State — Directive 2008/115/EC — Articles 2, 3 and 15 — Illegal stay — Detention)

(2018/C 341/03)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: Staatssecretaris van Veiligheid en Justitie, J, S

Respondents: C, Staatssecretaris van Veiligheid en Justitie

Operative part of the order

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals and 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 must be interpreted as meaning that a third-country national, whose application for international protection has been rejected at first instance by the competent administrative authority as being manifestly unfounded, cannot be detained with a view to his removal, in the case where, in accordance with Article 46(6) and (8) of Directive 2013/32, he is lawfully authorised to remain on the national territory until a decision has been taken on his action relating to the right to remain on that territory pending the ruling on the appeal brought against the decision which rejected his application for international protection.

⁽¹⁾ OJ C 276, 6.8.2018.

Appeal brought on 17 May 2018 by the European Union Intellectual Property Office against the judgment of the General Court (First Chamber) delivered on 7 March 2018 in Case T-6/17, Equivalenza Manufactory v EUIPO — ITM Entreprises (Black Label by Equivalenza)

(Case C-328/18 P)

(2018/C 341/04)

Language of the case: Spanish

Parties

Appellant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other parties to the proceedings: Equivalenza Manufactory, S.L. and ITM Entreprises SAS

Form of order sought

The appellant claims that the Court of Justice should:

— set aside the judgment under appeal;