



Material reception conditions for applicants for international protection

Findings of the Court of Justice of the European Union

This exercise is based on the CJEU judgment C-79/13 Saciri. In the judgment, the CJEU interpreted provisions of the previous Reception Directive 2003/91, but the ruling is also applicable to the current Reception Directive 2013/33.

Response to question 1

In this case, art. 1 of the EU Charter of Fundamental Rights is applicable.

Findings of the Court of Justice of the European Union
The Court stated that:

(...) the general scheme and purpose of Directive 2003/9 and the observance of fundamental rights, in particular the requirements of Article 1 of the Charter of Fundamental Rights of the European Union, under which human dignity must be respected and protected, preclude the asylum seeker from being deprived – even for a temporary period of time after the making of the application for asylum (...) – of the protection of the minimum standards laid down by that directive (...) (para 35).

Response to question 2

Findings of the Court of Justice of the European Union

The CJEU held in operative part of the judgment that:

Where a Member State has opted to grant the material reception conditions in the form of financial allowances or vouchers, that those allowances must be provided from the time the application for asylum is made, in accordance with the provisions of Article 13(1) of that directive [corresponding to Article 17(1) of Directive 2013/33], and must meet the minimum standards set out in Article 13(2) thereof [corresponding to Article 17(2) of Directive 2013/33]. That Member State must ensure that the total amount of the financial allowances covering the material reception conditions is sufficient to ensure a dignified standard of living and adequate for the health of applicants and capable of ensuring their subsistence, enabling them in particular to find housing, having regard, if necessary, to the preservation of the interests of persons having specific needs, pursuant to Article 17 of that directive [corresponding to Article 21 of Directive 2013/33].

Relevant paragraphs of the judgement:

33 With regard, firstly, to the time from which the Member States are required to provide the material reception conditions, it is appropriate to note that the Court has already held that,



regarding the period during which the material reception conditions must be granted to the applicants, that period is to begin when the asylum seeker applies for asylum (...).

34 It is apparent from the very terms of Article 13(1) of Directive 2003/9 that the material reception conditions must be available to asylum seekers, whether provided in kind or in the form of financial allowances, when they make their application for asylum.

*35 In addition, the general scheme and purpose of Directive 2003/9 and the observance of fundamental rights, in particular the requirements of Article 1 of the Charter of Fundamental Rights of the European Union, under which human dignity must be respected and protected, preclude the asylum seeker from being deprived – even for a temporary period of time after the making of the application for asylum and before being actually transferred to the responsible Member State – of the protection of the minimum standards laid down by that directive (see *Cimade and GISTI*, paragraph 56).*

41 In the context of setting the material reception conditions in the form of financial allowances, pursuant to the second subparagraph of Article 13(2) of Directive 2003/9, the Member States are required to adjust the reception conditions to the situation of persons having specific needs, as referred to in Article 17 of the directive. Accordingly, the financial allowances must be sufficient to preserve family unity and the best interests of the child which, pursuant to Article 18(1), are to be a primary consideration.

42 Consequently, where a Member State has opted to provide the material reception conditions in the form of financial allowances, those allowances must be sufficient to ensure a dignified standard of living and adequate for the health of applicants and capable of ensuring their subsistence by enabling them to obtain housing, if necessary, on the private rental market.

It can therefore be assumed that:

- material reception conditions shall be available to the family since they made their application for international protection at the airport, not from the date of registration in the reception centre,
- authorities should take into account the specific situation of Kamila K. as a disabled person and grant her financial allowance in such a way as to take into account her needs (eg. a higher rent due to the facilities installed there, the need to buy a special bed).

Follow-Up Question

What material reception conditions are available for applicants for international protection in your country?

Is the amount of financial allowance provided by authorities in your country sufficient to ensure a dignified standard of living and adequate for the health of applicants? Are the interests of persons having specific needs preserved?

Guidance for facilitators

- The facilitator distributes pages with case description (fact, law, questions).
- The participants should read the background info and discuss the questions.
- After the participants have discussed the questions above, the facilitator should present the findings of the CJEU + the follow-up question and subsequently distribute the pages with case solution (findings of the CJEU).
- The participants should discuss the findings and the follow-up question.
- The results of the working group will subsequently be presented in the plenum.

Note: Before starting, the participants should appoint one note taker and one person to present the results of their working group to the plenum.