

OPINION OF ADVOCATE GENERAL  
Sharpston  
delivered on 15 May 2012 (1)

Case C-179/11

**CIMADE**  
**Groupe d'information et de soutien des immigrés (GISTI)**

v

**Ministre de l'intérieur, de l'outre-mer, des collectivités territoriales et de l'immigration**

(Reference for a preliminary ruling from the Conseil d'État (France))

(Visas, asylum, immigration – Directive 2003/9/EC – Regulation (EC) No 343/2003 – Obligation to guarantee minimum reception conditions to asylum seekers prior to their being taken in charge or taken back by the responsible Member State – Period during which the host Member State is responsible for the provision of such conditions – Liability for the cost of providing those conditions)

1. This reference for a preliminary ruling by the French Conseil d'État (Council of State) seeks guidance on the interpretation of Directive 2003/9 (2) ('the Reception Conditions Directive') laying down minimum standards for the reception of asylum seekers ('the reception conditions'), when read in conjunction with Regulation No 343/2003 ('the Dublin II Regulation'). (3)

2. By virtue of the 'taking back' and 'taking charge' rules laid down under that regulation, (4) an asylum seeker may find that the Member State which is responsible for examining his application ('the responsible Member State') is not the one in which he is present at the relevant time ('the host Member State'). The Court is asked, first, whether the reception conditions apply to such an asylum seeker at all, then, if so, (a) at what point the responsibility of the host Member State to guarantee those conditions terminates in the event of a 'taking back' or a 'taking charge' order being made under the Dublin II Regulation and (b) whether the responsible Member State or the host Member State is liable for the cost of making those conditions available during the period in question.

**Legal background**

*European Union (EU) law*

The conclusions of the Tampere European Council