

Must the second sentence of Article 8(4) of Directive 2016/343, and in particular the phrase ‘also informed of the possibility to challenge the decision and of the right to a new trial or to another legal remedy, in accordance with Article 9’, be interpreted as meaning that such information concerns a formally recognised right to have the proceedings reopened, or does it concern the right to request such reopening, whereby the substance of the request must then be examined?

(¹) Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65, p. 1).

Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 28 June 2022 — Criminal proceedings against PT, SD

(Case C-432/22)

(2022/C 408/38)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Parties to the main proceedings

PT, SD

Questions referred

In the context of criminal proceedings concerning charges brought for offences coming within the scope of EU law, is it compatible with the second sentence of Article 19(1) TEU and the first and second paragraphs of Article 47 of the Charter for a national law to impose a requirement under which a court other than the one hearing the case and before which all the evidence has been taken is to examine the substance of an agreement entered into between the public prosecutor and an accused person, whereby the reason behind that requirement is the fact that there are other co-accused persons who have not entered into an agreement?

Is a national law under which an agreement discontinuing criminal proceedings is to be approved only with the consent of all other co-accused persons and their defence counsel compatible with Article 5 of Framework Decision 2004/757, (¹) Article 4 of Framework Decision 2008/841, (²) the second sentence of Article 19(1) TEU and Article 52 of the Charter, in conjunction with Article 47 thereof?

Does the second paragraph of Article 47 of the Charter require a court, after having examined and approved an agreement, to decline to examine the charges against the other co-accused persons where it has ruled on that agreement in such a manner that it does not make any statement as to their involvement or express an opinion as to their guilt?

(¹) Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ 2004 L 335, p. 8).

(²) Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ 2008 L 300, p. 42).

Request for a preliminary ruling from the Sofiyski rayonon sad (Bulgaria) lodged on 4 July 2022 — Em akaunt BG EOOD v Zastrahovatelno aktsionerno druzhestvo ‘Armeets’ AD

(Case C-438/22)

(2022/C 408/39)

Language of the case: Bulgarian

Referring court

Sofiyski rayonon sad