

- (c) Is it contrary to EU law, in particular the principle of effectiveness, if the use in criminal proceedings of evidence, the obtaining of which was contrary to EU law precisely because there was no suspicion of an offence, is justified in a balancing of interests by the seriousness of the offences which first became known through the analysis of the evidence?
- (d) In the alternative: does it follow from EU law, in particular the principle of effectiveness, that infringements of EU law in the obtaining of evidence in national criminal proceedings cannot remain completely without consequence, even in the case of serious criminal offences, and must therefore be taken into account in favour of the accused person at least when assessing evidence or determining the sentence?

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(<sup>1</sup>) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ 2014 L 130, p. 1).

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**Request for a preliminary ruling from the Sąd Rejonowy Katowice — Wschód w Katowicach (Poland) lodged on 2 November 2022 — Przedsiębiorstwo Produkcyjno-Handlowo-Uslugowe A. v P. S.A.**

(Case C-677/22)

(2023/C 35/38)

*Language of the case: Polish*

**Referring court**

Sąd Rejonowy Katowice — Wschód w Katowicach

**Parties to the main proceedings**

*Applicant:* Przedsiębiorstwo Produkcyjno-Handlowo-Uslugowe A.

*Defendant:* P. S.A.

**Question referred**

Must Article 3(5) of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (recast) (<sup>1</sup>) be interpreted as meaning that a period for payment longer than 60 days may be expressly stipulated by undertakings only in contracts in which the contractual terms are not determined unilaterally by one of the contracting parties?

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(<sup>1</sup>) OJ 2011 L 48, p. 1.

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**Request for a preliminary ruling from the Sąd Rejonowy dla Krakowa — Podgórze w Krakowie (Poland) lodged on 3 November 2022 — Profi Credit Polska S.A. v G.N.**

(Case C-678/22)

(2023/C 35/39)

*Language of the case: Polish*

**Referring court**

Sąd Rejonowy dla Krakowa — Podgórze w Krakowie

**Parties to the main proceedings**

*Applicant:* Profi Credit Polska S.A.

*Defendant:* G.N.