

**Question referred**

Must Article 31(2) of the Charter of Fundamental Rights of the European Union and Article 7(2) of Directive 2003/88/EC, <sup>(1)</sup> also considered separately, be interpreted as precluding national provisions or practices, justified by compliance with public finance restrictions, under which staff, including managerial staff, of public administrative bodies may not under any circumstances, upon termination of their employment relationship, be granted monetary benefits in lieu of leave accrued but not taken?

<sup>(1)</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

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**Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie (Poland)  
lodged on 10 November 2022 — I. sp. z o.o. v M.W.**

(Case C-693/22)

(2023/C 35/43)

*Language of the case: Polish*

**Referring court**

Sąd Rejonowy dla m.st. Warszawy w Warszawie

**Parties to the main proceedings**

*Applicant:* I. sp. z o.o.

*Defendant:* M.W.

**Question referred**

Should Article 5(1)(a) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), <sup>(1)</sup> in conjunction with Article 6(1)(a), (c) and (e) of that regulation, as well as Article 6(3) thereof, be interpreted as precluding a provision of national law that permits the sale, in enforcement proceedings, of a database, within the meaning of Article 1(2) of Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, <sup>(2)</sup> which contains personal data, if the data subject did not consent to such a sale?

<sup>(1)</sup> OJ 2016 L 119, p. 1.

<sup>(2)</sup> OJ 1996 L 77, p. 20.

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**Request for a preliminary ruling from the Městský soud v Praze (Czech Republic) lodged on  
10 November 2022 — Fondee a.s. v Česká národní banka**

(Case C-695/22)

(2023/C 35/44)

*Language of the case: Czech*

**Referring court**

Městský soud v Praze

**Parties to the main proceedings**

*Applicant:* Fondee a.s.

*Defendant:* Česká národní banka

### Questions referred

1. Does a person who is, pursuant to Article 3(1) of Directive 2014/65/EU<sup>(1)</sup> of the European Parliament and of the Council on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MiFID II), excluded from the scope of that Directive, and who does not, pursuant to Article 3(3) of the Directive, enjoy the freedom to provide services as defined in Article 34 thereof, enjoy the right to freedom to provide services embodied in Article 56 of the Treaty on the Functioning of the European Union, if it itself does not provide investment services on the basis of a single European passport to a client established in another Member State, but rather receives an investment service from a foreign entity using a single European passport or otherwise takes part in its provision to the end client (acts as an intermediary)?
2. If the answer to the previous question is affirmative, does EU law, namely Article 56 of the Treaty on the Functioning of the European Union, preclude legislation prohibiting an investment broker from transmitting a client's order to a foreign securities trader?

<sup>(1)</sup> OJ 2014 L 173, p. 349.

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### Request for a preliminary ruling from the Apelativen sad Varna (Bulgaria) lodged on 14 November 2022 — Criminal proceedings against TP and OF

(Case C-698/22)

(2023/C 35/45)

*Language of the case: Bulgarian*

### Referring court

Apelativen sad Varna

### Criminal proceedings against

TP and OF

### Questions referred

- I. May substances which, although not set out in Annex I to Regulation (EC) No 111/2005<sup>(1)</sup> of the European Parliament and of the Council of 22 December 2004, have been identified as being used for the illicit manufacture of narcotic drugs or psychotropic substances be the subject of the criminal offence of illegal trafficking across national borders for the purposes of Article 242(3) of the NK (as material), given that neither national law nor the applicable EU law requires a special import regime in respect of such substances? Article 242(3) of the NK is a blanket provision and refers to other special provisions that explicitly regulate the import of precursors. Is the national provision in Article 242(3) of the NK (whose content is analogous to that of the provision in the second sentence of Article 354a of the NK) compatible in that sense with Article 49 of the Charter of Fundamental Rights of the European Union and Article 7 of the European Convention on Human Rights, given that there is no legal requirement for a registration regime in respect of the import of such materials that could flesh out the blanket provisions under criminal law?
- II. If this question is answered in the affirmative:
  - II.1. What is meant by 'use for the illicit manufacture of narcotic drugs or psychotropic substances' for the purposes of Article 2(b) of Regulation (EC) No 111/2005: must it be interpreted as a mere mixing of substances for the creation of narcotic drugs or psychotropic substances or may the meaning also cover the involvement of the substances in chemical reactions for the synthesis of narcotic drugs or psychotropic substances?