

5. If the answer to the first question referred is no, is there, on that account, any change in the previously defined content of the finding which must be taken into account for the purposes of Article 58, third paragraph, of Regulation No 1122/2009?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2005 L 209, p. 1.

⁽³⁾ Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ 2009 L 316, p. 65).

Request for a preliminary ruling from the Sofiyski gradski sad (Bulgaria) lodged on 14 February 2023 — Criminal proceedings against V. S.

(Case C-80/23, Ministerstvo na vatreshnite raboti)

(2023/C 155/44)

Language of the case: Bulgarian

Referring court

Sofiyski gradski sad

Accused

V. S.

Questions referred

1. Is the requirement of assessing ‘strict necessity’ under Article 10 of Directive 2016/680, ⁽¹⁾ as interpreted by the Court of Justice in paragraph 133 of [the judgment of 26 January 2023, *Ministerstvo na vatreshnite raboti*, C-205/21 ⁽²⁾], satisfied if it is carried out solely on the basis of the decision accusing the person and on the basis of her written refusal to have her biometric and genetic data collected, or is it necessary for the court to have before it all the material in the file which, under national law, is made available to it in the event of an application for authorisation to carry out investigative measures which infringe the legal sphere of natural persons, where that application is made in a criminal case?
2. If the Court of Justice answers the first question in the affirmative — after having been provided with the case file, may the court in the context of the assessment of ‘strict necessity’ pursuant to Article 10 in conjunction with Article 6(a) of Directive 2016/680 also consider whether there are reasonable grounds to suspect that the accused has committed the criminal offence referred to in the accusation?

⁽¹⁾ Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ 2016 L 119, p. 89).

⁽²⁾ ECLI:EU:C:2023:49.

Request for a preliminary ruling from the Varhoven kasatsionen sad (Bulgaria) lodged on 15 February 2023 — E.N.I., Y.K.I. v HUK-COBURG-Allgemeine Versicherung AG

(Case C-86/23, HUK-COBURG-Allgemeine Versicherung)

(2023/C 155/45)

Language of the case: Bulgarian

Referring court

Varhoven kasatsionen sad