

Question referred

Is an interpretation that extends the producer's liability to the supplier, even where the latter has not physically placed its own name, trade mark or other distinguishing feature on the item, on the sole ground that the supplier has a name, trade mark or other distinguishing feature that is in whole or in part the same as that of the producer, consistent with Article 3[(1)] of Directive 85/374/EEC? ⁽¹⁾ If it is not consistent with that provision, why is that the case?

⁽¹⁾ Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ 1985 L 210, p. 29).

Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 16 March 2023 — VL, ZS, Lireva Investments Limited, VI, FORTRESS FINANCE Inc. v Latvijas Republikas Saeima

(Case C-161/23, Lireva Investments and Others)

(2023/C 189/27)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Appellants before the Satversmes tiesa: VL, ZS, Lireva Investments Limited, VI, FORTRESS FINANCE Inc.

Respondent: Latvijas Republikas Saeima

Questions referred

1. Does national legislation pursuant to which a national court rules on the confiscation of the proceeds of crime in separate proceedings relating to the illegally obtained assets, which are separated from the main criminal proceedings before it is established that a criminal offence has been committed and before anyone has been found guilty of that offence, and which also provides for confiscation based on materials taken from the criminal case file, fall within the scope of Directive 2014/42, ⁽¹⁾ in particular Article 4 thereof, and of Framework Decision 2005/212, ⁽²⁾ in particular Article 2 thereof?
2. If the first question is answered in the affirmative, may national legislation concerning proof of the criminal source of assets in proceedings concerning illegally obtained assets, such as that established in the provisions at issue, be considered compatible with the right to a fair trial enshrined in Articles 47 and 48 of the Charter and in Article 8(1) of Directive 2014/42?
3. Is the principle of the primacy of European Union law to be interpreted as precluding the constitutional court of a Member State, which is seised of an action for a declaration of unconstitutionality brought against national legislation which has been held to be incompatible with European Union law, from ruling that the principle of legal certainty is applicable and that the legal effects of that legislation are to be maintained in relation to the period during which it was in force?

⁽¹⁾ Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ 2014 L 127, p. 39).

⁽²⁾ Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ 2005 L 68, p. 49).
