

Question referred

Do Protocol (No 7) on the privileges and immunities of the European Union, in particular Article 14 thereof, the principle of a single social security scheme applicable to workers, whether employed or self-employed, active or retired, and the principle of sincere cooperation as set out in Article 4(3) of the Treaty on European Union preclude a Member State from imposing a national social security scheme on, and requiring the payment of social security contributions from, an official who, in addition to his employment within a European institution, also carries out additional teaching activities with the latter's authorisation, when that official is, by virtue of the Staff Regulations of Officials, already subject to the joint social security scheme of the EU institutions?

**Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on
28 March 2023 — Agentsia po vpisvaniyata v OL
(Case C-200/23, Agentsia po vpisvaniyata)**

(2023/C 223/20)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Appellant in cassation: Agentsia po vpisvaniyata

Respondent in cassation: OL

Questions referred

1. May Article 4(2) of Directive 2009/101/EC⁽¹⁾ be interpreted as meaning that it imposes an obligation on the Member State to permit the disclosure of an instrument of memorandum and articles of association, which is subject to registration under Article 119 of the Targovski zakon (Commercial Code), in the case where that instrument contains not only the names of the members of the company, which are subject to compulsory disclosure under Article 2(2) of the Zakon za targovskia registar i registara na yuriditcheskite litsa s nestopanska tsel (Law on the Commercial Register and the Register of Not-for-Profit Legal Persons), but also other personal data? When answering this question, it is important to take into account that the Registration Agency is a public-sector body against which the directly effective provisions of the aforementioned directive may be relied on, in accordance with the settled case-law of the Court of Justice (judgment of 7 September 2006, *Vassallo*, C-180/04, ECLI:EU:C:2006:518, paragraph 26 and the case-law cited).
2. If the first question is answered in the affirmative, may it be assumed that, in the circumstances which gave rise to the dispute in the main proceedings, the processing of personal information by the Registration Agency is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, within the meaning of Article 6(1)(e) of Regulation 2016/679?⁽²⁾
3. If the first two questions are answered in the affirmative, may a national provision such as that contained in Article 13(9) of the Zakon za targovskia registar i registara na yuriditcheskite litsa s nestopanska tsel (Law on the Commercial Register and the Register of Not-for-Profit Legal Persons), in accordance with which, in the event that personal data not required by law are contained in an application [for registration] or in the documents annexed thereto, it must be assumed that the persons who made those data available consented to the processing thereof by the Agency and to the provision of public access thereto, be regarded as permissible, notwithstanding recitals 32, 40, 42, 43 and 50 of Regulation 2016/679, as a clarification of the possibility of 'voluntary disclosure', within the meaning of Article 4(2) of Directive 2009/101/EC, even of personal data?

4. Is it permissible for provisions of national law intended to give effect to the obligation laid down in Article 3(7) of Directive 2009/101/EC, whereby Member States are to take the necessary measures to avoid any discrepancy between what is disclosed in accordance with paragraph 5 and what appears in the register or file, and to take into account the interests of third parties in being acquainted with the essential documents of the company and certain information concerning the company, as referred to in recital 3 of that directive, to prescribe a procedure (application forms, submission of copies of documents in which personal data have been redacted) for exercising the right of natural persons under Article 17 of Regulation 2016/679 to obtain from the controller the erasure of personal data concerning him or her without undue delay, in the case where the personal data the erasure of which is sought are part of publicly disclosed (notified) documents which were made available to the controller, in accordance with a similar procedure, by another person who, in so doing, also determined the purpose of the processing initiated by him or her?
5. In the situation underlying the dispute in the main proceedings, does the Registration Agency act only as controller in relation to the personal data or is it also the recipient thereof, in the case where the purposes of processing those data were determined by another controller as part of the documents that were submitted for disclosure?
6. Does the handwritten signature of a natural person constitute information relating to an identified natural person, in the sense that it is covered by the term 'personal data' within the meaning of Article 4(1) of Regulation 2016/679?
7. Is the concept of 'non-material damage' in Article 82(1) of Regulation 2016/679 to be interpreted as meaning that the assumption of non-material damage requires a noticeable disadvantage and an objectively comprehensible impairment of personal interests, or is the mere short-term loss of the data subject's unfettered control over his or her data due to the publication of personal data in the commercial register, which did not have any noticeable or adverse consequences for the data subject, sufficient for that purpose?
8. May opinion No 01-116(20)/01.02.2021, issued by the national supervisory authority, the Komisia za zashtita na lichnite danni (Commission for the Protection of Personal Data), in accordance with Article 58(3)(b) of Regulation 2016/679, to the effect that the Registration Agency does not have the option or power in law to restrict of its own motion or at the request of the data subject the processing of data which have already been disclosed, permissibly be regarded as proof, for the purposes of Article 82(3), that the Registration Agency is in no way responsible for the circumstance which gave rise to the damage suffered by the natural person?

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- (¹) Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent (OJ 2009 L 258, p. 11).
- (²) 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 (OJ 2016 L 119, p. 1).

**Request for a preliminary ruling from the Sofiyski rayonen sad (Bulgaria) lodged on 7 April 2023 —
'Toplofikatsia Sofia' EAD**

(Case C-222/23, Toplofikatsia Sofia)

(2023/C 223/21)

Language of the case: Bulgarian

Referring court

Sofiyski rayonen sad

Parties to the main proceedings

Applicant in the order for payment proceedings: 'Toplofikatsia Sofia' EAD

Questions referred

1. Is Article 62(1) of Regulation (EU) No 1215/2012 (¹) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, read in conjunction with Articles 18(1) and 21 TFEU, to be interpreted as precluding the concept of a natural person's 'domicile' from being derived from national legislation which provides that the permanent address of nationals of the forum State is always situated in that State and cannot be transferred to another place in the European Union?