

2. If the answer to the preceding question is in the negative, does Directive 98/59 have direct horizontal effect between individuals?

(¹) OJ 1998 L 225. p. 16.

Request for a preliminary ruling from the Tribunal da Concorrência, Regulação e Supervisão (Portugal) lodged on 24 April 2023 — IMI — Imagens Médicas Integradas SA v Autoridade da Concorrência

(Case C-258/23, Imagens Médicas Integradas)

(2023/C 304/04)

Language of the case: Portuguese

Referring court

Tribunal da Concorrência, Regulação e Supervisão

Parties to the main proceedings

Applicant: IMI — Imagens Médicas Integradas SA

Defendant: Autoridade da Concorrência

Questions referred

- I. Do the business records at issue in this case, which are transmitted by e-mail, constitute ‘correspondence’ for the purposes of Article 7 of the Charter of Fundamental Rights of the European Union?
- II. Does Article 7 of the Charter of Fundamental Rights of the European Union preclude business records arising from e-mail communications between managers and employees of undertakings from being seized in the course of an investigation into agreements and practices prohibited under Article 101 TFEU (ex Article 81 TEC)?
- III. Does Article 7 of the Charter of Fundamental Rights of the European Union preclude such business records from being seized on the prior authorisation of a judicial authority, in this case the Public Prosecutor’s Office, which is responsible for representing the State, defending the interests determined by law, bringing criminal prosecutions on the basis of the principle of legality and defending democratic legality in accordance with the Constitution, and which operates independently of the other central, regional and local authorities?

Request for a preliminary ruling from the Tribunal da Concorrência, Regulação e Supervisão (Portugal) lodged on 24 April 2023 — Synlabhealth II SA v Autoridade da Concorrência

(Case C-259/23, Synlabhealth II)

(2023/C 304/05)

Language of the case: Portuguese

Referring court

Tribunal da Concorrência, Regulação e Supervisão

Parties to the main proceedings

Applicant: Synlabhealth II SA

Defendant: Autoridade da Concorrência