

- have capital links or family ties with a person that holds or controls voting rights in the governing body or supervisory body of the legal person referred to in the previous indent or with that legal person's representative?
9. Must Article 16 of the Charter of Fundamental Rights of the European Union, Articles 49, 56 and 106 TFEU, Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and Articles 8 and 8a of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives be interpreted as precluding legislation pursuant to which the restrictions mentioned in questions 7 and 8 apply equally to members of the governing body of the legal person that carries on the collective fulfilment of extended producer responsibility obligations, to members of the supervisory body of that legal person and to that legal person's representative?
10. Must Article 16 of the Charter of Fundamental Rights of the European Union and Articles 49 and 56 TFEU be interpreted as precluding legislation pursuant to which producers that have extended producer responsibility obligations and place on the market products intended for household use must without exception conclude a contract under which they entrust the legal person that has the authorisation to carry on the collective fulfilment of extended producer responsibility obligations with the task of fulfilling their obligations flowing from extended producer responsibility?

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<sup>(1)</sup> OJ 2008 L 312, p. 3.

<sup>(2)</sup> OJ 2006 L 176, p. 36.

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**Request for a preliminary ruling from the Okrazhen sad — Sliven (Bulgaria) lodged on 25 April 2023 — Criminal proceedings against DM, AV, WO, AQ**

(Case C-265/23, Volieva <sup>(1)</sup>)

(2023/C 252/33)

*Language of the case: Bulgarian*

**Referring court**

Okrazhen sad — Sliven

**Parties to the main proceedings**

DM, AV, WO, AQ

**Questions referred**

1. In criminal cases concerning offences falling within the scope of EU law, must Article 52 in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union and Article 4 of Council Framework Decision 2008/841/JHA <sup>(2)</sup> of 24 October 2008 on the fight against organised crime and the third sentence of Article 19(1) of the Treaty on European Union be interpreted as precluding national legislation such as that contained in Chapter XXVI of the Nakazatelno-protsesualen kodeks (Code of Criminal Procedure) (as amended by Darzhaven vestnik [State Gazette] No 63/2017, in force since 5 November 2017), which abrogates the right of an accused person to have the criminal proceedings against him or her discontinued, where that right arose under a law providing for such a possibility but, as a result of a judicial error, was established only after that law had been repealed?
2. What effective remedies, within the meaning of Article 47 of the Charter of Fundamental Rights of the European Union, should be available to such an accused person, and, in particular, is a national court required to discontinue entirely the criminal proceedings against such an accused person if a formation of the court previously seised had failed to do so, even though the relevant conditions were satisfied under the national law then in force?

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

<sup>(2)</sup> OJ 2008 L 300, p. 42.