

### Pleas in law and main arguments

In support of the appeal, the appellant relies on two pleas in law.

First plea: the judgment of the General Court is vitiated by contradictory reasoning, a denaturation of evidence, and an error of law in the application of the legal standard for assessing if there is an overriding public interest that can justify disclosure within the meaning of Article 4(2) of Regulation 1049/2001.

Second plea: the judgment of the General Court is vitiated by insufficient reasoning as regards the rejection of the existence of an overriding public interest.

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(<sup>1</sup>) OJ 2001 L 145, p. 43.

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### Request for a preliminary ruling from the Ekonomisko lietu tiesa (Latvia) lodged on 19 April 2023 — criminal proceedings against A, B, C, D, F, E, G, SIA AVVA, SIA Liftu alianse

(Case C-255/23, AVVA and Others)

(2023/C 235/26)

*Language of the case: Latvian*

### Referring court

Ekonomisko lietu tiesa

### Criminal proceedings against

A, B, C, D, F, E, G, SIA AVVA, SIA Liftu alianse

### Questions referred

1. Do Articles 1(1), 6(1)(a) and 24(1), second subparagraph, of Directive 2014/41 (<sup>1</sup>) permit legislation of a Member State according to which a person residing in a different Member State may, without a European investigation order being issued, participate by videoconference, as an accused person, in judicial proceedings, where the accused person is not being heard in that phase of the proceedings, that is to say, where no evidence is being gathered, provided the person directing the proceedings in the Member State in which the case is being tried is able, by technical means, to verify the identity of the person in the other Member State and provided that person's rights of the defence and assistance by an interpreter are ensured?
2. If the answer to the first question is in the affirmative, could the consent of the person who is to be heard constitute an independent or supplementary criterion or prerequisite for that person to participate by videoconference in the judicial proceedings in question, where no evidence is being gathered in that phase of the proceedings, if the person directing the proceedings in the Member State in which the case is being tried is able, by technical means, to verify the identity of the person who is in the other Member State and provided that person's rights of the defence and assistance by an interpreter are ensured?

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(<sup>1</sup>) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ 2014 L 130, p. 1).

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### Appeal brought on 8 May 2023 by the Republic of Bulgaria against the judgment of the General Court, delivered on 8 March 2023 in Case T-235/21, Republic of Bulgaria v European Commission

(Case C-294/23 P)

(2023/C 235/27)

*Language of the case: Bulgarian*

### Parties

*Appellant:* Republic of Bulgaria (represented by: T. Mitova and S. Ruseva, acting as Agents)

*Other party to the proceedings:* European Commission

### Form of order sought

The appellant claims that the Court should:

- set aside in its entirety the judgment of the General Court of 8 March 2023, in Case T-235/21, *Republic of Bulgaria v European Commission* (EU:T:2023:105) and give final judgment or, in the alternative, refer the case back before the General Court for a ruling on the dispute, and
- order the Commission to pay the costs of the present proceedings.

### Grounds of appeal and main arguments

In support of the action, the appellant relies on two grounds of appeal.

1. The General Court erred in law in its interpretation of Article 52(3) of Regulation No 1306/2013 <sup>(1)</sup> and Article 34 of Regulation No 908/2014, <sup>(2)</sup> in conjunction with Articles 52(1) and 54(5) of Regulation No 1306/2013, and of the obligation to state reasons laid down in Article 296 TFEU, and of the principles of good administration and sincere cooperation and thus reached the incorrect conclusion that the rights of the defence of the Republic of Bulgaria and the procedural guarantees arising from the conformity clearance procedure, the obligation to state reasons for measures, as well as the principles of good administration and sincere cooperation were respected. The reasoning in the judgment is insufficient and inappropriate since the General Court did not assess all the relevant facts and arguments put forward by the Republic of Bulgaria.
2. The General Court erred in law in its interpretation of Article 54(5)(a) and (c), in conjunction with Article 54(1) of Regulation No 1306/2013, considering that, in the present case, the time limit of 18 months laid down in Article 54(1) of Regulation No 1306/2013 had started running ‘when the paying agency received’ OLAF’s final reports. The General Court’s findings in paragraphs 76 to 78 of the judgment in Case T-235/21 are contrary to the settled case-law to the effect that decisions under Article 52 of Regulation No 1306/2013 are to be taken at the conclusion of a specific procedure giving effect to the *audi alteram partem* rule and the various documents exchanged during the administrative procedure are preparatory documents for the adoption of a decision.

<sup>(1)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 2013, p. 549).

<sup>(2)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 2014, p. 59).

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**Appeal brought on 11 May 2023 by Harley-Davidson Europe Ltd and Neovia Logistics Services International against the judgment of the General Court (Eighth Chamber, Extended Composition) delivered on 1 March 2023 in Case T-324/21, Harley-Davidson Europe and Neovia Logistics Services International v Commission**

(Case C-297/23 P)

(2023/C 235/28)

*Language of the case: English*

### Parties

*Appellants:* Harley-Davidson Europe Ltd and Neovia Logistics Services International (represented by: E. Righini, avvocato and S. Völcker, Rechtsanwalt)

*Other party to the proceedings:* European Commission

### Form of order sought

The appellants claim that the Court should:

- set aside the judgment under appeal;
- annul the contested decision; and