

Request for a preliminary ruling from the Formation restreinte du Haut conseil du Commissariat aux comptes (France) lodged on 12 June 2023 — H3C v MO

(Case C-368/23, Fautromb ⁽¹⁾)

(2023/C 329/12)

Language of the case: French

Referring court

Formation restreinte du Haut conseil du Commissariat aux comptes

Parties to the main proceedings

Applicant: H3C

Defendant: MO

Questions referred

1. Must Article 25 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽²⁾ be interpreted, having regard in particular to the provisions of Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts ⁽³⁾ and of Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities, ⁽⁴⁾ as precluding national legislation which prohibits statutory auditors and audit firms from carrying out any commercial activity, whether directly or through an intermediary?
2. If the first question is answered in the affirmative, does the same apply where that legislation excludes from the scope of that prohibition, by way of exception, on the one hand, commercial activities ancillary to the profession of accountant, carried out in compliance with the rules governing professional ethics and conduct and the independence of statutory auditors and in accordance with the conditions laid down in the third paragraph of Article 22 of Regulation No 45-2138 of 19 September 1945 and, on the other hand, ancillary commercial activities engaged in by a multidisciplinary partnership in accordance with the conditions laid down in Article 31-5 of Law No 90-1258 of 3 December 1990?

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

⁽²⁾ OJ 2006 L 376, p. 36.

⁽³⁾ Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ 2006 L 157, p. 87).

⁽⁴⁾ Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ 2014, L 158, p. 77).

Request for a preliminary ruling from the Amtsgericht Mönchengladbach-Rheydt (Germany) lodged on 19 June 2023 — ZO v JS

(Case C-381/23, Geterfer ⁽¹⁾)

(2023/C 329/13)

Language of the case: German

Referring court

Amtsgericht Mönchengladbach-Rheydt

Parties to the main proceedings

Applicant: ZO

Defendant: JS

Question referred

According to Regulation (EC) No 4/2009, ⁽²⁾ is there *lis alibi pendens* with the same subject matter if there are proceedings concerning child maintenance in Belgium between the child's father and the child's mother while proceedings concerning child maintenance have been brought at a later stage by the child, who has in the meantime come of age, against the child's mother in Germany?

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

⁽²⁾ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ 2009 L 7, p. 1).

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 28 June 2023 —
Association Mousse v Commission nationale de l'informatique et des libertés (CNIL), SNCF Connect**

(Case C-394/23, Mousse)

(2023/C 329/14)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Association Mousse

Defendants: Commission nationale de l'informatique et des libertés (CNIL), SNCF Connect

Questions referred

1. In order to assess whether data collection is adequate, relevant and limited to what is necessary, within the meaning of Article 5(1)(c) of the GDPR ⁽¹⁾ and the need for processing in accordance with Article 6(1)(b) and (f) of that regulation, may account be taken of commonly accepted practices in civil, commercial and administrative communications, with the result that the collection of data relating to customers' civil titles, which is limited to 'Mr' or 'Ms', may be regarded as necessary, without this being precluded by the principle of data minimisation?
2. In order to assess the need for the compulsory collection and processing of data relating to customers' civil titles, even though some customers consider that they do not come under either of the two civil titles and that the collection of such data is not relevant in their case, should account be taken of the fact that those customers may, after having provided those data to the data controller in order to benefit from the service offered, exercise their right to object to the use and storage of those data by relying on their particular situation, in accordance with Article 21 of the GDPR?

⁽¹⁾ 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 (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

**Request for a preliminary ruling from the Sofiyski gradski sad (Bulgaria) lodged on 29 June 2023 —
Criminal proceedings against VB**

(Case C-400/23, VB II)

(2023/C 329/15)

Language of the case: Bulgarian

Referring court

Sofiyski gradski sad