

**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 4 June 2021 — Criminal proceedings against DD**

**(Case C-347/21)**

(2021/C 338/13)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Party to the main proceedings**

DD

**Questions referred**

Is the right of the accused person to be present in person under Article 8(1) of Directive 2016/343,<sup>(1)</sup> read in conjunction with Article 10(1) and recital 44 thereof, safeguarded where a witness has been examined in the absence of the accused person at a separate hearing but the accused person had the opportunity to put questions to that witness at the subsequent hearing but stated that he or she had no questions, or is it necessary, in order to safeguard the right to be present in person, for that examination to be repeated in its entirety, including the questions put by the other parties who were present at the first examination?

Is the right to be defended by a lawyer under Article 3(1) of Directive 2013/48,<sup>(2)</sup> read in conjunction with Article 12(1) thereof, safeguarded where two witnesses have been examined in the absence of the lawyer at two separate hearings but the lawyer was given the opportunity to put questions to the two witnesses at the subsequent hearing, or is it necessary, in order to safeguard the right of defence by a lawyer, for those two examinations to be repeated in their entirety, including the questions of the other parties from the first hearing, and, in addition, for the lawyer who was absent from the two previous hearings to be given the opportunity to ask his questions?

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<sup>(1)</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65, p. 1).

<sup>(2)</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294, p. 1).

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**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 4 June 2021 — Criminal proceedings against HYA and Others**

**(Case C-348/21)**

(2021/C 338/14)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Parties to the main proceedings**

HYA and Others

**Question referred**

Is a national law which provides that the right of an accused person to be present in proceedings is safeguarded and the public prosecutor's office properly discharges its obligation to prove the guilt of the accused person compatible with Articles 8(1) and 6(1) of Directive 2016/343,<sup>(1)</sup> read in conjunction with recitals 33 and 34 thereof, and the second paragraph of Article 47 of the Charter if the testimony given at the pre-trial stage of the proceedings by witnesses who cannot be examined for objective reasons is introduced at the trial stage of the criminal proceedings, whereby those witnesses were examined solely by the prosecution and without the participation of the defence, but before a judge, and the prosecution could have provided the defence with the opportunity to participate in that examination at the pre-trial stage, but did not do so?

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<sup>(1)</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65, p. 1).

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**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 4 June 2021 — Criminal proceedings against HYA and Others**

**(Case C-349/21)**

(2021/C 338/15)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Parties to the main proceedings**

HYA and Others

**Questions referred**

Is a practice of national courts in criminal proceedings whereby the court authorises the interception, recording and storage of telephone conversations of suspects by means of a pre-drafted, generic text template in which it is merely asserted, without any individualisation, that the statutory provisions have been complied with compatible with Article 15(1) of Directive 2002/58,<sup>(1)</sup> read in conjunction with Article 5(1) and recital 11 thereof?

If not, is it contrary to EU law if the national law is interpreted as meaning that information obtained as a result of such authorisation is used to prove the charges brought?

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<sup>(1)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37, Special edition in Bulgarian: Chapter 13 Volume 036 P. 63).

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**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 4 June 2021 — Criminal proceedings against Spetsializirana prokuratura**

**(Case C-350/21)**

(2021/C 338/16)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Party to the main proceedings**

Spetsializirana prokuratura