

**Parties to the main proceedings**

*Applicant:* F S.A.

*Defendant:* Dyrektor Krajowej Informacji Skarbowej

**Question referred**

Must the provisions of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), <sup>(1)</sup> and in particular Article 29(1) thereof, in conjunction with Articles 18, 49 and 63 of the Treaty on the Functioning of the European Union, be interpreted as precluding the laying down in national legislation of formal requirements, such as in the main proceedings, for taking advantage of exemptions from corporation tax by undertakings for collective investment whose registered office is in a Member State of the European Union other than the Republic of Poland, or in another State in the European Economic Area, that is to say from the requirement that they be managed by persons who have, for the pursuit of their activity, the authorisation of the competent financial market supervisory authorities of the State in which the registered office of those undertakings is situated?

<sup>(1)</sup> OJ 2009 L 302, p. 32.

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**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 19 January 2023 — ND v DR**

**(Case C-21/23, Lindenapotheke)**

(2023/C 155/35)

*Language of the case:* German

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Defendant and appellant in the appeal on a point of law:* ND

*Applicant and respondent in the appeal on a point of law:* DR

**Questions referred**

1. Do the rules in Chapter VIII of the General Data Protection Regulation <sup>(1)</sup> preclude national rules which — alongside the powers of intervention of the supervisory authorities responsible for monitoring and enforcing the regulation and the options for legal redress for data subjects — empower competitors to bring proceedings for infringements of the General Data Protection Regulation against the infringer before the civil courts on the basis of the prohibition of unfair commercial practices?
2. Do the data that the customers of a pharmacist who acts as a seller on an online sales platform enter when ordering pharmacy-only but not prescription-only medicines on the sales platform (customer's name, delivery address and information required for individualising the pharmacy-only medicine ordered) constitute data concerning health within the meaning of Article 9(1) of the General Data Protection Regulation and of Article 8(1) of the Data Protection Directive? <sup>(2)</sup>

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<sup>(1)</sup> 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).

<sup>(2)</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31).

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