



C/2025/4877

15.9.2025

Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on 28 May 2025 – M.O.

(Case C-358/25, Mazewicz ⁽¹⁾)

(C/2025/4877)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicant: M.O.

With the participation of: Skarb Państwa – Prezes Sądu Rejonowego dla m. st. Warszawy w Warszawie; Fundacja ... w W.

Questions referred

1. Are Article 14(d), Article 15(l), Article 16(3) and Article 17(l) of Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law, ⁽²⁾ recitals 8 and 33 thereof, and recital 22 of Directive (EU) 2025/25 of the European Parliament and of the Council of 19 December 2024 amending Directives 2009/102/EC and (EU) 2017/1132 as regards further expanding and upgrading the use of digital tools and processes in company law ⁽³⁾ at odds with Article 24 of the Ustawa z [dnia] 20 sierpnia 1997 r. o Krajowym Rejestrze Sądowym (Law of 20 August 1997 on the National Court Register) (Dziennik Ustaw (Journal of Laws) 2024.0.979) [(‘the Law on the National Court Register’)] in so far as that provision of national law fails to ensure that companies/foundations update the court register in a timely manner and effectively disclose information in that register regarding the cessation of duties by persons performing an executive role within those entities, and in so far as compulsory court proceedings obliging an entity entered in the register to update that information are ineffective because it is permissible for the court to take action of its own motion only in cases where this is justified by considerations relating to the security of transactions and where the registry court finds that the information to be deleted is significant?
2. Are Article 14(d), Article 15(1), Article 16(3) and Article 17(l) of [Directive 2017/1132], recitals 8 and 33 thereof, recital 22 of [Directive 2025/25] and Article 47 of the Charter of Fundamental Rights [of the European Union] at odds with Article 24 of [the Law on the National Court Register], Article 694³(1) of the Ustawa z [dnia] 17 listopada 1964 r. – Kodeks postępowania cywilnego (Law of 17 November 1964 establishing the Code of Civil Procedure) (Dziennik Ustaw 2024.1568) [(‘the Code of Civil Procedure’)], and Article 3(2) of the Ustawa z [dnia] 17 czerwca 2004 r. o skardze na naruszenie prawa strony do rozpoznania sprawy w postępowaniu przygotowawczym prowadzonym lub nadzorowanym przez prokuratora i postępowaniu sądowym bez nieuzasadnionej zwłoki (Law of 17 June 2004 on complaints against a breach of a party’s rights to have a case heard in preliminary proceedings conducted or supervised by a public prosecutor and in court proceedings without undue delay) (Dziennik Ustaw 2023.1725), in so far as those provisions of national law deprive a former board member of a company/foundation of the standing to request the amendment of information in the register, and thus of the standing to complain about the excessive length of registry proceedings, as well as the right of access to a court or tribunal in registry proceedings the purpose of which is the removal from the register of information pertaining to him or her [?]

⁽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 2017 L 169, p. 46.

⁽³⁾ OJ 2025 L 2025/25.