



**Request for a preliminary ruling from the Sofiyski rayonen sad (Bulgaria) lodged on 5 January 2026 –
Criminal proceedings against HV**

(Case C-2/26, Kaldov ⁽¹⁾)

(C/2026/1587)

Language of the case: Bulgarian

Referring court

Sofiyski rayonen sad

Convicted person: HV

Questions referred

1. Must the principle of judicial independence provided for in the second subparagraph of Article 19(1) [of the Treaty on European Union (TEU)], read in conjunction with Article 2 TEU, ... be interpreted as precluding State bodies which have investigative and/or prosecutorial powers from conducting, solely on the ground that a national law enacted by the State's supreme legislative body was not applied because a national court held that it was contrary to EU law, investigations into judges concerning criminal offences committed, and is it permissible for those State bodies, which have no judicial functions, to review the correctness of judicial decisions as regards the applicability of EU law and potentially, where they consider EU law to be irrelevant to a specific legal dispute, to propose imposing a disciplinary penalty on the judges?
2. Must Article 267 [of the Treaty on the Functioning of the European Union (TFEU)], read in conjunction with the first paragraph of Article 23 of the Statute of the Court of Justice of the European Union, be interpreted as meaning that, where a request for a preliminary ruling seeking an interpretation of EU law has been made, every national court or tribunal subsequently hearing a dispute whose outcome depends on the decision of the Court of Justice of the European Union is required to stay the proceedings pending before it in order to ensure the uniform application of EU law?
3. Is it permissible for national courts and tribunals, when examining the compatibility of national legislation with EU law, autonomously to rely on the principles of the rule of law enshrined in Article 2 TEU, including the principle of proportionality when restricting citizens' fundamental rights?
4. Is it permissible to rely on the principles of the rule of law enshrined in Article 2 TEU, including the principle of proportionality when restricting citizens' fundamental rights, as grounds for applying the provisions of the Charter of Fundamental Rights of the European Union, in view of the fact that those principles are common to the Member States and lie within the competence of the European Union?
5. Must the principles of the rule of law provided for in Article 2 TEU, including the principle of proportionality when restricting citizens' fundamental rights, in conjunction with the requirement of Articles 49(3) and 52(1) of the Charter of Fundamental Rights of the European Union regarding proportionality of criminal offences and penalties and regarding limitations, which may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others, be interpreted as precluding a national legal system, such as that under Article 53 and Article 343b(5) of the [Nakazatelen kodeks (Criminal Code; 'the NK')], under which it is mandatory for the instrumentality or object of the offence to be confiscated without the courts having the possibility of determining whether a balance is ensured between the competing rights of citizens, the seriousness of the criminal offence committed and the identity of the perpetrator?
6. In the event of a possible conflict between a decision of the national constitutional court and a decision of the Court of Justice of the European Union, which interpretation is decisive for national courts when applying Article 53 and Article 343b(5) of the NK?

⁽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.