

Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 5 August 2016 — Criminal proceedings against Emil Milev

(Case C-439/16)

(2016/C 364/07)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Party to the main proceedings

Emil Milev

Question referred

Is a domestic precedent — in particular a binding Opinion of the Varhoven Sad [(Bulgarian Supreme Court of Cassation; ‘the Supreme Court’)] (delivered after the adoption of Directive 2016/343 ⁽¹⁾ of 9 March 2016 but before the time limit for its transposition has passed), pursuant to which the Varhoven Sad [(Supreme Court)], after having established that there is a conflict between Article 5(4) of the Convention for the Protection of Human Rights and Fundamental Freedoms [(‘the ECHR’)], read in conjunction with Article 5(1)(c) thereof, and national legislation (Article 270(2) of the [Bulgarian] Criminal Procedure Code (Nakazatelno-protsesualen kodeks)) relating to the issue of whether to take into consideration the reasonable grounds for assuming that an offence was committed (within the context of a procedure for reviewing the extension of a coercive measure of ‘remand in custody’ during the litigation stage of criminal proceedings), grants to the courts dealing with the substance of the case the power to decide whether to comply with the [ECHR] — consistent with Article 3 of Directive 2016/343 of 9 March 2016 and Article 6 thereof (relating to the presumption of innocence and the burden of proof within the context of criminal proceedings)?

⁽¹⁾ 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).

Order of the President of the Fourth Chamber of the Court of 12 July 2016 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Società LIS Srl, Società Cerutti Lorenzo Srl v Abbanoa SpA: in the presence of: Consorzio Stabile CSI — Consorzio Servizi Integrati Soc. cons. arl, Procelli Costruzioni Srl, Bondini Srl, Assisi Strade Srl

(Case C-287/15) ⁽¹⁾

(2016/C 364/08)

Language of the case: Italian

The President of the Fourth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 302, 14.9.2015.