

4. Is Article 62(2) of the Law on combating drug addiction, which lays down stricter criminal liability for the offence of possessing a significant quantity of psychotropic substances and narcotic drugs, as interpreted by the Polish national courts, contrary to the principles of equality and non-discrimination (Article 14 of the European Convention on Human Rights and Articles 20 and 21 of the Charter of Fundamental Rights [of the European Union], read in conjunction with Article 6(1) TEU)?

⁽¹⁾ OJ 2004 L 335, p. 8.

Request for a preliminary ruling from the Sąd Rejonowy w Chełmnie (Poland) lodged on 29 October 2018 — Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v ZP

(Case C-671/18)

(2019/C 65/30)

Language of the case: Polish

Referring court

Sąd Rejonowy w Chełmnie

Parties to the main proceedings

Applicant: Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (Central Fine Collection Agency, Ministry of Justice and Security) (CJIB)

Defendant: ZP

Questions referred

1. Should Article 7(2)(i)(iii) and Article 20(3) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, ⁽¹⁾ as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 ⁽²⁾ ('the Framework Decision'), be interpreted as authorising a court to refuse to enforce a decision of an authority of an issuing State other than a court if it finds that the service of that decision was effected in such a way as to infringe a party's right to an effective defence before a court?
2. In particular, can a finding that, despite the service procedures in force in the issuing State and the time limits laid down for appealing a decision as referred to in Article 1(a)(ii) and (iii) of Council Framework Decision 2005/214/JHA having been observed, the party residing in the State enforcing the decision did not have a real and effective opportunity to protect his rights at the pre-litigation stage of the proceedings due to not having been given sufficient time to respond to the notification of the imposition of the penalty in a proper manner constitute grounds for refusal?
3. Under Article 3 of Council Framework Decision 2005/214/JHA, can the scope of legal protection afforded to persons against whom a financial penalty is to be recognised depend on whether the procedure for imposing the penalty was an administrative procedure, a procedure concerning a petty offence or a criminal procedure?

4. In the light of the objectives and principles set out in Council Framework Decision 2005/214/JHA, including Article 3 thereof, are the decisions of non-judicial authorities which are issued pursuant to the laws of the State issuing the decision concerned, under which the person in whose name a vehicle is registered is held liable for road traffic offences (that is to say, decisions issued solely on the basis of information obtained within the framework of the cross-border exchange of vehicle registration data and without any investigation being carried out in that case, including determining the actual offender), enforceable?

⁽¹⁾ OJ 2005 L 76, p. 16.

⁽²⁾ Council Framework Decision 2009/299/JHA amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial (OJ 2009 L 81, p. 24).

Request for a preliminary ruling from Tribunalul București (Romania) lodged on 6 November 2018 — TK v Asociația de Proprietari bloc M5A Scara-A

(Case C-708/18)

(2019/C 65/31)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: TK

Defendant: Asociația de Proprietari bloc M5A-Scara A

Questions referred

1. Are Articles 8 and 52 of the Charter of Fundamental Rights of the European Union and Article 7(f) of Directive 95/46/EC, ⁽¹⁾ on the protection of individuals with regard to the processing of personal data, to be interpreted as precluding a provision of national law such as that at issue in the main proceedings, namely Article 5(2) of Law No 677/2001, and Article 6 of Decision No 52/2012 of the ANSPDCP (Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal, the National Authority for the Supervision of the Processing of Personal Data), in accordance with which video surveillance may be used to ensure the safety and protection of individuals, property and valuables and for the pursuit of legitimate interests, without the consent of the person concerned?
2. Are Articles 8 and 52 of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that the limitation of rights and freedoms which results from video surveillance is in accordance with the principle of proportionality, satisfies the requirement of being necessary and meets objectives of general interest or the need to protect the rights and freedoms of others, where the controller is able to take other measures to protect the legitimate interest in question?
3. Is Article 7(f) of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data to be interpreted as meaning that the 'legitimate interests' of the controller must be proven, present and effective at the time of the data processing?