

**Request for a preliminary ruling from the Okresný súd Bratislava V (Slovakia) lodged on 22 February 2019 —
Criminal proceedings against R.B.**

(Case C-149/19)

(2019/C 148/26)

Language of the case: Slovak

Referring court

Okresný súd Bratislava V

Party to the main proceedings

R.B.

Questions referred

1. Is it compatible with Article 4 of Directive 2012/13/EU ⁽¹⁾ of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (‘Directive 2012/13/EU’), Article 8(2) of Directive 2012/13/EU, the right to liberty and security under Article 6 of the Charter of Fundamental Rights of the European Union, the right of defence under Article 48(2) of the Charter of Fundamental Rights of the European Union and the right to a fair trial under Article 47 of the Charter of Fundamental Rights of the European Union for the national authorities not to provide the detainee, throughout the period of detention, with the information referred to in Article 4(2) of Directive 2012/13/EU (in particular the right to access to the materials of the case), fully or completely, and not to permit the detainee to challenge that failure to provide information in accordance with Article 8(2) of Directive 2012/13/EU? If the reply to that question should be in the negative, does that infringement of the law of the European Union affect, at any stage in the criminal proceedings, the legality of the deprivation of personal liberty when the detainee has been placed in pre-trial detention, in addition to the continuation of such pre-trial detention?
2. Is a provision of national law that does not permit the court to impose a term of imprisonment of less than 20 years, without any possibility of account being taken of the principle that the penalty should be specific to the offender and to the offence — such as Paragraph 172(4) of the Slovak Criminal Code, which punishes illicit drug trafficking — compatible with Article 4 of Council Framework Decision 2004/757/JHA ⁽²⁾ of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, with the principle of sincere cooperation under Article 4(3) of the Treaty on European Union, with Article 267 of the Treaty on the Functioning of the European Union, with Articles 82 and 83 of the Treaty on the Functioning of the European Union, with the right to a fair trial laid down in Article 47 of the Charter of Fundamental Rights of the European Union, with the principle of the proportionality of penalties under Article 49(3) of the Charter of Fundamental Rights of the European Union and with the principles of proportionality, unity, effectiveness and the primacy of EU law? For the purposes of answering that question, is it relevant that the illicit drug trafficking was not committed by a criminal organisation within the meaning of EU law?

⁽¹⁾ OJ 2012 L 142, p. 1.

⁽²⁾ OJ 2004 L 335, p. 8.
