

Request for a preliminary ruling from the Apelativen sad Varna (Bulgaria) lodged on 26 November 2019 — Criminal proceedings against TS

(Case C-863/19)

(2020/C 68/34)

Language of the case: Bulgarian

Referring court

Apelativen sad Varna

Party to the main proceedings

TS

Questions referred

1. Are Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ 2014 L 127, p. 39, corrigendum OJ 2014 L 138, p. 114) and the Charter of Fundamental Rights of the European Union applicable with respect to a criminal offence consisting of possession of narcotics for the purpose of distribution thereof, committed by a Bulgarian citizen in the territory of the Republic of Bulgaria, and where the potential economic proceeds are also realised and located in the Republic of Bulgaria?
2. Should the answer to the first question be in the affirmative, how should the concept of ‘economic advantage derived [...] indirectly from a criminal offence’ in Article 2(1) of the directive be understood, and can a sum of money, found in and confiscated from the home of the convicted person and his family and from a car driven by him, constitute such an advantage?
3. Is Article 2 of the directive to be interpreted as precluding a legal provision such as that of Article 53(2) of the Nakazatelen kodeks (Criminal Code) of the Republic of Bulgaria, which does not provide for the confiscation of an ‘economic advantage derived [...] indirectly from a criminal offence’?
4. Is Article 47 of the Charter of Fundamental Rights of the European Union to be interpreted as precluding a national legal provision such as that of Article 306(1), point 1 of the Nakazatelen kodeks (Code of Criminal Procedure) of the Republic of Bulgaria, which allows for the confiscation for the benefit of the State of a sum of money in respect of which it is claimed that it belongs to a person other than the person who committed the criminal offence, without that third party being able to take part in those proceedings in his or her own right and having direct access to the courts?

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 26 November 2019 — NH v Deutsche Lufthansa AG

(Case C-864/19)

(2020/C 68/35)

Language of the case: German

Referring court

Landgericht Köln