

2. Would the answer to the first question be different if the objective conditions for the decision to order the termination of a secondment are laid down by law and are subject to judicial review, but no such conditions subject to judicial review are laid down in respect of the selection of judges to be seconded?
3. If the answer to the first question is that the secondment of judges is permissible under such conditions if objective rules are complied with, must account be taken, when assessing the extent to which the national provisions run counter to the requirement to provide sufficient remedies under the second subparagraph of Article 19(1) TEU, of not only the criteria laid down by law but also the manner in which they are applied by the competent administrative and judicial authorities?
4. Must Commission Decision 2006/929/EC be interpreted as meaning that the answers to the previous three questions would be different if a national practice of secondment which is based on rules similar to those currently in force has been established, and this has given rise to objections under the mechanism for cooperation and verification established by that decision?
5. If it has been established that the national provisions on the secondment of judges may run counter to the obligation to provide remedies that are necessary to guarantee effective judicial protection under the second subparagraph of Article 19(1) TEU, must that article be interpreted as precluding a higher court, the adjudicating panel of which was also composed of a seconded judge, from giving binding directions to a national court, and under what conditions is that the case? In particular, are directions which do not concern the merits of the dispute but prescribe that certain procedural acts are to be performed vitiated by a procedural defect?

**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on
20 December 2021 — Criminal proceedings against ZhU and RD**

(Case C-805/21)

(2022/C 138/14)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Parties to the main proceedings

ZhU and RD

Question referred

Is it compatible with Article 2(3) of Directive 2014/42⁽¹⁾ or, in the alternative, with the third indent of Article 1 of Framework Decision 2005/212 to interpret national law as meaning that a motor vehicle used to store large quantities of excise goods (cigarettes) without strip stamps does not constitute an instrumentality of crime?

⁽¹⁾ 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).

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on
21 December 2021 — Criminal proceedings against TF**

(Case C-806/21)

(2022/C 138/15)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Party to the main proceedings

TF