

Question referred

Is the purpose of Directive 2008/48/EC ⁽¹⁾ of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC to penalise credit providers for a failure to fully examine a consumer's creditworthiness, even in cases when the consumer fully paid up the credit and raised no objections against the agreement while paying?

⁽¹⁾ OJ 2008 L 133, p. 66.

Request for a preliminary ruling from the Landgericht Bochum (Germany) lodged on 15 December 2022 — Verband Wirtschaft im Wettbewerb Verein für Lauterkeit in Handel und Industrie e.V. v Roller GmbH & Co. KG

(Case C-761/22)

(2023/C 94/24)

Language of the case: German

Referring court

Landgericht Bochum

Parties to the main proceedings

Applicant: Verband Wirtschaft im Wettbewerb Verein für Lauterkeit in Handel und Industrie e.V.

Defendant: Roller GmbH & Co. KG

Questions referred

1. Does Article 6(1)(a) of Regulation (EU) 2017/1369 ⁽¹⁾ of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU directly impose an obligation on suppliers or dealers of products relevant to energy labelling to indicate the energy efficiency class and the range of energy efficiency classes in their advertising, without specific expression being given to that standard by means of a delegated act?
2. (a) In the event that the answer to question 1 is in the affirmative:

Does an obligation, already to be assumed directly from Article 6(1)(a) of Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU, for suppliers or dealers of products relevant to energy labelling to indicate the energy efficiency class and the range of energy efficiency classes in their advertising result in suppliers or dealers being entitled to a certain amount of leeway regarding how that information is presented until the new delegated acts enter into force?

- (b) In the event that the answer to question [2](a) is in the affirmative:

Which possibility or possibilities of presenting the required information on energy efficiency class and range of energy efficiency classes in compliance with EU law are open to suppliers and dealers until the new delegated acts enter into force? Is the combination of energy efficiency class and colour design chosen by the defendant according to Annex K 1 to the statement of claim sufficient, if applicable?

3. In the event that the answer to question 1 is in the negative:

Is the obligation for suppliers or dealers of products relevant to energy labelling to indicate the energy efficiency class and the range of energy efficiency classes in their advertising completely suspended until the new delegated acts enter into force?

(¹) Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ 2017 L 198, p. 1).

**Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 12 December 2022 —
1Dream OŪ, DS, DL, VS, JG v Latvijas Republikas Saeima**

(Case C-767/22, 1Dream)

(2023/C 94/25)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Appellants before the Satversmes tiesa: 1Dream OŪ, DS, DL, VS, JG

Respondent: Latvijas Republikas Saeima

Questions referred

1. Does national legislation pursuant to which a national court rules on the confiscation of the proceeds of crime in separate proceedings relating to the illegally obtained assets, which are separated from the main criminal proceedings before it is established that a criminal offence has been committed and before anyone has been found guilty of that offence, and which also provides for confiscation based on materials taken from the criminal case file, fall within the scope of Directive 2014/42, (¹) in particular Article 4 thereof, and Framework Decision 2005/212, (²) in particular Article 2 thereof?
2. If the first question is answered in the affirmative, is the legislation on access to materials in the case file in proceedings relating to illegally obtained assets to be considered compatible with the right to a fair trial enshrined in Article 47 of the Charter and in Article 8(1) of Directive 2014/42?
3. Is the principle of the primacy of European Union law to be interpreted as precluding the constitutional court of a Member State, which is seised of an action for a declaration of unconstitutionality brought against national legislation which has been held to be incompatible with European Union law, from ruling that the principle of legal certainty is applicable and that the legal effects of that legislation are to be maintained in relation to the period during which it was in force?

(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).

(²) Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ 2005 L 68, p. 49).

Action brought on 16 December 2022 — European Commission v Portuguese Republic

(Case C-768/22)

(2023/C 94/26)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: L. Armati, P. Caro de Sousa, acting as Agents)

Defendant: Portuguese Republic