

Request for a preliminary ruling from the Judecătoria Sectorului 6 București (Romania) lodged on 3 January 2023 — M.-A. A. v Direcția de Evidență a Persoanelor Cluj, Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date din Ministerul Afacerilor Interne, and Municipiul Cluj-Napoca, with the participation of Consiliul Național pentru Combaterea Discriminării and Asociația Accept

(Case C-4/23, Asociația Accept)

(2023/C 164/37)

Language of the case: Romanian

Referring court

Judecătoria Sectorului 6 București

Parties to the main proceedings

Applicant: M.-A. A.

Defendants: Direcția de Evidență a Persoanelor Cluj, Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date din Ministerul Afacerilor Interne, and Municipiul Cluj-Napoca

Intervening parties: Consiliul Național pentru Combaterea Discriminării and Asociația Accept

Questions referred

1. Does the fact that Article 43(i) and Article 57 of Legea nr. 119/1996 privind actele de stare civilă (Law No 119/1996 on civil status documents) do not recognise changes in civil status made in another Member State by means of the procedure for legal recognition of gender to entries concerning gender and first name by a transgender man who has dual nationality (Romanian and of another Member State) and require a Romanian citizen to bring, from the outset, separate judicial proceedings in Romania against the local Public Service for Personal Records and Civil Status — proceedings which have been held to lack clarity and foreseeability by the European Court of Human Rights (*X and Y v. Romania*, nos. 2145/16 and 20607/16, 19 January 2021) and which may lead to a decision contrary to that taken by the other Member State — constitute an obstacle to the exercise of the right to European citizenship (Article 20 of the Treaty on the Functioning of the European Union) and/or the right of citizens of the Union to move and reside freely (Article 21 of the Treaty on the Functioning of the European Union and Article 45 of the Charter of Fundamental Rights of the European Union) in conditions of dignity, equality before the law and non-discrimination (Article 2 of the Treaty on European Union; Article 18 of the Treaty on the Functioning of the European Union, and Articles 1, 20 and 21 of the Charter of Fundamental Rights of the European Union), respecting the right to private and family life (Article 7 of the Charter of Fundamental Rights of the European Union)?
2. Does the departure of the United Kingdom of Great Britain and Northern Ireland from the European Union affect the answer to the above question, in particular where (i) the procedure for changing civil status was commenced before Brexit and was completed during the transition period, and (ii) the impact of Brexit means that the person cannot benefit from rights attached to European citizenship, including the right to free movement and residence, except on the basis of Romanian identity or travel documents in which that person appears with a female gender and first name, contrary to the gender identity that has already been legally recognised?

Request for a preliminary ruling from the Înalta Curte de Casație și Justiție (Romania) lodged on 11 January 2023 — Remia Com Impex SRL v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor, Direcția Sanitară Veterinară și pentru Siguranța Alimentelor Dolj

(Case C-10/23, Remia Com Impex)

(2023/C 164/38)

Language of the case: Romanian

Referring court

Înalta Curte de Casație și Justiție

Parties to the main proceedings

Appellant: Remia Com Impex SRL

Respondents: Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor, Direcția Sanitară Veterinară și pentru Siguranța Alimentelor Dolj

Questions referred

1. Must Regulation (EC) No 853/2004 ⁽¹⁾ as a whole, and the provisions of Article 1(3) to (5) in particular, be interpreted as meaning that cold stores which carry out retail sales activities to other retail establishments, but not to the final consumer, have to be approved in accordance with that regulation, when the activity concerned does not fall within the exceptions provided for in Article 1(5)(b)?
2. Must that regulation and EU law, in general, be interpreted as meaning that the national authorities which are responsible for ensuring the implementation of the policy which constitutes the objective to be achieved by the legislation and ensuring compliance with the corresponding obligations of the economic operators concerned are required to interpret the condition relating to marginal, localised and restricted activity, contained in Article 1(5)(b)(ii), in the light of recital 13 of that regulation, or may they derogate from that interpretation by means of their own definitions of the terms?
3. If the answer to Question 2 is in the affirmative, must the relevant definitions, contained in a national act transposing the regulation, respect the substance of the concepts, as described in recital 13?
4. In view of the fact that the provisions of Article 17 of the Normele atașate Ordinului No 111/2008 (rules annexed to Order No 111/2008) provide that the activity of retail sale of products of animal origin may also include activities of supply and sale of products to other retail establishments throughout the territory of Romania without the obligation to obtain a veterinary health permit, does EU law and, in particular, Regulation (EC) No 853/2004, preclude such a provision and/or such an administrative practice?
5. Does the principle of equivalence require that, where a measure of an administrative authority may be annulled on the ground that it does not comply with a national law, that administrative act may also be annulled on the ground that it does not comply with a relevant EU regulation, such as Regulation (EC) No 853/2004?

⁽¹⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ 2004 L 139, p. 55).

**Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on
16 January 2023 — SF v MV, Instituto da Segurança Social, IP, Autoridade Tributária e Aduaneira,
Cofidis SA — Branch in Portugal**

(Case C-20/23, Instituto da Segurança Social and Others)

(2023/C 164/39)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Appellant: SF

Respondents: MV, Instituto da Segurança Social, IP, Autoridade Tributária e Aduaneira, Cofidis SA — Branch in Portugal

Questions referred

- (1) Must Article 23(4) of Directive [2019/1023] ⁽¹⁾ be interpreted as meaning that the exclusion of other debts (other than those listed in the respective letters of Article 23(4)) is permitted only if it is ‘duly justified’?