

4. Where the reply to the first and/or second questions is in the affirmative, may the videoconference be arranged only via the competent authorities of the Member State?
5. Where the reply to the fourth question is in the negative, may the court in the Member State which is hearing the case enter into contact directly with an accused person who is in a different Member State and send that person the link in order to join the videoconference?
6. Is it compatible with maintenance of the single area of freedom, security and justice of the Union to arrange such a videoconference otherwise than via the competent authorities of the Member State?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2014 L 130, p. 1.

⁽³⁾ OJ 2016 L 65, p. 1.

Request for a preliminary ruling from the Landgericht Düsseldorf (Germany) lodged on 8 May 2023 — LS v PL

(Case C-291/23, Hantoch ⁽¹⁾)

(2023/C 271/21)

Language of the case: German

Referring court

Landgericht Düsseldorf

Parties to the main proceedings

Applicant: LS

Defendant: PL

Question referred

Must an interpretation of Article 10 of the EU Succession Regulation ⁽²⁾ with regard to the question whether any estate assets existed in the Member State of the court seised be based on the time of the succession or on the time when the action was filed?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ 2012 L 201, p. 107).

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 25 May 2023 — DS v Pensionsversicherungsanstalt

(Case C-323/23, Pensionsversicherungsanstalt)

(2023/C 271/22)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: DS

Defendant: Pensionsversicherungsanstalt

Question referred

Is Article 7 of Directive 2004/38/EC, ⁽¹⁾ to be interpreted as meaning that an economically inactive [Union citizen] may not be a burden on the social assistance system within the meaning of that directive, if he resides in the host Member State for more than three months, but for less than five years, and derives his right of residence only from his capacity as the spouse (Article 2(2)(a) of the [directive]) of a ... Union citizen employed in the host Member State (migrant worker) (Article 7(1)(d) of the [directive]), but does not himself have an original right of residence under Article 7(1)(a), (b) or (c) of the Directive?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 25 May 2023 — Sozialversicherungsanstalt der Selbständigen

(Case C-329/23, Sozialversicherungsanstalt)

(2023/C 271/23)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant on a point of law: Sozialversicherungsanstalt der Selbständigen

Interested party: Dr. W M, Bundesminister für Soziales, Gesundheit, Pflege und Konsumentenschutz

Questions referred

1. Are the rules of EU law on the determination of the applicable legislation in the area of social security according to Regulation (EC) No 883/2004 ⁽¹⁾ in conjunction with Regulation (EC) No 987/2009 ⁽²⁾ to be applied to a situation in which an EU citizen is simultaneously self-employed in an EU State, an EEA EFTA State (Liechtenstein) and Switzerland.

If the answer to the first question is in the affirmative:

2. Must the application of Regulation (EC) No 883/2004 in conjunction with Regulation (EC) No 987/2009 in such a case be such that the applicability of the social security legislation must be assessed separately in the relationship between the EU Member State and the EEA-EFTA State, on the one hand, and the relationship between the EU Member State and Switzerland, on the other hand, and must, accordingly, a separate certificate regarding the applicable legislation be issued in each case?

3. Is there a change in the 'relevant situation' within the meaning of Article 87(8) of Regulation, (EC) No 883/2004 where a self-employment activity is commenced in another State to which the said regulation is applicable, even if a change in the applicable legislation would not result either under Regulation (EC) No 883/2004 or under Regulation (EEC) No 1408/71 ⁽³⁾ and the activity is so subordinate in extent that only about 3 % of total income is thereby obtained?