

**Judgment of the Court (Fifth Chamber) of 12 February 2020 (request for a preliminary ruling from the Spetsializiran nakazatelen sad — Bulgaria) — Criminal proceedings against Nikolay Kolev and Others**

(Case C-704/18) <sup>(1)</sup>

*(Reference for a preliminary ruling — Article 267 TFEU — Implementation of a preliminary ruling of the Court — Power of a higher court to impose an injunction relating to the detailed rules for implementation — Procedural autonomy of the Member States — Principle of effectiveness — Observance of the rights of the defence)*

(2020/C 103/04)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Parties in the main proceedings**

Nikolay Boykov Kolev, Stefan Georgiev Kostadinov, Nasko Dimitrov Kurdov, Plamen Georgiev Drenski, Georgi Atanasov Zlatanov, Dimitar Atanasov Dimitrov

**Operative part of the judgment**

In the light of the Court's interpretation of Article 6(3) and Article 7(3) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings in point 2 of the operative part of the judgment of 5 June 2018, *Kolev and Others* (C-612/15, EU:C:2018:392), Article 267 TFEU must be interpreted as not precluding a provision of national procedural law which obliges the referring court in the case giving rise to that judgment to comply with an injunction, imposed on it by a higher court, to refer the case back to the prosecutor, after the termination of the trial phase of the criminal proceedings, for procedural irregularities committed during the pre-trial phase of those proceedings to be remedied, to the extent that those provisions of EU law, as interpreted by the Court in point 2 of the operative part of that judgment, are respected in the context of the pre-trial phase of the criminal proceedings or in that of the subsequent trial phase thereof.

<sup>(1)</sup> OJ C 25, 21.1.2019.

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**Appeal brought on 9 August 2018 by PJ against the order of the General Court (Fourth Chamber) made on 30 May 2018 in Case T-664/16, PJ v European Union Intellectual Property Office (EUIPO)**

(Case C-529/18 P)

(2020/C 103/05)

*Language of the case: German*

**Parties**

*Appellant:* PJ (represented by: J. Lipinsky and C. von Donat, Rechtsanwälte)

*Other parties to the proceedings:* European Union Intellectual Property Office, Erdmann & Rossi GmbH

**Form of order sought**

The appellant claims that the Court should:

1. set aside the operative part of the order of the General Court of the European Union of 30 May 2018 in Case T-664/16 and refer the case back to the General Court for judgment;
2. order the European Union Intellectual Property Office and the intervener to pay the costs of the proceedings.