

2. Must EU law, in particular Articles 20 and 21 of the Treaty on the Functioning of the European Union and 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 be interpreted as precluding national legislation according to which a provision that applies to EU citizens and members of their families who have not complied with a decision terminating residence on grounds of public policy is identical to that applied to third-country nationals in the same situation in relation to the maximum period of detention for the purposes of removal, that is to say, eight months?

(¹) OJ 2004 L 158, p. 77.

Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 1 October 2019 — Criminal proceedings against HP

(Case C-724/19)

(2019/C 413/36)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Party to the main proceedings

HP

Question referred

Is a national law (Article 5(1)(1) of the Zakon za Evropeyskata zapoved za razsledvane (Law on the European investigation order; ‘the ZEZR’)), according to which, during the pre-trial stage of the criminal proceedings, the authority competent to issue a European investigation order for the provision of traffic and location data related to telecommunications is a public prosecutor, consistent with Article 2(c)(i) of Directive 2014/41 (¹) and the principle of equivalence, provided that in an identical domestic case the competent authority is a judge?

Does recognition of that European investigation order by the competent authority of the executing State (public prosecutor or an investigating judge) replace the court order required under the law of the issuing State?

(¹) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.
OJ 2014 L 130, p. 1.