

Case C-16/24 [Sinalov] ⁱ**Supplement to the request for a preliminary ruling****Date lodged:**

17 January 2024

Referring court:

Sofiyski gradski sad (Sofia City Court, Bulgaria)

Date of the decision to refer:

11 January 2024

Criminal proceedings against:

YR

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ORDER

... [not translated]

SOFIYSKI GRADSKI SAD (Sofia City Court), 16th CHAMBER ... [not translated]

... [not translated]

By order of 11 January 2024, the chair of the Chamber lodged a request for a preliminary ruling on the application of the principle of random selection concerning his appointment as Judge-Rapporteur in the case.

This request for a preliminary ruling was lodged by Judge Ivo Hinov as an individual in his capacity as judge in the case, in so far as he himself is to determine whether he has committed a disciplinary offence by accepting the case from Judge Hristinka Koleva, as asserted by the head of court management.

ⁱ The present case is designated by a fictitious name which does not correspond to the actual name of a party to the proceedings.

It can, however, be assumed that this issue will be decided by the entire chamber – namely by Judge Ivo Hinov and the lay judges – since all decisions in the case are to be fundamentally made by the chamber.

The matter at hand is an unusual case, as two interpretations are possible as to the consequences of the disciplinary procedure: A decision is to be issued by Judge Ivo Hinov alone or a decision is to be issued by the entire chamber.

In the second instance, the request for a preliminary ruling appears to be inadmissible in accordance with paragraph 71 of the judgment of 9 January 2024, *G and Others* (Appointment of judges to the ordinary courts in Poland), C-181/21 and C-269/21, EU:C:2024:1, because it was lodged by the judge in the case, but the final decision will be made by the Chamber consisting of the judge and the two lay judges.

In this case too, however, the response of the Court of Justice will be beneficial to the Chamber in order to decide whether Judge Ivo Hinov may continue to hear the case or not.

This requires an explicit judicial decision, by means of which the Chamber confirms that the reference is required.

Therefore, it is

ORDERED AS FOLLOWS:

the request of 11 January 2024 IS CONFIRMED;

the Court of Justice IS INFORMED that any response on the matter will be used by the entire Chamber if – at a later point in time – it should be determined that the Chamber and not only Judge Ivo Hinov has jurisdiction to rule on the consequences of the disciplinary procedure initiated against Judge Ivo Hinov.

... [not translated]