

2. Must the fourth indent of the second subparagraph of Article 9(2) and Article 22 of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008, amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services, be interpreted as meaning that they make it possible to include, in the costs that can be financed by postal service operators, costs to be incurred for regulatory activities concerning postal services outside the scope of the universal service, and costs for administrative and policy-making structures ('cross-sector' structures) whose activity, although not directly aimed at regulating the postal services markets, nevertheless contributes to the performance of all the Authority's institutional tasks, with the consequent possibility that they might be indirectly and partially (pro rata) allocated to the postal services sector?
3. Do the principles of proportionality and non-discrimination, the fourth indent of the second subparagraph of Article 9(2), Article 9(3) and Article 22 of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008, amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services, preclude national legislation, such as the Italian provisions (laid down in Article 1(65) and (66) of Law No 266 of 23 December 2005 and Article 65 of Decree-Law No 50 of 24 April 2017, converted into law, with amendments, by Law No 96 of 21 June 2017), imposing an obligation on postal sector providers to contribute to the financing of the regulatory authority for the postal sector, without any possibility of distinguishing the position of express courier service providers from that of universal service providers and, therefore, without any possibility of appreciating the different intensity of the regulatory activities carried out by the national regulatory authority in relation to the different types of postal services?

⁽¹⁾ OJ 1998 L 15, p. 14.

⁽²⁾ OJ 2008 L 52, p. 3.

Request for a preliminary ruling from the Cour d'appel de Bruxelles (Belgium) lodged on 1 April 2022 — État belge v Autorité de protection des données

(Case C-231/22)

(2022/C 257/32)

Language of the case: French

Referring court

Cour d'appel de Bruxelles

Parties to the main proceedings

Appellant: État belge

Respondent: Autorité de protection des données

Questions referred

1. Must Article 4(7) of the General Data Protection Regulation ⁽¹⁾ be interpreted as meaning that a Member State's official gazette — vested with a public task of publishing and archiving official documents, which, under the applicable national legislation, is responsible for publishing official documents whose publication is ordered by third-party public bodies, as they stand when received from those bodies after the latter have themselves processed the personal data contained in those documents, without the national legislature having granted the official gazette any discretion over the content of the documents to be published or the purpose and means of publication — has the status of data controller?

2. If the answer to Question 1 is in the affirmative, must Article 5(2) of the General Data Protection Regulation be interpreted as meaning that only the official gazette in question need comply with the data controller's responsibilities under that provision, to the exclusion of the third-party public bodies which have previously processed the data contained in the official documents whose publication they are requesting, or are those responsibilities incumbent cumulatively on each of the successive controllers?

(¹) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

Request for a preliminary ruling from the Cour de cassation (Belgium) lodged on 5 April 2022 — État belge and Promo 54 v Promo 54 and État belge

(Case C-239/22)

(2022/C 257/33)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Appellants: État belge, Promo 54

Respondents: Promo 54, État belge

Question referred

Must Article 12(1) and (2) and Article 135(1)(j) of Directive 2006/112/EC (¹) be interpreted as meaning that, where the Member State has not defined the detailed rules for the application of the criterion of first occupation to converted immovable property, the supply, after conversion, of a building in respect of which, before conversion, there had been first occupation within the meaning of Article 12(1)(a) or the third subparagraph of Article 12(2) of the directive remains exempt from value added tax?

(¹) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Request for a preliminary ruling from the Tribunal da Relação de Évora (Portugal) lodged on 6 April 2022 –TL

(Case C-242/22)

(2022/C 257/34)

Language of the case: Portuguese

Referring court

Tribunal da Relação de Évora

Parties to the main proceedings

TL

Other party to the proceedings: Ministério Público