

**Question for written answer E-002540/2023
to the Commission**

Rule 138

Loránt Vincze (PPE)

Subject: Launch of infringement procedures – additional question to answer provided for question E-002127/2023

The European Commission has wide discretion to initiate infringement proceedings, and decides whether to do so based on a number of criteria.

1. Is the Commission aware of any case in which a legal entity was sentenced to imprisonment by national courts in a Member State during a procedure that does not meet criteria supported by EU law?
2. Do cases such as those described above count as cases of the highest importance by their very nature, in particular if, by disregarding the criteria set out in the case-law in the Commission's reply, the national court of the Member State – which is the final court in an action for damages brought under the Köbler formula – disregards the criteria of EU law and does not refer the case to the CJEU for a preliminary ruling?

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