

2. Is an amendment to national legislation in the manner described above (paragraphs 13, 14, 16 and 17 and, in particular, paragraphs 36 to 41 of this request for a preliminary ruling), the purpose of which was to influence electricity distribution prices in the manner set out in the *travaux préparatoires* relating to the legislative amendment by making amendments to the national Law on the electricity market which affect the regulatory environment of system operators and which did not, in themselves, directly interfere with transmission or distribution tariffs or with the methods for calculating them, but as a consequence of which the national regulatory authority was forced to change its monitoring methods in the middle of the monitoring period, considered to be compatible with Article 57(4) and (5) of the Electricity Directive with regard to the requirement of independence of the regulatory authority?

(¹) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ 2019 L 158, p. 125).

**Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 1 February 2023 —
AZ, 1Dream OÜ, Produktech Engineering AG, BBP, Polaris Consulting Ltd v Latvijas Republikas
Saeima**

(Case C-49/23, 1Dream and Others)

(2023/C 127/27)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Appellants: AZ, 1Dream OÜ, Produktech Engineering AG, BBP, Polaris Consulting Ltd

Respondent: Latvijas Republikas Saeima

Questions referred

1. Does national legislation pursuant to which a national court rules on the confiscation of the proceeds of crime in separate proceedings relating to the illegally obtained assets, which are separated from the main criminal proceedings before it is established that a criminal offence has been committed and before anyone has been found guilty of the offence concerned, which also provides for confiscation based on materials taken from the criminal case file, fall within the scope of Directive 2014/42, (¹) in particular Article 4 thereof, and of Framework Decision 2005/212, (²) in particular Article 2 thereof?
2. If the first question is answered in the affirmative, must the concept of ‘confiscation order’ within the meaning of Directive 2014/42, and in particular the second sentence of Article 8(6) thereof, be found to include not only the judicial decisions declaring that assets have been obtained illegally and ordering their confiscation but also judicial decisions discontinuing proceedings relating to the illegally obtained assets?
3. If the second question is answered in the negative, is legislation compatible with Article 47 of the Charter and with the second sentence of Article 8(6) of Directive 2014/42 in so far as it provides no right for persons connected to the assets to challenge confiscation orders?
4. Is the principle of the primacy of European Union law to be interpreted as precluding the constitutional court of a Member State, which is seised of an action for a declaration of unconstitutionality brought against national legislation which has been held to be incompatible with European Union law, from ruling that the principle of legal certainty is applicable and that the legal effects of that legislation are to be maintained temporarily until the time set in the decision of that court as the point at which the provision at issue will cease to have effect?

(¹) Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ 2014 L 127, p. 39).

(²) Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ 2005 L 68, p. 49).