

2. Must Article 2, Article 6(1) and (3) and the second subparagraph of Article 19(1) of the Treaty on European Union, in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, be interpreted as precluding the application of provisions of national law, such as the second sentence of Article 55(4) of the Ustawa z 27 lipca 2001 r. Prawo o ustroju sądów powszechnych (Law of 27 July 2001 on the system of ordinary courts, consolidated text, Dz.U. of 2020, item 2072, as amended), in conjunction with Article 8 of the Ustawa o zmianie ustawy — Prawo o ustroju sądów powszechnych, ustawy o Sądzie Najwyższym oraz niektórych innych ustaw z 20 grudnia 2019 r. (Law amending the Law on the system of ordinary courts, the Law on the Supreme Court and certain other laws of 20 December 2019, Dz.U. of 2020, item 190), in so far as they prohibit a court of second instance from declaring invalid, pursuant to Article 379(4) of the Ustawa z 17 listopada 1964 r. Kodeks postępowania cywilnego (Law of 17 November 1964 establishing the Code of Civil Procedure, consolidated text, Dz.U. of 2021, item 1805, as amended), proceedings before a national court of first instance in an action brought before that court on the grounds that the composition of that court was contrary to the law, the court was improperly composed, or a person not authorised or competent to adjudicate participated in the decision, as a legal sanction ensuring effective legal protection where a judge is assigned to hear a case in flagrant breach of the provisions of national law on the allocation of cases and the appointment and modification of the formations of a court?

Request for a preliminary ruling from the Tribunalul București (Romania) lodged on 28 March 2023 — Engie România SA v Autoritatea Națională de Reglementare în Domeniul Energiei

(Case C-205/23, Engie România)

(2023/C 252/20)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Appellant: Engie România SA

Respondent: Autoritatea Națională de Reglementare în Domeniul Energiei

Questions referred

1. Can an alleged breach of the duty of transparency incumbent on natural gas suppliers in their dealings with household consumers, which has been implemented in national legislation and is treated under that legislation as an administrative offence (*contravenția*), also result in the competent national authority's requiring a natural gas supplier to apply, in dealings with consumers, a price imposed by administrative means that takes no account of the principle of freedom to fix prices in the natural gas market, that principle being established by Article 3(1) of Directive 2009/73/EC? ⁽¹⁾
2. Can the fact that a natural gas supplier has been fined both by the consumer protection authority and by the energy sector regulatory authority, by means of two separate reports of offences imposing the same measures on the supplier (duplication of administrative acts imposing measures), be regarded as a justified restriction of the principle *ne bis in idem*, under the provisions of Article 52 of the Charter of Fundamental Rights of the European Union, or is it a breach of that principle?

Does such a combination of acts imposing the same measures on the basis of the same facts, drawn up by different authorities, comply with the principle of proportionality?

⁽¹⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ 2009 L 211, p. 94).