



C/2024/2283

2.4.2024

**Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on
15 December 2023 — Bursa Română de Mărfuri SA v Autoritatea Națională de Reglementare în
Domeniul Energiei (ANRE)**

(Case C-775/23, Bursa Română de Mărfuri)

(C/2024/2283)

Language of the case: Romanian

Referring court

Curtea de Apel București

Parties to the main proceedings

Applicant: Bursa Română de Mărfuri SA

Defendant: Autoritatea Națională de Reglementare în Domeniul Energiei (ANRE)

Interveners: European Federation of Energy Traders, London Energy Brokers' Association (LEBA), European Venues & Intermediaries Association (EVIA)

Questions referred

1. Does a national provision that requires the grant of a single licence for the operation of the electricity market constitute an infringement of the freedom of establishment laid down in Article 49 of the Treaty on the Functioning of the European Union or of the freedom to provide services laid down in Article 56 of the Treaty on the Functioning of the European Union?
2. Should Article 35 of the Treaty on the Functioning of the European Union be interpreted as meaning that national legislation requiring national and European electricity producers to offer for sale all the electricity available to them on the platforms managed by the only operator designated for national electricity market trading services constitutes a measure having equivalent effect to a quantitative restriction on exports that cannot be justified on grounds of public security connected to the security of energy supply, in so far as such legislation is not proportionate to the objective pursued?
3. Should Articles 102 and 106(1) of the Treaty on the Functioning of the European Union, read in conjunction with Article 4(3) of the Treaty on European Union, be interpreted as meaning that national legislation which provides that, at the level of that Member State, one single licence may be granted for the purposes of carrying out intermediation services in respect of offers to sell and bids to buy electricity on the forward wholesale market, constitutes a restriction of competition for the purposes of those provisions?