

European Union

“Powszechny Zakład Ubezpieczeń na Życie”

Decision of the European Court of Justice (Fourth Chamber)
3 April 2019 – Case No. C-617/17

*Powszechny Zakład Ubezpieczeń na Życie S.A. v. Prezes
Urzędu Ochrony Konkurencji i Konsumentów*

EC, Art. 82 (TFEU, Art. 102); Regulation (EC) No
1/2003, Art. 3(1); CFR, Art. 50; ECHR, Protocol No 7,
Art. 4

© Max Planck Institute for Innovation and Competition, Munich 2019

Keywords Abuse of a dominant position · Application of national competition law · National competition authority imposing one fine based on national law and another based on EU law · Principle of *ne bis in idem* · Applicability · Same facts or same offence

1. The principle of *ne bis in idem* enshrined in Article 50 of the Charter of Fundamental Rights of the European Union, proclaimed in Nice on 7 December 2000, must be interpreted as not precluding a national competition authority from fining an undertaking in a single decision for an infringement of national competition law and for an infringement of Article 82 EC. In such a situation, the national competition authority must nevertheless ensure that the fines are proportionate to the nature of the infringement.