



C/2023/122

16.10.2023

**Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on
19 July 2023 — Fastned Deutschland GmbH & Co. KG, Tesla Germany GmbH v Die Autobahn GmbH
des Bundes**

(Case C-452/23, Fastned Deutschland and Tesla Germany)

(C/2023/122)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Appellant: Fastned Deutschland GmbH & Co. KG, Tesla Germany GmbH

Respondent: Die Autobahn GmbH des Bundes

Joined parties: Autobahn Tank & Rast GmbH, Ostdeutsche Autobahntankstellen GmbH

Question referred

Is Article 72(1)(c) of Directive 2014/24/EU ⁽¹⁾ to be interpreted as meaning that its scope also includes public contracts which were previously awarded to in-house entities outside the scope of Directive 2014/24/EU but to which the conditions of in-house procurement no longer apply at the time of the contract modification?

⁽¹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).