



C/2023/500

6.11.2023

Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 25 July 2023 — ‘STAR POST’ EOOD v Komisia za regulirane na saobshteniyata

(Case C-476/23, Star Post)

(C/2023/500)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicant: ‘STAR POST’ EOOD

Defendant: Komisia za regulirane na saobshteniyata

Questions referred

1. How is the expression ‘postal service provider who is affected by a decision of a national regulatory authority’, and in particular the term ‘affected’ within the meaning of Article 22(3) of Directive 2008/6/EC of the European Parliament and of the Council amending Directive 97/67/EC to be interpreted with regard to the full accomplishment of the internal market of Community postal services? Is the term ‘affected’ to be interpreted as meaning that the decision of the regulatory authority must be specifically made against the postal service provider? Is a company, which operates as a postal service provider within the meaning of Article 22(3) of Directive 2008/6/EC ⁽¹⁾ of the European Parliament and of the Council amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services, ‘affected’ where that company is in competition with the provider of the universal postal service in procedures concerning the awarding of public contracts and, when challenging decisions in those procedures, submitted arguments in connection with the cross-subsidising of the universal postal service provider which were rejected by the court on account of decisions by the national regulatory authority which recognised the value of the net costs for the provision of the universal postal service by the universal postal service provider and which found that those costs to a certain extent constituted a disproportionate financial burden as a result of providing the universal postal service?
2. Do Article 22(3) of Directive 2008/6/EC of the European Parliament and of the Council amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services and Article 47 of the Charter of Fundamental Rights of the European Union preclude a situation such as that at issue in the main proceedings, where a postal service provider who is in competition with the provider of the universal postal service cannot challenge before an independent body a decision by the national regulatory authority which recognised the value of the net costs for the provision of the universal postal service by the universal postal service provider and which found that those costs to a certain extent constituted a disproportionate financial burden as a result of providing the universal postal service?

⁽¹⁾ OJ 2008 L 52, p. 3.