



C/2024/1382

19.2.2024

Judgment of the Court (Fifth Chamber) of 21 December 2023 (request for a preliminary ruling from the Augstākā tiesa (Senāts) — Latvia) — ‘DOBELES AUTOBUSU PARKS’ SIA, ‘CATA’ AS, ‘VTU VALMIERA’ SIA, ‘JELGAVAS AUTOBUSU PARKS’ SIA, ‘Jēkabpils autobusu parks’ SIA v Iepirkumu uzraudzības birojs, ‘Autotransporta direkcija’ VSIA

(Case C-421/22, ⁽¹⁾ DOBELES AUTOBUSU PARKS and Others)

(Reference for a preliminary ruling — Transport — Public passenger transport services by rail and by road — Regulation (EC) No 1370/2007 — Article 1(1) — Article 2a(2) — Article 3(1) — Article 4(1) — Article 6(1) — Contract for the provision of public passenger transport services by bus — Procedure for awarding a public service contract — Open, transparent and non-discriminatory tendering procedure — Specifications — Amount of compensation granted by the competent national authority — Indexation limited in terms of time and categories of specific costs — Spreading of risk)

(C/2024/1382)

Language of the case: Latvian

Referring court

Augstākā tiesa (Senāts)

Parties to the main proceedings

Applicants: ‘DOBELES AUTOBUSU PARKS’ SIA, ‘CATA’ AS, ‘VTU VALMIERA’ SIA, ‘JELGAVAS AUTOBUSU PARKS’ SIA, ‘Jēkabpils autobusu parks’ SIA

Defendants: Iepirkumu uzraudzības birojs, ‘Autotransporta direkcija’ VSIA

Operative part of the judgment

Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, as amended by Regulation (EU) No 2016/2338 of the European Parliament and of the Council of 14 December 2016,

must be interpreted as meaning that:

it does not preclude a compensation scheme, which, in the context of a public service contract and following an open, transparent and non-discriminatory tendering procedure, does not require the competent national authorities to grant a public transport service provider full compensation covering, by means of regular indexation, any increase in the costs associated with the management and operation of that service which are beyond its control.

⁽¹⁾ OJ C 326, 29.8.2022.