C/2025/3875

21.7.2025

Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 30 April 2025 – Enefit Green SIA, Utilitas Wind SIA, TCK SIA, Sabiedrības ar ierobežotu atbildību VĒJA PARKS 10, EKO Ziemeļi SIA v Ministru kabinets

(Case C-309/25, Enefit Green)

(C/2025/3875)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Applicants: Enefit Green SIA, Utilitas Wind SIA, TCK SIA, Sabiedrības ar ierobežotu atbildību VĒJA PARKS 10, EKO Ziemeļi SIA

Institution responsible for the contested measure: Ministru kabinets

Questions referred

1. Does the private market operator principle apply when assessing whether the measure provided for in the contested provision is consistent with the concept of State aid contained in Article 107(1) [TFEU]?
2. If the answer to the first question referred is in the affirmative, must Article 107(1) [TFEU] be interpreted as meaning that the measure referred to in the contested provision is to be regarded as an advantage which a State-owned capital company could not obtain, under normal market conditions, from a private operator in the market?
3. Must Article 107(1) [TFEU] be interpreted as meaning that the measure provided for in the contested provision is not to be regarded as State aid for the purposes of that article, given that it constitutes compensation received by an undertaking for the discharge of public service obligations?
4. If the measure provided for in the contested provision is to be regarded as State aid for the purposes of Article 107(1) [TFEU], can it, nevertheless, remain in effect until the Commission has made a decision regarding the compatibility of that aid with the internal market?