C/2026/924

23.2.2026

Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on 10 September 2025 – J. Cruz & M. Cruz – Restauração y Hotelaria, Lda. v Ministério do Ambiente e da Transição Energética, Ministério da Economia e da Coesão Territorial, formerly Ministério da Economia, Turismo de Portugal, I.P.

(Case C-599/25, J. Cruz & M. Cruz – Restauração e Hotelaria)

(C/2026/924)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Appellant: J. Cruz & M. Cruz – Restauração y Hotelaria, Lda.

Respondents: Ministério do Ambiente e da Transição Energética, Ministério da Economia e da Coesão Territorial, formerly Ministério da Economia, e Turismo de Portugal, I.P.

Questions referred

1. When classifying a series of tasks as 'work', can the court determine, on the basis of established facts, that there is no economic or technical function, within the meaning and for the purposes of Article 2[(1)(7)] of Directive 2014/24/[EU], ([1]) or must the absence of such a function be expressly raised and established by the party that is relying thereon?

2. If there is a financing contract for a project that includes various services, can that contract have the effect of giving rise to the presumption that there is a single economic and technical function?

3. If it is considered that the court of the Member State may, in the light of the established factual elements, determine whether or not one 'work' exists or whether the project comprises various 'works', and in the event that the court concludes that there are various works, does the fact that there is a single financing contract imply that those works must be covered by the concept of lots, within the meaning and for the purposes of the provisions concerning the determination of the value of the contract in accordance with in Article 5(8) to (10) of Directive 2014/24/[EU]?

([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 (Text with EEA relevance) (OJ 2014 L 94, p. 65).