

Questions referred

1. Must Article 1(3)(b) of Directive 2004/17/EC⁽¹⁾ be interpreted as meaning that it is necessary to treat as a public service concession a contract under which the successful tenderer is granted the right to provide public bus services, in cases where part of the consideration consists in the right to operate the public transport services but where, at the same time, the contracting authority compensates the service provider for losses arising as a result of the provision of services, and in addition the public law provisions governing the provision of the service and the contractual provisions limit the risk associated with operation of the service?
2. If the first question is answered in the negative, has Article 2f(1)(b) of Directive 92/13/EEC, as amended by Directive 2007/66/EC,⁽²⁾ been directly applicable in Latvia since 21 December 2009?
3. If the second question is answered in the affirmative, must Article 2f(1)(b) of Directive 92/13/EEC be interpreted as being applicable to public contracts entered into before the end of the period prescribed for domestic law to be brought into conformity with Directive 2007/66/EC?

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- ⁽¹⁾ Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ 2004 L 134, p. 1).
- ⁽²⁾ Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (Text with EEA relevance) (OJ 2007 L 335, p. 31).

Reference for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 12 July 2010 — Nordea Pankki Suomi Oyj

(Case C-350/10)

(2010/C 246/55)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Nordea Pankki Suomi Oyj

Question referred

Must points 3 and 5 of Article 13B(d) of the Sixth VAT Directive 77/388/EEC⁽¹⁾ be interpreted as meaning that the swift services described in section 1 of this order used in payment transactions and securities transaction settlements between financial institutions are exempt from value added tax?

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- ⁽¹⁾ Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment

Action brought on 13 July 2010 — European Commission v Hellenic Republic

(Case C-353/10)

(2010/C 246/56)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia)

Defendant: Hellenic Republic

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel,⁽¹⁾ or in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2006/117 into domestic law expired on 25 December 2008.

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- ⁽¹⁾ OJ No L 337 of 5.12.2006, p. 21.