

Parties to the main proceedings

Applicant: SIA 'Ostas celtnieks'

Defendants: Talsu novada pašvaldība, Iepirkumu uzraudzības birojs

Question referred

Must the provisions of Directive 2004/18/EC⁽¹⁾ of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts be interpreted as meaning that, in order to reduce the risk of non-performance of the contract, they do not preclude the specifications from containing the condition that, in the event of the contract being awarded to a tenderer which relies on the capacities of other contractors, that tenderer must, before the contract is awarded, conclude with those undertakings a cooperation agreement (which includes the particular items set out in the specifications), or set up a partnership with them?

⁽¹⁾ OJ 2004 L 134, p. 114

Action brought on 12 May 2014 — European Commission v Ireland

(Case C-236/14)

(2014/C 212/25)

Language of the case: English

Parties

Applicant: European Commission (represented by: P. Hetsch, K. Herrmann, L. Armati, agents)

Defendant: Ireland

The applicant claims that the Court should:

- Declare that by failing to adopt provisions transposing the definitions laid down in Article 2, letters (f), (h), (m), (n) and (o), and the requirements laid down in Article 3(2) and (4), Article 5, Article 13(1), letters (a) to (e), Article 15(6), letter (e), Article 16(1), (3), (5), (6), (7), second sentence, and (8), Article 17 (1) to (5), Article 17(6) regarding bioliquids, Article 17(8), Article 18(1) and (3) regarding biolquids, Article 18(7), Article 19(1) and (3), Article 21(1), second sentence, and Annexes II to V and VII of Directive 2009/28/EC⁽¹⁾ of the European Parliament and the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC or, in any event, by failing to notify such provisions to the Commission, Ireland has failed to fulfil its obligations under Article 27(1) of that Directive;
- Impose a penalty payment on Ireland pursuant to Article 260(3) TFEU in the amount of EUR 25 447,50 per day, with effect from the date of the judgment of the Court and payable to the account of the Union's own resources, for failure to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure; and
- order Ireland to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing the directive expired on 5 December 2010.

⁽¹⁾ OJ L 140, p. 16