

must be interpreted as meaning that:

- a tax authority of a Member State which, while being part of the executive of that Member State, conducts, in accordance with national law, criminal tax investigations autonomously, instead of the public prosecutor's office and assuming the rights and the obligations vested in the latter, cannot be classified as a 'judicial authority' and an 'issuing authority', within the meaning, respectively, of each of those provisions;
- such an authority is, on the other hand, capable of falling within the concept of an 'issuing authority' within the meaning of Article 2(c)(ii) of that directive, provided that the conditions set out in that provision are met.

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(<sup>1</sup>) OJ C 138, 28.3.2022.

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**Order of the Court (Ninth Chamber) of 7 February 2023 (request for a preliminary ruling from the Rada Úradu pre verejné obstarávanie — Slovakia) — HOREZZA a.s. v Úrad pre verejné obstarávanie**

(Case C-520/22, (<sup>1</sup>) Horezza)

*(Reference for a preliminary ruling — Article 53(2) of the Rules of Procedure of the Court of Justice — Article 267 TFEU — Definition of 'court or tribunal' — Appellate body of a national supervisory authority for public procurement procedures — Independence — Status of a third party in relation to the authority which adopted the contested decision — Manifest inadmissibility of the request for a preliminary ruling)*

(2023/C 155/28)

Language of the case: Slovak

**Referring court**

Rada Úradu pre verejné obstarávanie

**Parties to the main proceedings**

*Applicant:* HOREZZA a.s.

*Defendant:* Úrad pre verejné obstarávanie

**Operative part of the order**

The request for a preliminary ruling made by the Rada Úradu pre verejné obstarávanie (Council of the Public Procurement Regulatory Authority, Slovakia), by decision of 3 August 2022, is manifestly inadmissible.

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(<sup>1</sup>) Date lodged: 4.8.2022.

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**Order of the Court (Ninth Chamber) of 7 February 2023 (request for a preliminary ruling from the Rada Úradu pre verejné obstarávanie — Slovakia) — KONŠTRUKTA — Defence a.s. v Úrad pre verejné obstarávanie**

(Case C-521/22, (<sup>1</sup>) Konštrukta — Defence)

*(Reference for a preliminary ruling — Article 53(2) of the Rules of Procedure of the Court of Justice — Article 267 TFEU — Definition of 'court or tribunal' — Appellate body of a national supervisory authority for public procurement procedures — Independence — Status of a third party in relation to the authority which adopted the contested decision — Manifest inadmissibility of the request for a preliminary ruling)*

(2023/C 155/29)

Language of the case: Slovak

**Referring court**

Rada Úradu pre verejné obstarávanie