

### Operative part of the judgment

Article 45 TFEU and Article 7 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, as amended by Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016,

must be interpreted as precluding legislation of a host Member State which provides that the grant, to the surviving partner of a partnership that was validly entered into and registered in another Member State, of a survivor's pension due on account of the exercise, in the first Member State, of a professional activity by the deceased partner, is subject to the condition that the partnership was first recorded in the register kept by that State.

<sup>(1)</sup> OJ C 73, 14.2.2022.

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### Judgment of the Court (Tenth Chamber) of 8 December 2022 (request for a preliminary ruling from the Administratīvā rajona tiesa — Latvia) — AAS 'BTA Baltic Insurance Company' v Iepirkumu uzraudzības birojs, Tieslietu ministrija

(Case C-769/21) <sup>(1)</sup>

*(Reference for a preliminary ruling — Public procurement — Directive 2014/24/EU — Article 18(1) — Principles of equal treatment, transparency and proportionality — Decision to withdraw an invitation to tender — Tenders submitted separately by two tenderers belonging to the same economic operator and constituting the two most economically advantageous tenders — Refusal of the successful tenderer to sign the contract — Decision of the contracting authority to refuse the tender of the next tenderer, terminate the procedure and issue a new call for tenders)*

(2023/C 35/20)

Language of the case: Latvian

### Referring court

Administratīvā rajona tiesa

### Parties to the main proceedings

*Applicant:* AAS 'BTA Baltic Insurance Company'

*Defendants:* Iepirkumu uzraudzības birojs, Tieslietu ministrija

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The principle of proportionality, within the meaning of Article 18(1) of 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,

must be interpreted as precluding national legislation which requires the contracting authority to terminate a public procurement procedure where, in the event of withdrawal of the tenderer originally selected for having submitted the most economically advantageous tender, the tenderer which submitted the next most economically advantageous tender constitutes with the tenderer originally selected a single economic operator.

<sup>(1)</sup> OJ C 84, 21.2.2022.

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