



C/2024/3890

1.7.2024

Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on 1 February 2024 – Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji w m. st. Warszawie S.A. v Veolia Water Technologies sp. z o.o., Krüger A/S, OTV France, Haarslev Industries GmbH, Warbud S.A.

(Case C-82/24, Veolia Water Technologies and Others)

(C/2024/3890)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicant: Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji w m. st. Warszawie S.A.

Defendants: Veolia Water Technologies sp. z o.o., Krüger A/S, OTV France, Haarslev Industries GmbH, Warbud S.A.

Question referred

Must the principles of transparency, equal treatment and fair competition referred to in Article 2 of Directive 2004/18/EC 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⁽¹⁾ (now 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)⁽²⁾ be interpreted as precluding an interpretation of national law that would allow the provisions of a public procurement contract concluded with a consortium of entities from different EU Member States to include an obligation that may indirectly affect the determination of the price contained in the tender submitted by that contractor, which obligation is not expressly provided for in the contract or in the tender documents, but which arises from a provision of national law that does not apply directly to that contract, but is applicable by analogy?

⁽¹⁾ OJ 2004 L 134, p. 114.

⁽²⁾ OJ 2014 L 94, p. 65.