

Request for a preliminary ruling from the Državna revizijska komisija za revizijo postopkov oddaje javnih naročil (Slovenia) lodged on 8 May 2019 — Ministrstvo za notranje zadeve v Tax-Fin-Lex d. o. o.

(Case C-367/19)

(2019/C 263/37)

Language of the case: Slovenian

Referring court

Državna revizijska komisija za revizijo postopkov oddaje javnih naročil

Parties to the main proceedings

Contracting authority: Ministrstvo za notranje zadeve

Applicant for review: Tax-Fin-Lex d. o. o.

Questions referred

1. Is there a 'contract for pecuniary interest' as part of a public contract within the meaning of Article 2(1)(5) of Directive 2014/24, ⁽¹⁾ where the contracting authority is not required to provide any consideration but, by performing the public contract, the economic operator obtains access to a new market and references?
2. Is it possible or necessary to interpret Article 2(1)(5) of Directive 2014/24 in such a way that it constitutes a basis for rejecting a bid with a price of EUR 0.00?

⁽¹⁾ 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 (OJ 2014 L 94, p. 65).

Request for a preliminary ruling from the Riigikohus (Estonia) lodged on 29 May 2019 — Maksu- ja Tolliamet v Heavyinstall OÜ

(Case C-420/19)

(2019/C 263/38)

Language of the case: Estonian

Referring court

Riigikohus

Parties to the main proceedings

Applicant: Maksu- ja Tolliamet

Defendant: Heavyinstall OÜ

Question referred

Is Article 16 of Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures ⁽¹⁾ to be interpreted as meaning that the court of the Member State which has received the request for precautionary measures, when ruling on that request on the basis of national law (which is possible for the requested court under the first sentence of Article 16), is bound to the view taken by the court of the State of establishment of the applicant in relation to the necessity and possibility of the precautionary measure when a document containing that view has been submitted to the court (last sentence of the second subparagraph of Article 16[(1)], according to which this document shall not be subject to any recognition, supplementing or replacement in the requested Member State)?

⁽¹⁾ OJ 2010 L 84, p. 1.

**Appeal brought on 13 June 2019 by Deutsche Lufthansa AG against the judgment of the General Court
(Fourth Chamber, Extended Composition) delivered on 12 April 2019 in Case T-492/15 Deutsche Lufthansa
AG v European Commission**

(Case C-453/19 P)

(2019/C 263/39)

Language of the case: German

Parties

Appellant: Deutsche Lufthansa AG (represented by: A. Martin-Ehlers, Rechtsanwalt)

Other parties to the proceedings: European Commission, Land Rheinland-Pfalz, Ryanair DAC

Form of order sought

The appellant claims that the Court should:

- declare that the action was admissible and well founded in so far as the appellant challenged Measure 12 (payment into the capital reserve of FFHG ⁽¹⁾) on the basis that that measure granted operating aid to FFHG;
- further, set aside the judgment of the General Court of 12 April 2019 in Case T-492/15;
- grant the form of order sought at first instance and annul Commission Decision SA.21121 of 1 October 2014 ⁽²⁾ (with the exception of Measure 12 in so far as it is used to pay operating aid for FFHG) that forms the subject of that action;