

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Fourth Chamber) of 5 October 2017 (request for a preliminary ruling from the Vilniaus apygardos teismas — Lithuania) — ‘LitSpecMet’ UAB v ‘Vilniaus lokomotyvų remonto depas’ UAB**

(Case C-567/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Public works contracts, public supply contracts and public service contracts — Directive 2004/18/EC — Article 1(9) — Concept of contracting authority — Company wholly owned by a contracting authority — Transactions internal to the group)**

(2017/C 402/02)

Language of the case: Lithuanian

**Referring court**

Vilniaus apygardos teismas

**Parties to the main proceedings**

Applicant: ‘LitSpecMet’ UAB

Defendant: ‘Vilniaus lokomotyvų remonto depas’ UAB

Intervening party: ‘Plienmetas’ UAB

**Operative part of the judgment**

The second subparagraph of Article 1(9) 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, as amended by Commission Regulation (EU) No 1251/2011 of 30 November 2011, must be interpreted as meaning that a company which, on the one hand, is wholly owned by a contracting authority whose activity consists of meeting needs in the general interest and which, on the other, carries out both transactions for that contracting authority and transactions on the competitive market must be classified as a ‘body governed by public law’ within the meaning of that provision, provided that the activities of that company are necessary for the contracting authority to exercise its own activity and, in order to meet needs in the general interest, that company is able to be guided by non-economic considerations, which it is for the referring court to ascertain. The fact that the value of the internal transactions may in future represent less than 90 % or an insignificant part of the overall turnover of the company is irrelevant in that regard.

<sup>(1)</sup> OJ C 27, 25.1.2016.