INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

# Judgment of the Court (Third Chamber) of 15 March 2012 — Commission v Germany

## (Case C-574/10)

(Failure of a Member State to fulfil its obligations — Directive 2004/18/EC — Public service contracts — Architecture and engineering services — Design, planning and supervision of a project to renovate a public building — Project carried out in several phases, for budgetary reasons — Market value)

*Approximation of laws — Procedures for the award of public works contracts, public supply contracts and public service contracts — Directive 2004/18 — Public service contracts — Definition (European Parliament and Council Directive 2004/18, Arts 2(7)(b), 9, 20 and 23 to 55) (see paras 37, 41-52, operative part)*

**Re:**

Failure of a Member State to fulfil its obligations — Infringement of Articles 2, 9 and 20 in conjunction with Articles 23 to 55 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 (OJ 2004 L 134, p. 114) — Award by the municipality of Niedernhausen, without a Europe-wide invitation to tender, of several architecture services relating to the same construction project to an engineering agency — Division of the service awarded — Calculation of the market value.

**Operative part**

The Court:

1. Declares that, because the municipality of Niedernhausen awarded an architecture services contract relating to the renovation of a public building called ‘Autalhall’ located in the territory of that municipality, the value of which exceeded the threshold laid down in Article 7(b) 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, without conducting a Europe-wide invitation to tender, the Federal Republic of Germany has failed to fulfil its obligations under Articles 2, 9 and 20 in conjunction with Articles 23 to 55 of that directive;

2. Orders the Federal Republic of Germany to pay the costs.