

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Staatsgerichtshof des Fürstentums Liechtenstein dated 29 October 2013 in the case of the Casino Admiral AG v Wolfgang Egger

(Case E-24/13)

A request has been made to the EFTA Court by a letter dated 6 November 2013 from Staatsgerichtshof des Fürstentums Liechtenstein (State Court of the Principality of Liechtenstein), which was received at the Court Registry on 8 November 2013, for an Advisory Opinion in the case of the Casino Admiral AG v Wolfgang Egger, on the following questions:

1. What are the general requirements of EEA law and European law (in particular Articles 43 and 49 EC and the obligation of transparency derived therefrom) regarding the procedure for awarding casino concessions?
2. Does EEA law or European law require that an authority seeking to award a concession states at the time at which it publishes its tender notice how it intends to supplement and specify in greater detail the requirements set out in the act and the regulation?
3. In particular, in the context of the relevant tendering procedure, is there a general obligation to give prior notice of the relative weighting that will be given to the award criteria when awarding the concession? If that question is answered in the affirmative, what requirements do EEA law and European law impose as regards the substance of the information that must be provided in that prior notice?
4. In the case at hand, were the requirements of EEA law and European law satisfied?
5. If the EFTA Court finds that the tendering procedure did not comply with the requirements of EEA law and European law:
 - (a) Do EEA law and European law establish specific legal consequences in the case of procedural errors of that kind?
 - (b) Can procedural errors of that kind be cured? If so, under what conditions?
 - (c) In the case at hand, were the requirements met to set aside the whole tendering and concession award procedure?