

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Public Procurement Complaints Committee dated 17 September 2019 in the case of Tak – Malbik ehf. v the Icelandic Road and Coastal Administration and Þróttur ehf.

(Case E-7/19)

A request has been made to the EFTA Court dated 17 September 2019 from the Public Procurement Complaints Committee (kærunefnd útboðsmála), which was received at the Court Registry on 23 September 2019, for an Advisory Opinion in the case of Tak – Malbik ehf. v the Icelandic Road and Coastal Administration and Þróttur ehf. on the following question:

Is a contract to be pursued following an invitation to tender, in which tenderers undertake to process and stockpile certain raw materials provided by the contracting authority, and in accordance with the contracting authority's requirements, considered a works contract within the meaning of Directive 2014/24/EU, cf. in particular paragraphs 6 and 7 of Article 2, or a service contract within the meaning of the Directive, cf. in particular Article 2(9)?