

2. In the alternative, if the Court of Justice considers that the option of excluding the tenderer is one of the options open to the Member State, does the principle of proportionality enshrined in Article 5 of the EU Treaty, referred to in recital 101 of Directive 2014/24/EU and established as a general principle of EU law by the Court of Justice, preclude national legislation, such as Article 80(5) of Legislative Decree No 50 of 2016, which provides that, where a ground for excluding a designated subcontractor is established during the tendering procedure, a tendering economic operator is to be excluded in all cases, including where there are other subcontractors that have not been excluded and satisfy the requirements for the provision of the services to be subcontracted, or where the tendering economic operator declares that it will not subcontract as it satisfies the requirements for the provision of the services on its own?

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<sup>(1)</sup> 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).

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**Request for a preliminary ruling from the Hof van Cassatie (Belgium) lodged on 18 June 2018 —  
Infohos v Belgische Staat**

(Case C-400/18)

(2018/C 301/23)

*Language of the case: Dutch*

**Referring court**

Hof van Cassatie

**Parties to the main proceedings**

*Appellant:* Infohos

*Respondent:* Belgische Staat

**Question referred**

Must Article 13.A(1)(f) of Directive 77/388/EEC <sup>(1)</sup> of 17 May 1977, now Article 132(1)(f) of Directive 2006/112/EC <sup>(2)</sup> of 28 November 2006, be interpreted as permitting Member States to attach an exclusivity condition to the exemption provided for therein, whereby an independent group which also supplies services to non-members is also liable in full to VAT for the services supplied to its members?

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<sup>(1)</sup> Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

<sup>(2)</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

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**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 15 June 2018 —  
Tedeschi Srl, acting in its own behalf and as agent of a temporary association of undertakings,  
Consorzio Stabile Istant Service, acting in its own behalf and as principal of a temporary association  
of undertakings v C.M. Service Srl, Università degli Studi di Roma La Sapienza**

(Case C-402/18)

(2018/C 301/24)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato