



**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 17 October 2024 –
Nidec Asi SpA, Ceisis SpA Sistemi Impiantistici Integrati v Ministero per gli Affari europei, le
Politiche di coesione e il Piano nazionale di ripresa e resilienza and Others**

(Case C-686/24, Nidec Asi and Ceisis)

(C/2025/379)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Nidec Asi SpA, Ceisis SpA Sistemi Impiantistici Integrati

Defendants: Ministero per gli Affari europei, le Politiche di coesione e il Piano nazionale di ripresa e resilienza; Autorità di sistema portuale del Mare di Sardegna; Ministero delle Infrastrutture e dei Trasporti

Question referred

Does Article 39 of Directive 2014/25/EU ⁽¹⁾ – from which one infers, as from Article 28 of Directive 2014/23/EU ⁽²⁾ and Article 21 of Directive 2014/24/EU, ⁽³⁾ that the conflict between the right to judicial protection and the right to the protection of trade secrets is resolved by means of a balancing exercise which does not necessarily give precedence to the first right – preclude the national rules contained in Article 53(6) of Legislative Decree No 50/2016, which provides for the production of documents containing technical or trade secrets in the case of access aimed at providing judicial protection, without providing for balancing arrangements which take into account the requirements of protecting technical or trade secrets?

⁽¹⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ 2014 L 94, p. 243).

⁽²⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ 2014 L 94, p. 1).

⁽³⁾ 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).