

**Judgment of the Court (Second Chamber) of 17 July 2008 —
Commission v Italy**

(Case C-371/05)

(Failure of a Member State to fulfil obligations — Directive 92/50/EEC — Articles 11 and 15(2) — Public service contracts — Award of IT services for the commune of Mantova (Italy) — Direct award without prior publication of a notice to tender)

Approximation of laws — Procedures for the award of public service contracts — Directive 92/50 — Scope — Contracting authority holding shares in a company which is legally separate from it with one or more bodies constituted under private law (Council Directive 92/50) (see paras 22, 24, 26, 29-33)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 11 and 15(2) of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1) — Award of IT services for the Commune di Mantova — Direct award without prior publication of a contract notice.

Operative part

The Court:

1. Dismisses the action;
2. Orders the Commission of the European Communities to pay the costs.