

Operative part of the judgment

1. Article 26 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as amended by Commission Regulation (EU) No 1251/2011 of 30 November 2011, must be interpreted as not precluding legislation of a regional entity of a Member State, such as that at issue in the main proceedings, which requires tenderers and their subcontractors to undertake, by means of a written declaration to be enclosed with their tender, to pay staff who are called upon to perform the services covered by the public contract in question a minimum wage laid down in that legislation.
2. Article 26 of Directive 2004/18, as amended by Regulation No 1251/2011, must be interpreted as not precluding legislation of a regional entity of a Member State, such as that at issue in the main proceedings, which provides for the exclusion from participation in a procedure for the award of a public contract of tenderers and their subcontractors who refuse to undertake, by means of a written declaration to be enclosed with their tender, to pay staff who are called upon to perform the services covered by the public contract in question a minimum wage laid down in that legislation.

(¹) OJ C 175, 10.6.2014.

Judgment of the Court (Second Chamber) of 12 November 2015 — United Kingdom of Great Britain and Northern Ireland v European Parliament, Council of the European Union

(Case C-121/14) (¹)

(Action for annulment — Regulation (EU) No 1316/2013 establishing the Connecting Europe Facility — Projects of common interest which relate to the territory of a Member State — Approval of that State — Extension of a rail freight corridor — Legal basis — Article 171 TFEU and second paragraph of Article 172 TFEU)

(2016/C 016/07)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented by: M. Holt and L. Christie, acting as Agents, and by D.J. Rhee, Barrister)

Defendants: European Parliament (represented by: A. Troupiotis and M. Sammut, acting as Agents), Council of the European Union (represented by: Z. Kupčová and E. Chatziioakeimidou, acting as Agents)

Intervener in support of the defendants: European Commission (represented by: J. Samnadda and J. Hottiaux, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs and to pay those incurred by the European Parliament and the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 135, 5.5.2014.

Judgment of the Court (Fifth Chamber) of 12 November 2015 (request for a preliminary ruling from the Helsingin hovioikeus — Finland) — Valev Visnapuu v Kihlakunnansyyttäjä (Helsinki), Suomen valtio — Tullihallitus

(Case C-198/14) ⁽¹⁾

(Reference for a preliminary ruling — Articles 34 TFEU and 110 TFEU — Directive 94/62/EC — Articles 1(1), 7 and 15 — Distance selling and transport of alcoholic beverages from another Member State — Excise duty on certain beverage packaging — Exemption where packaging is integrated into a deposit and return system — Articles 34 TFEU, 36 TFEU and 37 TFEU — Requirement of a licence for the retail sale of alcoholic beverages — Monopoly on the retail sale of alcoholic beverages — Justification — Protection of health)

(2016/C 016/08)

Language of the case: Finnish

Referring court

Helsingin hovioikeus

Parties to the main proceedings

Applicant: Valev Visnapuu

Defendants: Kihlakunnansyyttäjä (Helsinki), Suomen valtio — Tullihallitus

Operative part of the judgment

1. Article 110 TFEU and Articles 1(1), 7 and 15 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, which imposes an excise duty on certain beverage packaging, but lays down an exemption for packaging integrated into a functioning return system.
2. Articles 34 TFEU and 36 TFEU must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, under which a seller established in another Member State must hold a retail sale licence in order to import alcoholic beverages with a view to their retail sale to consumers residing in the first Member State, where that seller, or someone acting on his behalf, transports those beverages, provided that that legislation is appropriate for securing the attainment of the objective pursued, in the present case the protection of health and public policy, that the objective in question could not be achieved with at least an equivalent level of effectiveness by less restrictive methods and that the legislation does not constitute a means of arbitrary discrimination or a disguised restriction on trade between the Member States, which it is for the referring court to verify.

⁽¹⁾ OJ C 202, 30.6.2014.