



## Reports of Cases

ORDER OF THE COURT (Grand Chamber)

24 April 2015 \*

(Opening of the oral procedure — Holding of a hearing)

In Case C-203/14,

REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Català de Contractes del Sector Públic (Spain), made by decision of 25 March 2014, received at the Court on 23 April 2014, in the proceedings

**Consorci Sanitari del Maresme**

v

**Corporació de Salut del Maresme i la Selva,**

THE COURT (Grand Chamber),

composed of V. Skouris, President, K. Lenaerts, Vice-President, A. Tizzano, R. Silva de Lapuerta, T. von Danwitz, A. Ó Caoimh, J.-C. Bonichot, C. Vajda, S. Rodin, Presidents of Chambers, A. Arabadjiev, M. Berger (Rapporteur), E. Jarašiūnas, C.G. Fernlund, J.L. da Cruz Vilaça and F. Biltgen, Judges,

Advocate General: N. Jääskinen,

Registrar: A. Calot Escobar,

after hearing the Advocate General,

makes the following

### Order

- 1 This request for a preliminary ruling concerns the interpretation of Article 1(8) and 52 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 (OJ 2004 L 134, p. 114).
- 2 The request has been made following a special application in procurement proceedings lodged by the Consorci Sanitari del Maresme (Maresme Health Consortium) seeking, firstly, annulment of the decision of the procurement board of the Corporació de Salut del Maresme i la Selva (Maresme i la Selva Health Corporation) by which it refused to admit the Consorci Sanitari del Maresme to the

\* Language of the case: Spanish.

procurement procedure for the award of contracts concerning nuclear magnetic resonance services for healthcare centres managed by the Corporació de Salut del Maresme i la Selva and, secondly, the admission of that consortium to the procurement procedure.

- 3 By a decision of 13 January 2015, the Court referred the case to the Sixth Chamber and decided, by application of Article 76(2) of its Rules of Procedure, not to hold a hearing. Furthermore, it decided that the case would be determined without an Opinion of the Advocate General.
- 4 Since doubts arose as to the jurisdiction of the Court, on 9 February 2015, it sent a request for clarification to the Tribunal Català de Contractes del Sector Públic (Catalan Public Sector Contracts Court). That court answered that request by letter of 12 February 2015, received at the Court on 17 February 2015.
- 5 Having regard to the clarifications provided by the Tribunal Català de Contractes del Sector Públic, the Court considers that it is necessary for it to hear detailed argument. It decided to reallocate this case to the Grand Chamber, which will rule after the Advocate General has presented his Opinion.
- 6 It is apparent from those clarifications that the special application in procurement proceedings, the subject-matter of the main proceedings, is optional in nature, that the decision by which a ruling is given on that application brings the administrative proceedings to an end and that, subsequently, that decision may be subject to appeal in ordinary contentious administrative proceedings ('contencioso-administrativo').
- 7 The question arises whether the Tribunal Català de Contractes del Sector Públic satisfies the criteria laid down by the case-law of the Court in order to be regarded as a court or tribunal for the purposes of Article 267 TFEU.
- 8 The Court considers, accordingly, that it is necessary to organise a hearing in order to permit the interested persons and bodies referred to in Article 23 of the Statute of the Court of Justice of the European Union to express their views, if any, on the question set out in paragraph 7 of this order.

On those grounds, the Court (Grand Chamber) hereby orders:

- 1. The oral procedure in Case C-203/14 shall be opened.**
- 2. The date of the hearing shall be fixed by a separate document.**
- 3. The interested persons and bodies referred to in Article 23 of the Statute of the Court of Justice of the European Union shall be invited to express their views, if any, on whether the Tribunal Català de Contractes del Sector Públic (Spain) satisfies the criteria laid down in the case-law of the Court in order to be regarded as a court or tribunal for the purposes of Article 267 TFEU.**
- 4. The costs are reserved.**

[Signatures]