

Parties to the main proceedings

Applicant: Pippo Pizzo

Defendant: CRGT Srl

Interested parties and interveners: Autorità Portuale di Messina, Messina Sud Srl, Francesco Todaro, Myleco Sas

Operative part of the judgment

1. Articles 47 and 48 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 must be interpreted as not precluding national legislation which allows an economic operator to rely on the capacities of one or more third-party entities for the purpose of satisfying the minimum requirements for participating in a tendering procedure which are only partially satisfied by that operator.
2. The principle of equal treatment and the obligation of transparency must be interpreted as precluding an economic operator from being excluded from a procedure for the award of a public contract as a result of that economic operator's non-compliance with an obligation which does not expressly arise from the documents relating to that procedure or out of the national law in force, but from an interpretation of that law and those documents and from the incorporation of provisions into those documents by the national authorities or administrative courts. Accordingly, the principles of equal treatment and of proportionality must be interpreted as not precluding an economic operator from being allowed to regularise its position and comply with that obligation within a period of time set by the contracting authority.

⁽¹⁾ OJ C 138, 27.4.2015.

Judgment of the Court (Eighth Chamber) of 2 June 2016 — Photo USA Electronic Graphic, Inc. v Council of the European Union, European Commission, Ancàp SpA, Cerame-Unie AISBL, Confindustria Ceramica, Verband der Keramischen Industrie eV

(Case C-31/15 P) ⁽¹⁾

(Appeal — Dumping — Implementing Regulation (EU) No 412/2013 — Imports of ceramic tableware and kitchenware originating in China — Definitive anti-dumping duty)

(2016/C 287/11)

Language of the case: English

Parties

Appellant: Photo USA Electronic Graphic, Inc. (represented by: K. Adamantopoulos, avocat)

Other parties to the proceedings: Council of the European Union (represented initially by B. Driessen and S. Boelaert, and subsequently by H. Marcos Fraile, acting as Agent, B. O'Connor, Solicitor, and S. Gubel, avocat), European Commission (represented by: J.-F. Brakeland and M. França, acting as Agents), Ancàp SpA, Cerame-Unie AISBL, Confindustria Ceramica, Verband der Keramischen Industrie eV (represented by: R. Bierwagen, Rechtsanwalt)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Photo USA Electronic Graphic Inc. to pay the costs.

⁽¹⁾ OJ C 89, 16.3.2015.