

Judgment of the Court (Ninth Chamber) of 10 November 2016 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Ciclat Soc. coop v Consip SpA, Autorità per la Vigilanza sui Contratti Pubblici di lavori, servizi e forniture

(Case C-199/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2004/18/EC — Article 45 — Articles 49 and 56 TFEU — Public procurement — Conditions for exclusion from a procedure for the award of public works contracts, public supply contracts and public service contracts — Obligations relating to the payment of social security contributions — Social security contributions payment certificate — Correction of irregularities)

(2017/C 014/08)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Ciclat Soc. coop

Defendants: Consip SpA, Autorità per la Vigilanza sui Contratti Pubblici di lavori, servizi e forniture

Intervening parties: Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL), Team Service SCARL, as the representative of ATI-Snam Lazio Sud Srl and Ati-Linda Srl, Consorzio Servizi Integrati

Operative part of the judgment

Article 45 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, such as that at issue in the main proceedings, which obliges a contracting authority to consider an infringement relating to the payment of social security contributions, recorded in a certificate requested by a contracting authority on its own initiative and issued by the social security institutions, to be a ground for exclusion, where that infringement existed on the date of the participation in a tender procedure, even if it no longer existed at the time of the award or of the verification carried out on the contracting authority's own initiative.

⁽¹⁾ OJ C 262, 10.8.2015.

Judgment of the Court (Fifth Chamber) of 17 November 2016 (request for a preliminary ruling from the Bundesarbeitsgericht — Germany) — Betriebsrat der Ruhrländklinik gGmbH v Ruhrländklinik gGmbH

(Case C-216/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2008/104/EC — Temporary agency work — Scope — Concept of 'worker' — Concept of 'economic activities' — Nursing staff who do not have a contract of employment assigned to a health care institution by a not-for-profit association)

(2017/C 014/09)

Language of the case: German

Referring court

Bundesarbeitsgericht