

Order of the Court (Seventh Chamber) of 28 September 2016 (request for a preliminary ruling from the Tribunale di Santa Maria Capua Vetere — Italy) — Criminal proceedings against Angela Manzo

(Case C-542/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Identical questions referred — Articles 49 TFEU and 56 TFEU — Freedom of establishment — Freedom to provide services — Betting and gambling — Restrictions — Overriding grounds of general interest — Proportionality — Public procurement — Conditions for participating in a call for tenders and assessment of economic and financial standing — Exclusion of the tenderer for failure to present certificates of economic and financial standing issued by two different banks — Directive 2004/18/EC — Article 47 — Applicability)

(2016/C 454/23)

Language of the case: Italian

Referring court

Tribunale di Santa Maria Capua Vetere

Criminal proceedings against

Angela Manzo

Operative part of the order

1. Articles 49 TFEU and 56 TFEU must be interpreted as not precluding a national provision, such as that at issue in the main proceedings, which imposes on operators wishing to respond to a call for tenders for the grant of concessions in the field of betting and gambling the obligation to provide evidence of their economic and financial standing by means of statements issued by at least two banks, without allowing that standing to be proved also by other means, where such a provision is capable of satisfying the conditions of proportionality laid down by the case-law of the Court, this being a matter for the referring court to ascertain.
2. 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, in particular Article 47 thereof, must be interpreted as meaning that national legislation governing the grant of concessions in the field of betting and gambling, such as that at issue in the main proceedings, does not come within its scope.

⁽¹⁾ OJ C 16, 18.1.2016.

Order of the Court (Seventh Chamber) of 7 September 2016 — Lotte Co. Ltd v European Union Intellectual Property Office

(Case C-586/15 P) ⁽¹⁾

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — EU trade mark — Figurative mark including a word element in Japanese and a picture of a koala in a tree holding a small koala — Opposition by the proprietor of the earlier national three-dimensional mark KOALA-BÄREN and earlier figurative mark KOALA — Proof of genuine use of the mark — Use of the mark in a form differing by elements not altering the distinctive character of the mark — Article 15(1)(a) and Article 42(2) and (3) of Regulation (EC) No 207/2009 — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2016/C 454/24)

Language of the case: German

Parties

Appellant: Lotte Co. Ltd (represented by: M. Knitter, lawyer)