

Judgment of the Court (Tenth Chamber) of 20 December 2017 (request for a preliminary ruling from the Raad van State, Belgium) — Vaditrans BVBA v Belgische Staat

(Case C-102/16) ⁽¹⁾

(Reference for a preliminary ruling — Road transport — Driver's rest periods — Regulation (EC) No 561/2006 — Article 8(6) and (8) — Whether it is possible to take daily rest periods and reduced weekly rest periods away from base and in a vehicle — Exclusion of regular weekly rest periods)

(2018/C 072/09)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicant: Vaditrans BVBA

Defendant: Belgische Staat

Operative part of the judgment

1. Article 8(6) and (8) of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 must be interpreted as meaning that a driver may not take the regular weekly rest periods referred to in Article 8(6) in his vehicle.
2. Consideration of the second question referred has disclosed nothing to affect the validity of Regulation No 561/2006, having regard to the principle of legality in criminal proceedings, enshrined in Article 49(1) of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ OJ C 165, 10.5.2016.

Judgment of the Court (Tenth Chamber) of 20 December 2017 (request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo n. 1 de Oviedo (Administrative Court No 1, Oviedo — Spain)) — Margarita Isabel Vega González v Consejería de Hacienda y Sector Público del Gobierno del Principado de Asturias

(Case C-158/16) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Concept of 'employment conditions' — Placement on the administrative status for special service leave — National legislation providing for special leave to be granted, in case of election to public office, only to established civil servants, to the exclusion of non-established civil servants)

(2018/C 072/10)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo n. 1 de Oviedo

Parties to the main proceedings

Applicant: Margarita Isabel Vega González

Defendant: Consejería de Hacienda y Sector Público del Gobierno del Principado de Asturias

Operative part of the judgment

1. Clause 4(1) of the framework agreement on fixed-term work concluded on 18 March 1999, annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP must be interpreted as meaning that the concept of ‘employment conditions’, referred to in that provision, includes the right for a worker who has been elected to a parliamentary role to benefit from special service leave, provided for by national legislation, under which the employment relationship is suspended such that the worker’s job and his entitlement to promotion are guaranteed until the end of that parliamentary term of office;
2. Clause 4 of the framework agreement on fixed-term work concluded on 18 March 1999, annexed to Council Directive 1999/70 must be interpreted as precluding national legislation, such as that at issue in the main proceedings, that absolutely precludes granting a fixed-term worker, so that he may hold political office, leave during which the employment relationship is suspended until reinstatement of that worker at the end of the term of office, when that right is conferred on permanent workers.

⁽¹⁾ OJ C 211, 13.6.2016.

Judgment of the Court (Fourth Chamber) of 20 December 2017 (request for a preliminary ruling from the Consiglio di Stato — Italy) — *Impresa di Costruzioni Ing. E. Mantovani SpA, Guerrato SpA v Provincia autonoma di Bolzano, Agenzia per i procedimenti e la vigilanza in materia di contratti pubblici di lavori servizi e forniture (ACP), Autorità nazionale anticorruzione (ANAC)*

(Case C-178/16) ⁽¹⁾

(Reference for a preliminary ruling — Public works contracts — Directive 2004/18/EC — Article 45(2) and (3) — Conditions for exclusion from participation in public procurement — Declaration regarding the absence of convictions of former directors of the tendering company — Criminal conduct of a former director — Criminal conviction — Actual and complete dissociation between the tendering company and that director — Evidence — Assessment by the contracting entity of the requirements relating to that obligation)

(2018/C 072/11)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Impresa di Costruzioni Ing. E. Mantovani SpA, Guerrato SpA

Defendants: Provincia autonoma di Bolzano, Agenzia per i procedimenti e la vigilanza in materia di contratti pubblici di lavori servizi e forniture (ACP), Autorità nazionale anticorruzione (ANAC)

Intervening parties: Società Italiana per Condotte d’Acqua SpA, Inso Sistemi per le Infrastrutture Sociali SpA