

**Operative part of the judgment**

Articles 47(2) and 48(3) 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 excludes the possibility for an economic operator taking part in a tendering procedure to replace an auxiliary undertaking that has lost required qualifications after the submission of its tender and which results in the automatic exclusion of that operator.

<sup>(1)</sup> OJ C 251, 11.7.2016.

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**Judgment of the Court (First Chamber) of 20 September 2017 — European Commission v Frucona Košice a.s.**

(Case C-300/16 P) <sup>(1)</sup>

*(Appeal — State aid — Concept of ‘aid’ — Concept of ‘economic advantage’ — Private creditor test — Conditions of applicability — Application — Investigation obligations on the European Commission)*

(2017/C 382/27)

Language of the case: English

**Parties**

*Appellant:* European Commission (represented by: K. Walkerová, L. Armati, T. Maxian Rusche and B. Stromsky, acting as Agents)

*Other party to the proceedings:* Frucona Košice a.s. (represented by: K. Lasok QC, B. Hartnett, Barrister, J. Holmes QC, and O. Geiss, Rechtsanwalt)

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal;
2. Orders the European Commission to pay the costs.

<sup>(1)</sup> OJ C 260, 18.7.2016.

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**Judgment of the Court (Fifth Chamber) of 13 September 2017 — Salvatore Aniello Pappalardo and Others v European Commission**

(Case C-350/16 P) <sup>(1)</sup>

*(Appeal — Common fisheries policy — Non-contractual liability of the European Union — Claim for compensation — Regulation (EC) No 530/2008 — Emergency measures adopted by the European Commission — Sufficiently serious breach of a rule of law — Whether possible to rely on that breach — Principle of non-discrimination — Res judicata)*

(2017/C 382/28)

Language of the case: Italian

**Parties**

*Appellants:* Salvatore Aniello Pappalardo, Pescatori La Tonnara Soc. coop., Fedemar Srl, Testa Giuseppe & C. Snc, Pescatori San Pietro Apostolo Srl, Camplone Arnaldo & C. Snc di Camplone Arnaldo & C., Valentino Pesca Sas di Camplone Arnaldo & C. (represented by: V. Cannizzaro and L. Caroli, avvocati)

Other party to the proceedings: European Commission (represented by: A. Bouquet and D. Nardi, acting as Agents)

### Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Salvatore Aniello Pappalardo, Pescatori La Tonnara Soc. coop., Fedemar Srl, Testa Giuseppe & C. Snc, Pescatori San Pietro Apostolo Srl, Camplone Arnaldo & C. Snc di Camplone Arnaldo & C. and Valentino Pesca Sas di Camplone Arnaldo & C. to pay the costs.

<sup>(1)</sup> OJ C 343, 19.9.2016.

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### Judgment of the Court (Sixth Chamber) of 14 September 2017 (request for a preliminary ruling from the Tribunal da Relação de Évora — Portugal) — Luís Isidro Delgado Mendes v Crédito Agrícola Seguros — Companhia de Seguros de Ramos Reais SA

(Case C-503/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Compulsory insurance against civil liability in respect of the use of motor vehicles — Directives 72/166/EEC, 84/5/EEC, 90/232/EEC and 2009/103/EC — Theft of a vehicle — Motor vehicle accident — Personal injuries and property damage sustained by the insured owner of the vehicle, as a pedestrian — Civil liability — Compensation — Compulsory insurance cover — Exclusion clauses — National legislation excluding the insured owner of the vehicle from compensation from the insurers — Compatibility with those directives — Concept of ‘third parties who have been victims’)*

(2017/C 382/29)

Language of the case: Portuguese

### Referring court

Tribunal da Relação de Évora

### Parties to the main proceedings

Applicant: Luís Isidro Delgado Mendes

Defendant: Crédito Agrícola Seguros — Companhia de Seguros de Ramos Reais SA

### Operative part of the judgment

Article 3(1) of Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, Article 1(1) and Article 2(1) of the Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, as amended by Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005, and Article 1a of the Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicle, as amended by Directive 2005/14, must be interpreted as precluding national legislation, such as that at issue in