

Judgment of the Court (Second Chamber) of 11 July 2018 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — proceedings brought by CX

(Case C-629/16) ⁽¹⁾

(Reference for a preliminary ruling — International road transport — Agreement establishing an Association between the European Economic Community and Turkey — Article 9 — Additional Protocol — Articles 41 and 42 — Freedom to provide services — Standstill clause — Decision No 1/95 of the EC-Turkey Association Council — Articles 5 and 7 — Free movement of goods — National legislation restricting the right of road haulage undertakings with their seat in Turkey to operate their vehicles in the territory of the Member State concerned — Obligation to obtain an authorisation issued within the limits of a quota determined on the basis of a bilateral agreement concluded between that Member State and Turkey or a permit granted for a single transport of substantial public interest)

(2018/C 319/04)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

CX

Other party: Bezirkshauptmannschaft Schärding

Operative part of the judgment

The provisions of the Agreement establishing an Association between the European Economic Community and Turkey signed on 12 September 1963 at Ankara by the Republic of Turkey, of the one part, and the Member States of the EEC and the Community, of the other part, concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963, the Additional Protocol signed on 23 November 1970 at Brussels, concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972, and Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union must be interpreted as not precluding legislation of a Member State such as that at issue in the main proceedings, under which road haulage undertakings with their seat in Turkey can transport goods by road to that Member State or through its territory only if they have passes issued within the limits of a quota determined for such transport on the basis of the bilateral agreement concluded between that Member State and the Republic of Turkey or if a permit has been granted to them on the ground of substantial public interest, provided that that legislation is not a new restriction on the freedom to provide services within the meaning of Article 41(1) of the Additional Protocol, which is for the referring court to ascertain.

⁽¹⁾ OJ C 104, 3.4.2017.

Judgment of the Court (Fourth Chamber) of 12 July 2018 (request for a preliminary ruling from the Consiglio di Stato — Italy) — VAR Srl, Azienda Trasporti Milanese SpA (ATM) v Iveco Orecchia SpA

(Case C-14/17) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Directive 2004/17/EC — Article 34 — Supply of spare parts for buses and trolley-buses — Technical specifications — Equivalent products — Whether proof of equivalence may be provided after the contract has been awarded)

(2018/C 319/05)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: VAR Srl, Azienda Trasporti Milanesi SpA (ATM)

Respondent: Iveco Orecchia SpA

Operative part of the judgment

Article 34(8) of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors must be interpreted as meaning that, when the technical specifications in the contract documentation refer to a specific mark, origin or production, the contracting authority must require the tenderer to submit, already in its tender, proof that the products which it proposes are equivalent to those defined in the technical specifications.

⁽¹⁾ OJ C 168, 29.5.2017.

Judgment of the Court (Third Chamber) of 11 July 2018 (request for a preliminary ruling from the Korkein oikeus — Finland) — Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos

(Case C-15/17) ⁽¹⁾

(Reference for a preliminary ruling — Montego Bay Convention — Article 220(6) — Powers of the coastal State — Jurisdiction of the Court to interpret provisions of international law — Directive 2005/35/EC — Ship-source pollution — Article 7(2) — Marpol Convention 73/78 — Oil spill in the exclusive economic zone from a foreign vessel in transit — Circumstances in which a coastal State may instigate proceedings against a foreign vessel — Freedom of navigation — Protection of the marine environment — Major damage or threat of major damage to the coastline, related interests or any resources in the territorial sea or exclusive economic zone — Clear objective evidence)

(2018/C 319/06)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Applicant: Bosphorus Queen Shipping Ltd Corp.

Defendant: Rajavartiolaitos

Operative part of the judgment

1. Article 220(6) of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982, and Article 7(2) of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, as amended by Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009, must be interpreted as meaning that the expression 'clear objective evidence' within the meaning of those provisions covers not only the commission of a violation, but also evidence of the consequences of that violation.