

Judgment of the Court (Sixth Chamber) of 8 February 2018 (request for a preliminary ruling from the Tribunale Amministrativo Regionale Calabria — Italy) — Lloyd's of London v Agenzia Regionale per la Protezione dell'Ambiente della Calabria

(Case C-144/17) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Articles 49 and 56 TFEU — Directive 2004/18/EC — Reasons for exclusion from a tendering procedure — Insurance services — Participation of several Lloyd's of London syndicates in the same tendering procedure — Signature of tenders by the Lloyd's of London General Representative for the country concerned — Principles of transparency, equal treatment and non-discrimination — Proportionality)

(2018/C 123/07)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale Calabria

Parties to the main proceedings

Applicant: Lloyd's of London

Defendant: Agenzia Regionale per la Protezione dell'Ambiente della Calabria

Operative part of the judgment

The principles of transparency, equal treatment and non-discrimination which derive from Articles 49 and 56 TFEU and are referred to in Article 2 of Directive 2004/18/EC of the 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 meaning that they do not preclude legislation of a Member State, such as that at issue in the main proceedings, which does not allow two syndicates of Lloyd's of London to be excluded from participation in the same procedure for the award of a public service contract for insurance merely because their respective tenders were each signed by the General Representative of Lloyd's of London for that Member State, but instead allows their exclusion if it appears, on the basis of unambiguous evidence, that their tenders were not drawn up independently.

⁽¹⁾ OJ C 213, 3.7.2017.

Judgment of the Court (Tenth Chamber) of 8 February 2018 — European Commission v Kingdom of Spain

(Case C-181/17) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport policy — Regulation (EC) No 1071/2009 — Road transport operator — Licence for public transport — Conditions for grant — Article 3(1) and (2) — Article 5(b) — Number of vehicles required — National legislation — Stricter conditions for grant — Higher minimum number of vehicles)

(2018/C 123/08)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: J. Hottiaux and J. Rius, acting as Agents)

Defendant: Kingdom of Spain (represented by: V. Ester Casas, acting as Agent)