

Judgment of the Court (Tenth Chamber) of 5 September 2019 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Lombardi Srl v Comune di Auletta, Delta Lavori SpA, Msm Ingegneria Srl

(Case C-333/18) ⁽¹⁾

(Reference for a preliminary ruling — Review procedures on the award of public supply and public works contracts — Directive 89/665/EEC — Action for annulment of the decision awarding a public contract by a tenderer whose bid was unsuccessful — Counterclaim brought by the successful tenderer — Admissibility of the main action in the event that the counterclaim is well founded)

(2019/C 383/27)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Lombardi Srl

Respondents: Comune di Auletta, Delta Lavori SpA, Msm Ingegneria Srl

Intervener: Robertazzi Costruzioni Srl

Operative part of the judgment

The third subparagraph of Article 1(1) and (3) of Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007, must be interpreted as precluding a main action for review brought by a tenderer with an interest in obtaining a particular contract who has been or could be adversely affected by an alleged breach of EU public procurement law or rules transposing that law, and seeking the exclusion of another tenderer, from being declared inadmissible in application of national jurisprudential procedural rules or which concern the treatment of reciprocal ‘excluding’ actions brought by the parties, irrespective of the number of tenderers having participated in the procurement procedure or the number of those having brought actions for review.

⁽¹⁾ OJ C 285, 13.8.2018.

Judgment of the Court (First Chamber) of 4 September 2019 (request for a preliminary ruling from the Tribunale di Milano — Italy) — Avv. Alessandro Salvoni v Anna Maria Fiermonte

(Case C-347/18) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Article 53 — Certificate relating to a judgment in civil and commercial matters in Annex I — Powers of the court of origin — Automatic verification whether there have been breaches of the rules on jurisdiction concerning consumer contracts)

(2019/C 383/28)

Language of the case: Italian

Referring court

Tribunale di Milano