

- b) allows the 'discretionary' prohibition for up to one year of the exercise of the activity of 'tied agent' (consultant authorised to provide offsite services — formerly financial [Or. 13] planner) in proceedings seeking to prevent the 'strepitus' deriving from the charge in criminal proceedings whose duration is as a rule much longer than a year'?

⁽¹⁾ Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ 2004 L 145, p. 1).

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte (Italy)
lodged on 29 January 2018 — Cooperativa Animazione Valdocco S.C.S. Impresa Sociale Onlus v
Consorzio Intercomunale Servizi Sociali di Pinerolo, Azienda Sanitaria Locale To3 di Collegno e
Pinerolo**

(Case C-54/18)

(2018/C 142/41)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Piemonte

Parties to the main proceedings

Applicant: Cooperativa Animazione Valdocco S.C.S. Impresa Sociale Onlus

Defendants: Consorzio Intercomunale Servizi Sociali di Pinerolo, Azienda Sanitaria Locale To3 di Collegno e Pinerolo

Questions referred

1. Do the European rules on the rights of defence, due process and effective substantive operation of the protection afforded, in particular, by Articles 6 and 13 of the ECHR, Article 47 of the Charter of Fundamental Rights of the European Union and Article 1(1) and (2) of Directive 89/665/EEC ⁽¹⁾ preclude a provision of national law, such as Article 120(2-bis) of the Codice del Processo amministrativo (Italian Code of Administrative Procedure), which requires an operator taking part in a tendering procedure to challenge the admission of/failure to exclude another entity, within a period of 30 days of the communication of the decision to admit/exclude participants?
2. Do the European rules on the rights of defence, due process and effective substantive operation of the protection afforded, in particular, by Articles 6 and 13 of the ECHR, Article 47 of the Charter of Fundamental Rights of the European Union and Article (1) and (2) of Directive 89/665/CEE, preclude a provision of national law, such as Article 120(2-bis) of the Codice del Processo amministrativo (Italian Code of Administrative Procedure), which prevents an economic operator from claiming, upon conclusion of the procedure, even by cross-appeal, that the decision to admit other operators is unlawful, in particular the one awarded the contract or the applicant in the main action, if they had not previously challenged the decision to admit in the manner set out in the preceding question?

⁽¹⁾ 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 (OJ 1989 L 395, p. 33).