

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte (Italy)
lodged on 28 June 2018 — Consorzio Nazionale Servizi Società Cooperativa (CNS) v Gruppo
Torinese Trasporti Gtt SpA**

(Case C-425/18)

(2018/C 399/25)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Piemonte

Parties to the main proceedings

Applicant: Consorzio Nazionale Servizi Società Cooperativa (CNS)

Defendant: Gruppo Torinese Trasporti Gtt SpA

Question referred

Do Articles 53(3) and 54(4) of Directive 2004/17/EC, ⁽¹⁾ in conjunction with Article 45(2)(d) of Directive 2004/18/EC, ⁽²⁾ preclude a provision such as Article 38(1)(f) of Legislative Decree No 163/2006 of the Italian Republic, as interpreted by national case-law, which excludes from the scope of 'grave professional misconduct' on the part of an economic operator conduct consisting in infringement of the competition rules, which has been established and penalised by the national competition authority by decision upheld by the courts, thereby precluding a priori the contracting authorities from assessing such infringements independently for the purposes of determining whether such an economic operator is to be excluded from a tender procedure for the award of a public contract, as a possible but not a mandatory outcome?

⁽¹⁾ 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 (OJ 2004 L 134, p. 1).

⁽²⁾ 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 (OJ 2004 L 134, p. 114).

**Request for a preliminary ruling from the Juzgado de lo Social de Gerona (Spain) lodged on 9 July
2018 — WA v Instituto Nacional de la Seguridad Social**

(Case C-450/18)

(2018/C 399/26)

Language of the case: Spanish

Referring court

Juzgado de lo Social de Gerona

Parties to the main proceedings

Applicant: WA

Defendant: Instituto Nacional de la Seguridad Social