

**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

Question referred

Does a national legislative provision (specifically, Article 60(1) of the Ley General de Seguridad Social (General Law on Social Security)) which grants the right to receive a pension supplement — in view of their contribution to social security in terms of demographics — to women who have had biological or adopted children and are in receipt of a contributory retirement, widow's or permanent incapacity pension under any scheme within the social security system, but, on the other hand, does not grant that right to men in an identical situation, infringe the principle of equal treatment which prohibits all discrimination on grounds of sex, enshrined in Article 157 of the Treaty on the Functioning of the European Union and in Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, as amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002⁽¹⁾ and recast by Directive 2006/54/EC⁽²⁾ of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation?

⁽¹⁾ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ 2002 L 269, p. 15).

⁽²⁾ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ 2006 L 204, p. 23).

Action brought on 13 July 2018 — Republic of Slovenia v Republic of Croatia**(Case C-457/18)**

(2018/C 399/27)

*Language of the case: Slovenian***Parties***Applicant:* Republic of Slovenia (represented by: M. Menard)*Defendant:* Republic of Croatia**Form of order sought**

The applicant claims that the Court should declare that the defendant has infringed:

- Article 2 TEU and Article 4(3) TEU;
- Article 5(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, together with Annex I thereto, configuring the European Union system for controlling, verifying and implementing the rules of the Common Fisheries Policy, which was established by Regulation No 1224/2009 and by Implementing Regulation No 404/2011;
- Articles 4 and 17 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders, together with Article 13 thereof; and
- Article 2(4) and Article 11(1) of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

The applicant also claims that the Court should:

- order the defendant to put an end to the infringements mentioned above without delay; and
- order the defendant to pay the costs.