

**Parties to the main proceedings**

*Appellant in cassation:* 'ECOTEX BULGARIA' EOOD

*Respondent in cassation:* Teritorialna direktsia na Natsionalnata agentsia za prihodite — Sofia

*Interested party:* Prokuror ot Okrazhna prokuratura — Blagoevgrad

**Operative part of the judgment**

1. Legislation of a Member State which, for domestic payments the amount of which is equal to or exceeds a set threshold, prohibits natural and legal persons from making payments in cash and requires them to make a transfer or deposit into a payment account does not come within the scope of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.
2. Article 63 TFEU, read in conjunction with Article 49(3) of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding legislation of a Member State which, with a view to combating tax evasion and tax avoidance, first, prohibits natural and legal persons from making domestic payments in cash where the amount of the payment is equal to or exceeds a set threshold and requires, to that end, a transfer or deposit into a payment account, including as regards the distribution of dividends of a company, and second, provides for a system of penalties for infringing that prohibition in the context of which the amount of the fine that may be imposed is calculated as a fixed percentage of the total amount of the payment made in breach of that prohibition, without it being possible to adjust that fine depending on the particular circumstances of the case, provided that that legislation is appropriate for securing attainment of those objectives and does not go beyond what is necessary for attaining them.

(<sup>1</sup>) OJ C 357, 21.10.2019.

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**Judgment of the Court (Grand Chamber) of 6 October 2021 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Consorzio Italian Management, Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA**

(Case C-561/19) (<sup>1</sup>)

*(Reference for a preliminary ruling — Article 267 TFEU — Scope of the obligation on national courts or tribunals of last instance to make a reference for a preliminary ruling — Exceptions to that obligation — Criteria — Question on the interpretation of EU law raised by the parties to the national proceedings after the Court has given a preliminary ruling in those proceedings — Failure to state the reasons justifying the need for an answer to the questions referred for a preliminary ruling — Partial inadmissibility of the request for a preliminary ruling)*

(2021/C 481/15)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicants:* Consorzio Italian Management, Catania Multiservizi SpA

*Defendant:* Rete Ferroviaria Italiana SpA

### Operative part of the judgment

Article 267 TFEU must be interpreted as meaning that a national court or tribunal against whose decisions there is no judicial remedy under national law must comply with its obligation to bring before the Court of Justice a question concerning the interpretation of EU law that has been raised before it, unless it finds that that question is irrelevant or that the provision of EU law in question has already been interpreted by the Court or that the correct application of EU law is so obvious as to leave no scope for any reasonable doubt.

The existence of such a possibility must be assessed in the light of the characteristic features of EU law, the particular difficulties to which the interpretation of the latter gives rise and the risk of divergences in judicial decisions within the European Union.

Such a court or tribunal cannot be relieved of that obligation merely because it has already made a reference to the Court for a preliminary ruling in the same national proceedings. However, it may refrain from referring to the Court a question for a preliminary ruling on grounds of inadmissibility specific to the procedure before that court or tribunal, subject to compliance with the principles of equivalence and effectiveness.

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(<sup>1</sup>) OJ C 357, 21.10.2019.

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### Judgment of the Court (Fifth Chamber) of 6 October 2021 (request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco — Spain) — Confederación Nacional de Centros Especiales de Empleo (Conacee) v Diputación Foral de Gipuzkoa

(Case C-598/19) (<sup>1</sup>)

*(Reference for a preliminary ruling — Public procurement — Directive 2014/24/EU — Article 20 — Reserved contracts — National legislation reserving the right to participate in certain public procurement procedures to Social initiative special employment centres — Additional conditions not provided for by the directive — Principles of equal treatment and proportionality)*

(2021/C 481/16)

Language of the case: Spanish

### Referring court

Tribunal Superior de Justicia del País Vasco

### Parties to the main proceedings

*Applicant:* Confederación Nacional de Centros Especiales de Empleo (Conacee)

*Defendant:* Diputación Foral de Gipuzkoa

### Operative part of the judgment

Article 20(1) of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC must be interpreted as not precluding a Member State from imposing additional criteria beyond those laid down by that provision, thereby excluding from reserved public procurement procedures certain economic operators which satisfy the criteria laid down in that provision, provided that that Member State complies with the principles of equal treatment and proportionality.

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(<sup>1</sup>) OJ C 363, 28.10.2019.