

Operative part of the judgment

1. Article 7(5) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a court of a Member State does not have jurisdiction to hear a dispute concerning a claim for compensation brought under Article 7 of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, and directed against an airline, established in the territory of another Member State, on the ground that that company has a branch within the territorial jurisdiction of the court seised, without that branch having been involved in the legal relationship between the airline and the passenger concerned.
2. Article 26(1) of Regulation No 1215/2012 must be interpreted as not applying in a case, such as that at issue in the main proceedings, where the defendant has not submitted observations or entered an appearance.

⁽¹⁾ OJ C 392, 29.10.2018.

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 22 February 2019 —
Federazione Italiana Giuoco Calcio (FIGC), Consorzio Ge.Se.Av. S. c. arl v De Vellis Servizi Globali Srl**

(Case C-155/19)

(2019/C 206/22)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: Federazione Italiana Giuoco Calcio (FIGC), Consorzio Ge.Se.Av. S. c. arl

Respondent: De Vellis Servizi Globali Srl

Questions referred

1. First question

— On the basis of the characteristics of national sports law, can the *Federazione calcistica italiana* (Italian Football Federation, 'FIGC') be classified as a *body governed by public law* in so far as it was established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character?

- In particular, is the requirement relating to the purpose of the body satisfied in respect of the *Federation*, even in the absence of a formal act establishing a public authority and despite its membership base, on account of its incorporation into a sector (sports) organised in accordance with models of a public-law nature and the fact that it is required to comply with the principles and rules drawn up by the *Comitato olimpico nazionale italiano* (Italian National Olympic Committee, 'the CONI') and international sporting bodies, as a result of the recognition, for sporting purposes, of the national public entity?
- Furthermore, can this requirement arise in relation to a sports *federation* such as the *Federazione italiana giuoco calcio*, which has the ability to fund itself, in respect of an activity of no significance in the context of public law, such as that at issue in this case, or must the requirement that the application of the rules on public and open tendering be ensured in any event, where such an entity awards any type of contract to third parties, be regarded as taking precedence?

2. Second question

- On the basis of the legal relationship between the CONI and the FIGC (*Federazione Italiana Giuoco Calcio*), does the former have a dominant influence over the latter in the light of the legal powers relating to recognition of the undertaking for sporting purposes, approval of annual budgets, supervision of the management and proper functioning of the bodies, and placing the entity into receivership?
- On the other hand, are those powers insufficient to meet the requirement relating to the *dominant public influence* of a *body governed by public law* on account of the significant participation of the presidents and representatives of the sports *federations* in the key bodies of the *Olympic Committee*?

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