

Operative part of the judgment

Article 63 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, read in conjunction with Article 57(4)(h) of that directive and in the light of the principle of proportionality, must be interpreted as precluding national legislation under which the contracting authority must automatically exclude a tenderer from a public procurement procedure in the case where an ancillary undertaking on whose capacities that tenderer intends to rely made an untruthful declaration as to the existence of criminal convictions that have become final, without being able to require or, at the very least, in such a case, permit that tenderer to replace that entity.

⁽¹⁾ OJ C 279, 24.8.2020.

Judgment of the Court (Eighth Chamber) of 3 June 2021 (request for a preliminary ruling from the Sofiyski Rayonen sad — Bulgaria) — ZN v Generalno konsulstvo na Republika Bulgaria v grad Valensia, Kralstvo Ispania

(Case C-280/20) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Determination of international jurisdiction of the courts of a Member State — Article 5(1) — Employee residing in a Member State — Contract concluded with a consular representation of that Member State in another Member State — Functions of the employee — No exercise of public powers)

(2021/C 289/22)

Language of the case: Bulgarian

Referring court

Sofiyski Rayonen sad

Parties to the main proceedings

Applicant: ZN

Defendant: Generalno konsulstvo na Republika Bulgaria v grad Valensia, Kralstvo Ispania

Operative part of the judgment

Article 5(1) 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, read in conjunction with recital 3 of that regulation, must be interpreted as meaning that it applies for the purposes of determining the international jurisdiction of the courts of a Member State to hear and rule on a dispute between an employee from a Member State who does not carry out duties involving the exercise of public powers and a consular authority of that Member State situated in the territory of another Member State.

⁽¹⁾ OJ C 287, 31.8.2020.
