

Judgment of the Court (Sixth Chamber) of 8 February 2018 (request for a preliminary ruling from the Tribunale Amministrativo Regionale Calabria — Italy) — Lloyd's of London v Agenzia Regionale per la Protezione dell'Ambiente della Calabria

(Case C-144/17) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Articles 49 and 56 TFEU — Directive 2004/18/EC — Reasons for exclusion from a tendering procedure — Insurance services — Participation of several Lloyd's of London syndicates in the same tendering procedure — Signature of tenders by the Lloyd's of London General Representative for the country concerned — Principles of transparency, equal treatment and non-discrimination — Proportionality)

(2018/C 123/07)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale Calabria

Parties to the main proceedings

Applicant: Lloyd's of London

Defendant: Agenzia Regionale per la Protezione dell'Ambiente della Calabria

Operative part of the judgment

The principles of transparency, equal treatment and non-discrimination which derive from Articles 49 and 56 TFEU and are referred to in Article 2 of Directive 2004/18/EC of the 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 must be interpreted as meaning that they do not preclude legislation of a Member State, such as that at issue in the main proceedings, which does not allow two syndicates of Lloyd's of London to be excluded from participation in the same procedure for the award of a public service contract for insurance merely because their respective tenders were each signed by the General Representative of Lloyd's of London for that Member State, but instead allows their exclusion if it appears, on the basis of unambiguous evidence, that their tenders were not drawn up independently.

⁽¹⁾ OJ C 213, 3.7.2017.

Judgment of the Court (Tenth Chamber) of 8 February 2018 — European Commission v Kingdom of Spain

(Case C-181/17) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport policy — Regulation (EC) No 1071/2009 — Road transport operator — Licence for public transport — Conditions for grant — Article 3(1) and (2) — Article 5(b) — Number of vehicles required — National legislation — Stricter conditions for grant — Higher minimum number of vehicles)

(2018/C 123/08)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: J. Hottiaux and J. Rius, acting as Agents)

Defendant: Kingdom of Spain (represented by: V. Ester Casas, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, by requiring undertakings to have at least three vehicles in order to obtain a public transport licence, the Kingdom of Spain has failed to fulfil its obligations under Article 3(1) and (2) and Article 5(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 195, 19.6.2017.

Appeal brought on 19 August 2017 by CBA Spielapparate- und Restaurantbetriebs GmbH against the order of the General Court (Third Chamber) of 19 June 2017 in Case T-906/16, CBA Spielapparate- und Restaurantbetriebs GmbH v European Commission

(Case C-508/17 P)

(2018/C 123/09)

Language of the case: German

Parties

Appellant: CBA Spielapparate- und Restaurantbetriebs GmbH (represented by: A. Schuster, Rechtsanwalt)

Other party to the proceedings: European Commission

By order of 8 February 2018, the Court of Justice of the European Union (Tenth Chamber) dismissed the appeal and ordered the appellant to bear its own costs.

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 15 December 2017 — Adelheid Krahl v Universität Wien

(Case C-703/17)

(2018/C 123/10)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Appellant: Adelheid Krahl

Respondent: Universität Wien

Questions referred

Question 1:

Must EU law, in particular Article 45 TFEU, Article 7(1) of Regulation (EU) No 492/2011 (¹) of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, and Articles 20 and 21 of the Charter of Fundamental Rights of the European Union, be interpreted as precluding a provision under which previous professionally-relevant periods of service of a member of the teaching staff of the University of Vienna can be recognised only up to a total period of three or four years, irrespective of whether these are periods of service with the University of Vienna or with other national or international universities or similar institutions?