

Request for a preliminary ruling from the Tribunale di Milano (Italy) lodged on 28 June 2018 — FR v Ministero dell'interno — Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano

(Case C-422/18)

(2018/C 311/10)

Language of the case: Italian

Referring court

Tribunale di Milano

Parties to the main proceedings

Applicant: FR

Defendant: Ministero dell'interno — Commissione Territoriale per il riconoscimento della protezione internazionale presso la Prefettura U.T.G. di Milano

Question referred

Are the principles of sincere cooperation and of the equivalence and effectiveness of judicial protection, referred to in Articles 4(3) TEU and 19(1) TEU, Article 47, first and second paragraphs, of the Charter of Fundamental Rights of the European Union and Directive 2013/32/EU⁽¹⁾ (in particular, Articles 22 and 46), to be interpreted in the sense that (a) European Union law requires that, where national law provides for a right of appeal in proceedings concerning the rejection of an application for the grant of international protection, such an appeal should automatically have suspensory effect, and that (b) those principles preclude a procedure, such as that under Italian law (Article 35a(13) of Legislative Decree 25/2008, as amended by Legislative Decree 13/17, converted into Law No 46/17), under which the court seized by an asylum applicant — one whose application for asylum has been rejected by the competent administrative authority and by a court of first instance — is permitted to dismiss an application for the suspension of the adverse decision solely on the basis of the validity of the grounds of the appeal brought against that decision, where that decision has been given by the same court as is asked to rule on the suspension thereof, without any consideration of the risk of serious and irreparable harm?

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Veneto (Italy) lodged on 27 June 2018 — Italy Emergenza Cooperativa Sociale, Associazione Volontaria di Pubblica Assistenza 'Croce Verde' v Ulss 5 Polesana Rovigo, Regione del Veneto

(Case C-424/18)

(2018/C 311/11)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Veneto

Parties to the main proceedings

Applicants: Italy Emergenza Cooperativa Sociale, Associazione Volontaria di Pubblica Assistenza 'Croce Verde'

Defendants: Ulss 5 Polesana Rovigo, Regione del Veneto

Questions referred

1. Must Article 10(h) and recital 28 of Directive 2014/24/EU ⁽¹⁾ be interpreted as meaning that:
 - (a) ambulance services that require the presence on board of a driver with emergency response training and at least one emergency responder with the qualifications and skills obtained from completing a course and passing an examination in emergency response, and
 - (b) transport services provided with basic levels of care using emergency vehicles
are covered by the exclusion laid down in the above-mentioned Article 10(h), or must they be among the services referred to in Articles 74 to 77 of Directive 2014/24/EU?
2. Must Directive 2014/24/EU be interpreted as precluding national legislation which provides that, even in the absence of an actual emergency,
 - (a) ambulance services that require the presence on board of a driver with emergency response training and at least one emergency responder with the qualifications and skills obtained from completing a course and passing an examination in emergency response, and
 - (b) transport services provided with basic levels of care using emergency vehicles
are awarded as a priority to voluntary associations by means of direct contracting?

⁽¹⁾ 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 (OJ 2014 L 94, p. 65).