

2. In any event, does a provision of national legislation, such as Article 33(3a) of Legislative Decree No 163 of 12 April 2006 which, read in conjunction with Article 3(25) of that legislative decree, regarding the organisational model based on consortia of municipalities, excludes the possibility of creating entities governed by private law, such as a consortium under ordinary law whose members include private entities, infringe EU law, in particular the principles of free movement of services and of opening up to competition as far as possible in the field of public service contracts?

3. Lastly, does a provision of national legislation, such as Article 33(3a) which, if interpreted in the sense of allowing consortia of municipalities that are central purchasing bodies to operate in a territory corresponding to that of the participating municipalities as a whole, and so, at most, to the provincial territory, limits the scope of operation of those central purchasing bodies, infringe EU law, in particular the principles of free movement of services and of opening up to competition as far as possible in the field of public service contracts?

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 7 January 2019 — Azienda
ULSS No 6 Euganea v Pia Opera Croce Verde Padova**

(Case C-11/19)

(2019/C 164/08)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Azienda ULSS No 6 Euganea

Respondent: Pia Opera Croce Verde Padova

Questions referred

1. Where both parties concerned are public bodies, do recital 28 of Directive 2014/24/EU ⁽¹⁾ and Articles 10 and 12(4) thereof preclude the applicability of Article 5 of Veneto Regional Law 26/2012, in conjunction with Articles 1, 2, 3 and 4 thereof, on the basis of the public-public partnership referred to in Article 12(4) of Directive 2014/24/EU and Articles 5(6) of Legislative Decree 50/2016 and 15 of Law 241/1990?

2. Where both parties concerned are public bodies, do recital 28 of Directive 2014/24/EU and Articles 10 and 12(4) thereof preclude the applicability of the provisions of Veneto Regional Law 26/2012, on the basis of the public-public partnership referred to in Article 12(4) of Directive 2014/24/EU and Articles 5(6) of Legislative Decree 50/2016 and 15 of Law 241/1990, in the limited sense of placing the contracting authority under an obligation to give the reasons for the decision to award the contract for the provision of ordinary patient transport services by way of tender procedure rather than by direct award of the contract?

(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).

Appeal brought on 10 January 2019 by the European Union Satellite Centre (SatCen) against the judgment of the General Court (Ninth Chamber, Extended Composition) delivered on 25 October 2018 in Case T-286/15: KF v SatCen

(Case C-14/19 P)

(2019/C 164/09)

Language of the case: English

Parties

Appellant: European Union Satellite Centre (SatCen) (represented by: A. Guillerme, avocate)

Other parties to the proceedings: KF, Council of the European Union

Form of order sought

The appellant claims that the Court should:

- annul the judgment under appeal;
- order the applicant in first instance to bear all the costs.

Pleas in law and main arguments

In its appeal, SatCen relies on the following grounds:

- the General Court erred in law in the finding that it has jurisdiction to rule on the heads of claim submitted by the applicant, as it (i) did not assess if the factors forming the basis of the Court's jurisdiction were met and it (ii) erroneously interpreted the principle of equal treatment.