

SUMMARY

ECJ 26 September 2019, case C-63/18 (Vitali SpA), other forms of free movement

Vitali SpA – v – Autostrade per l'Italia SpA, Italian case

Question

Must Articles 49 and 56 TFEU and Directive 2014/24 be interpreted as precluding national legislation, such as that at issue in the main proceedings, which limits to 30% the share of the contract which the tenderer is permitted to subcontract to third parties?

Ruling

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, as amended by Commission Delegated Regulation (EU) 2015/2170 of 24 November 2015, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which limits to 30% the share of the contract which the tenderer is permitted to subcontract to third parties.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-09-26

Case number: C-63/18