

*Defendant:* Manova A/S

**Re:**

Request for a preliminary ruling — Østre Landsret — Interpretation of Annex IIB to Directive 2004/18/EC of the European 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 (OJ 2004 L 134, p. 114) — Principle of equal treatment — Contracting authority which has made success at the screening stage conditional upon candidates filing copies of their most recent balance sheets — Request from that contracting authority for candidates which have not enclosed copies of their most recent balance sheets with their screening applications to provide copies of the balance sheets even though the deadline for filing the applications has passed

**Operative part of the judgment**

*The principle of equal treatment must be interpreted as not precluding a contracting authority from asking a candidate, after the deadline for applying to take part in a tendering procedure, to provide documents describing that candidate's situation — such as a copy of its published balance sheet — which can be objectively shown to pre-date that deadline, so long as it was not expressly laid down in the contract documents that, unless such documents were provided, the application would be rejected. That request must not unduly favour or disadvantage the candidate or candidates to which it is addressed.*

<sup>(1)</sup> OJ C 287, 22.9.2012.

**Judgment of the Court (Seventh Chamber) of 10 October 2013 — European Commission v Italian Republic**

(Case C-353/12) <sup>(1)</sup>

***(Failure of a Member State to fulfil obligations — State aid — Aid for Ixfin SpA — Aid which is illegal and incompatible with the internal market — Recovery — Non-performance)***

(2013/C 344/60)

*Language of the case: Italian*

**Parties**

*Applicant:* European Commission (represented by: D. Grespan, B. Stromsky and S. Thomas, acting as Agents)

*Defendant:* Italian Republic (represented by G. Palmieri, acting as Agent, and E. De Giovanni, avvocato dello Stato)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt the measures necessary to comply with Articles 2, 3 and 4 of Commission Decision C(2009) 8123 of 28 October 2009 on State aid C 59/07 implemented by Italy for Ixfin SpA (OJ 2010 L 167, p. 39) — Obligation to recover immediately aid declared unlawful and incompatible with the common market and to inform the Commission thereof — Insolvent undertaking — Implementation not absolutely impossible

**Operative part of the judgment**

*The Court:*

1. Declares that, by failing to adopt within the prescribed period all measures necessary to recover from Ixfin SpA the State aid declared unlawful and incompatible with the internal market in Article 1 of Commission Decision 2010/359/EC of 28 October 2009 on State aid C 59/07 (ex N 127/06 and NN 13/06) implemented by Italy for Ixfin SpA, and by not having submitted to the European Commission, within the period prescribed, the information listed in Article 4 of that decision, the Italian Republic has failed to fulfil its obligations under the fourth paragraph of Article 288 TFEU and under Articles 2 to 4 of that decision;
2. Orders the Italian Republic to pay the costs.

<sup>(1)</sup> OJ C 287, 22.9.2012.

**Judgment of the Court (Third Chamber) of 3 October 2013 (request for a preliminary ruling from the Sofiyski gradski sad — Bulgaria) — Proceedings initiated by Siegfried János Schneider**

(Case C-386/12) <sup>(1)</sup>

***(Jurisdiction and recognition and enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Scope — Legal capacity of natural persons — Exclusive jurisdiction in matters relating to rights in rem in immovable property — Scope — Non-contentious proceedings concerning the right of a person who has been placed under guardianship and is domiciled in a Member State to dispose of immovable property situated in another Member State)***

(2013/C 344/61)

*Language of the case: Bulgarian*

**Referring court**

Sofiyski gradski sad

**Parties to the main proceedings**

Siegfried János Schneider

**Re:**

Request for a preliminary ruling — Sofiyski gradski sad — Interpretation of Article 22(1) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Natural person lacking full legal capacity in accordance with the law of his Member State — Application submitted by that person in another Member State, with his guardian's approval, for permission to sell immovable property inherited in that State — Jurisdiction of the courts of the Member State in which the property is situated — Whether Article 22(1) of Regulation (EC) No 44/2001 applies in non-contentious proceedings