

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 11 February 2019 — Industria Italiana Autobus SpA v Comune di Palermo

(Case C-111/19)

(2019/C 182/17)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Industria Italiana Autobus SpA

Defendant: Comune di Palermo

Question referred

Does EU law (in particular the principles of legitimate expectations, legal certainty, freedom of movement, freedom of establishment and freedom to provide services) preclude a national legislative provision, such as Article 83(9), Article 95(10) and Article 97(5) of the Italian ‘Codice dei contratti pubblici’ (‘Public Procurement Code’), under which failure to indicate labour costs and costs relating to the safety of workers by a tenderer in a public procurement procedure results in any event in the tenderer being excluded from the procedure without the tenderer being given, at a later stage, the benefit of the ‘*soccorso istruttorio*’ procedure (whereby a tenderer is given an opportunity to remedy shortcomings in his tender documentation after submission of his tender), even where the existence of such an obligation to indicate those costs is apparent from sufficiently clear legal provisions in the public domain and irrespective of the fact that the contract notice does not expressly refer to the legal obligation to provide specific information?

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 18 February 2019 — Azienda Sanitaria Provinciale di Catania v Assessorato della Salute della Regione Siciliana

(Case C-128/19)

(2019/C 182/18)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: Azienda Sanitaria Provinciale di Catania