

**Judgment of the Court (Fifth Chamber) of 6 June 2019 (request for a preliminary ruling from the Grondwettelijk Hof — Belgium) — P. M., N. G.d.M., P. V.d.S. v Ministerraad**

(Case C-264/18) <sup>(1)</sup>

*(Reference for a preliminary ruling — Procedures for the award of public works contracts, public supply contracts and public service contracts — Directive 2014/24/EU — Article 10, (c), and (d)(i),(ii) and (v) — Validity — Scope — Exclusion of arbitration and conciliation services and of certain legal services — Principles of equal treatment and subsidiarity — Articles 49 and 56 TFEU)*

(2019/C 263/19)

Language of the case: Dutch

**Referring court**

Grondwettelijk Hof

**Parties to the main proceedings**

Applicants: P. M., N. G.d.M., P. V.d.S.

Defendant: Ministerraad

**Operative part of the judgment**

The examination of the question referred has disclosed no factor of such a kind as to affect the validity of the provisions of Article 10(c) and (d)(i),(ii) and (v) of 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, having regard to the principles of equal treatment and subsidiarity, and also Articles 49 and 56 TFEU.

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<sup>(1)</sup> OJ C 276, 6.8.2018.

**Judgment of the Court (Eighth Chamber) of 13 June 2019 (request for a preliminary ruling from the Tribunal Judicial da Comarca de Faro) — Cátia Correia Moreira v Município de Portimão**

(Case C-317/18) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2001/23/EC — Transfers of undertakings — Safeguarding of employees' rights — Concept of 'worker' — Substantial change in working conditions to the detriment of the employee)*

(2019/C 263/20)

Language of the case: Portuguese

**Referring court**

Tribunal Judicial da Comarca de Faro

**Parties to the main proceedings**

*Applicant:* Cátia Correia Moreira

*Defendant:* Município de Portimão

**Operative part of the judgment**

1. Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, in particular Article 2(1)(d), must be interpreted as meaning that a person who has entered into a contract for a position of trust, within the meaning of the national legislation at issue in the main proceedings, with the transferor may be regarded as an 'employee' and thus benefit from the protection which that directive affords, provided, however, that that person is protected as an employee by that legislation and has a contract of employment at the date of transfer, which is a matter for the referring court to determine.
2. Directive 2001/23, read in conjunction with Article 4(2) TEU, must be interpreted as meaning that it precludes national legislation which provides that, in the event of a transfer within the meaning of that directive and where the transferee is a municipality, the employees concerned must, first, undergo a public competitive selection procedure and, secondly, have a new relationship with the transferee.

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(<sup>1</sup>) OJ C 268, 30.7.2018.

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**Judgment of the Court (First Chamber) of 12 June 2019 (request for a preliminary ruling from the Conseil d'État — Belgium) — Terre wallonne ASBL v Région wallonne**

**(Case C-321/18) (<sup>1</sup>)**

**(Reference for a preliminary ruling — Environment — Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Decree — Establishment of conservation objectives for the Natura 2000 network, in accordance with Directive 92/43/EEC — Definition of 'plans and programmes' — Obligation to undertake an environmental assessment)**

(2019/C 263/21)

*Language of the case:* French

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* Terre wallonne ASBL

*Defendant:* Région wallonne