

thereof, preclude a State from making the grant of a premium to a farmer subject to additional conditions, which are not laid down in that regulation, namely the condition that the farmer must 'have no debts due in respect of the State budget and/or the local budget at the date of application for the premium?'

(<sup>1</sup>) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1).

**Request for a preliminary ruling from the Tribunale di Verona (Italy) lodged on 30 August 2013 — Shamim Tahir v Ministero dell'Interno and Questura di Verona**

(Case C-469/13)

(2014/C 52/44)

*Language of the case: Italian*

#### Referring court

Tribunale di Verona

#### Parties to the main proceedings

*Applicant:* Shamim Tahir

*Defendants:* Ministero dell'Interno, Questura di Verona

#### Questions referred

1. Is Article 7(1) of Directive 2003/109 (<sup>1</sup>) to be interpreted as meaning that the condition laid down in Article 4(1) of that directive, under which long-term residence status is dependent upon a person having resided legally and continuously in a Member State for five years, documentary evidence of which must be submitted when an application for a long-term residence permit is made, may also be satisfied by a person, other than the applicant, who has a family connection with the applicant for the purposes of Article 2(e) of the directive?
2. Is the first sentence of Article 13 of Directive 2003/109 to be interpreted as meaning that one of the more favourable terms on which Member States may issue a 'long-term resident's EC residence permit' of permanent or unlimited validity is that, where a person has already acquired long-term resident status, having satisfied the pre-condition laid down in Article 4(1) of that directive, under which legal and continuous residence in the Member State concerned for five years is required, members of that person's family for the purposes of Article 2(e) of the directive are to be deemed also to have satisfied that condition, irrespective

of the length of time for which they have resided in the national territory of the Member State in which the application is submitted?

(<sup>1</sup>) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 6 November 2013 — Azienda Ospedaliero-Universitaria di Careggi-Firenze v Data Medical Service srl**

(Case C-568/13)

(2014/C 52/45)

*Language of the case: Italian*

#### Referring court

Consiglio di Stato

#### Parties to the main proceedings

*Appellant:* Azienda Ospedaliero-Universitaria di Careggi-Firenze

*Respondent:* Data Medical Service srl

#### Questions referred

1. Does Article 1 of Directive 50/1992, (<sup>1</sup>) read also in the light of the later Article 1(8) of Directive 18/2004, (<sup>2</sup>) preclude a national rule which was interpreted as excluding the appellant in the present proceedings, by dint of the fact that it is a commercially-run hospital characterisable as a public economic entity, from participating in tendering procedures?
2. Does European Union law on public procurement — in particular, the general principles of freedom of competition, non-discrimination and proportionality — preclude a national rule under which a body like the appellant hospital, which receives public funding on a permanent basis and is directly contracted to provide a public service, is able to derive from that situation a decisive competitive advantage over rival economic operators, as demonstrated by the size of the discount offered, in circumstances in which corrective measures have not been put in place at the same time in order to prevent that kind of distortion of competition?

(<sup>1</sup>) Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1).

(<sup>2</sup>) 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).