

2. Is an interpretation of those national provisions that would allow the court, in the event that the dismissal is held to be fair, to adjust the compensation to the legal minimum provided for under national law contrary to the abovementioned provisions of EU law and to the Decision of the European Commission in the case ‘State aid SA.35253 (2012/N) Spain. Restructuring and Recapitalisation of the BFA Group’?
3. Is an interpretation of those national provisions that would allow the court, in the event that the dismissal is held to be unfair, to adjust the compensation to the amounts provided for under the agreement reached in the consultation period, provided that those amounts are greater than the legal minimum but lower than the legal maximum, contrary to the abovementioned provisions of EU law and to the Decision of the European Commission in the case ‘State aid SA.35253 (2012/N) Spain. Restructuring and Recapitalisation of the BFA Group’?

Request for a preliminary ruling from the Juzgado de lo Social Terrassa (Spain) lodged on 22 July 2014 — Elisabet Rion Bea v Bankia, S.A. and Others

(Case C-353/14)

(2014/C 339/15)

Language of the case: Spanish

Referring court

Juzgado de lo Social No 2 de Terrassa

Parties to the main proceedings

Applicant: Elisabet Rion Bea

Defendants: Bankia, S.A., Sección Sindical UGT, Sección Sindical CCOO, Sección Sindical ACCAM, Sección Sindical CSICA, Sección Sindical SATE and Fondo de Garantía Salarial

Questions referred

1. Are Article 56 of the Worker’s Statute (Royal legislative decree 1/1995 of 24 March), the Fifth transitional provision of Law 3/2012 of 6 July on urgent measures for the reform of the labour market and Articles 123 and 124.13 of Law 36/2011 of 10 October governing the social courts (*Ley Reguladora de la Jurisdicción Social*, which refers to the other provisions) contrary to Articles 107 and 108 of the consolidated version of the Treaty on the Functioning of the European Union, inasmuch as they materially increase the compensation authorised by the Decision of the European Commission in the case ‘State aid SA.35253 (2012/N) Spain. Restructuring and Recapitalisation of the BFA Group’?
 2. Is an interpretation of those national provisions that would allow the court, in the event that the dismissal is held to be fair, to adjust the compensation to the legal minimum provided for under national law contrary to the abovementioned provisions of EU law and to the Decision of the European Commission in the case ‘State aid SA.35253 (2012/N) Spain. Restructuring and Recapitalisation of the BFA Group’?
 3. Is an interpretation of those national provisions that would allow the court, in the event that the dismissal is held to be unfair, to adjust the compensation to the amounts provided for under the agreement reached in the consultation period, provided that those amounts are greater than the legal minimum but lower than the legal maximum, contrary to the abovementioned provisions of EU law and to the Decision of the European Commission in the case ‘State aid SA.35253 (2012/N) Spain. Restructuring and Recapitalisation of the BFA Group’?
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