

- b) the form which the international protection takes, that is to say the living conditions of those benefiting from subsidiary protection, in the other Member State which has already granted the applicant subsidiary protection,
- infringes Article 4 of the Charter and Article 3 ECHR or
  - does not satisfy the requirements of Article 20 et seq. of Directive 2011/95/EU but does not in and of itself infringe Article 4 of the Charter or Article 3 ECHR?
4. If Question 3b is to be answered in the affirmative, is this also the case where, although the persons benefiting from subsidiary protection do not receive any subsistence benefits at all or those which they do receive are very limited by comparison with those available in other Member States, they are to this extent not treated any differently from nationals of that Member State?
5. If Question 2 is answered in the negative:
- a) Is the Dublin III Regulation applicable in a procedure for the grant of international protection if the asylum application was lodged before 1 January 2014 but the take back request was not lodged until after 1 January 2014 and the applicant had previously (in February 2013) been granted subsidiary protection in the requested Member State itself?
  - b) Do the Dublin provisions support the inference of an — unwritten — transfer of responsibility to the Member State which has requested that an applicant be taken back, where the requested responsible Member State has refused to grant a take back request made, within the prescribed time limit, under the Dublin provisions and has instead referred to an international readmission agreement?

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<sup>(1)</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. OJ L 180, 2013, p. 60.

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Liguria (Italy)  
lodged on 31 May 2017 — Amt Azienda Trasporti e Mobilità SpA and Others v Atpl Liguria —  
Agenzia regionale per il trasporto pubblico locale SpA, Regione Liguria**

(Case C-328/17)

(2017/C 309/31)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per la Liguria

**Parties to the main proceedings**

*Applicants:* Amt Azienda Trasporti e Mobilità SpA, Atc Esercizio SpA, Atp Esercizio Sr, Riviera Trasporti SpA, Tpl Linea Srl

*Defendants:* Atpl Liguria — Agenzia regionale per il trasporto pubblico locale SpA, Regione Liguria

**Question referred**

Do Article 1(1), (2) and (3) and Article 2(1)(b) of Directive 89/665/EEC <sup>(1)</sup> on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, preclude a national law which recognises only economic operators that applied to take part in a tendering procedure as being able to challenge the documents relating to a tendering procedure, even when the action criticises the tendering procedure as a matter of principle because the rules of the tendering procedure make it highly unlikely that the economic operator would be awarded the contract?

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<sup>(1)</sup> Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).