

Judgment of the Court (Grand Chamber) of 6 December 2011 (reference for a preliminary ruling from the Cour d'appel de Paris (France)) — Alexandre Achughbabian v Préfet du Val-de-Marne

(Case C-329/11) ⁽¹⁾

(Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures for returning illegally staying third-country nationals — National legislation making provision, in the event of illegal staying, for a sentence of imprisonment and a fine)

(2012/C 32/20)

Language of the case: French

Referring court

Cour d'appel de Paris

Parties to the main proceedings

Applicant: Alexandre Achughbabian

Defendant: Préfet du Val-de-Marne

Re:

Reference for a preliminary ruling — Cour d'appel de Paris — Interpretation of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348, p. 98) — Compatibility of national legislation providing for the imposition of a penalty of imprisonment on a third-country national on the sole ground of his illegal entry or residence in national territory — Detention for the purposes of deportation — Possible illegal detention

Operative part of the judgment

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals must be interpreted as

— precluding legislation of a Member State repressing illegal stays by criminal sanctions, in so far as that legislation permits the imprisonment of a third-country national who, though staying illegally in the territory of the said Member State and not being willing to leave that territory voluntarily, has not been subject to the coercive measures referred to in Article 8 of that directive and has not, in the event of placing in detention with a view to the preparation and implementation of his removal, reached the expiry of the maximum duration of that detention; and

— not precluding such legislation in so far as the latter permits the imprisonment of a third-country national to whom the return

procedure established by the said directive has been applied and who is staying illegally in that territory with no justified ground for non-return.

⁽¹⁾ OJ C 298, 8.10.2011.

Order of the Court of 6 October 2011 — ThyssenKrupp Acciai Speciali Terni SpA (C-448/10 P), Cementir Italia Srl (C-449/10 P), Nuova Terni Industrie Chimiche SpA (C-450/10 P) v European Commission

(Joined Cases C-448/10 P to C-450/10 P) ⁽¹⁾

(Appeal — Compensation for expropriation on grounds of public interest — Temporal extension of a preferential tariff for the supply of electricity — Decision declaring the aid incompatible with the common market and ordering its recovery — Concept of advantage — Principle of the protection of legitimate expectations — Interpretation of national law — Distortion — Concept — Appeal manifestly inadmissible and manifestly unfounded)

(2012/C 32/21)

Language of the case: Italian

Parties

Appellants: ThyssenKrupp Acciai Speciali Terni SpA (C-448/10 P), Cementir Italia Srl (C-449/10 P), Nuova Terni Industrie Chimiche SpA (C-450/10 P) (represented by: T. Salonic. G. Barone and A. Marega, avvocati)

Other party to the proceedings: European Commission (represented by: D. Grespan and G. Conte, acting as Agents.)

Re:

Appeal brought against the judgment of the General Court (Fifth Chamber) of 1 July 2010 in Case T-62/08 *ThyssenKrupp Acciai Speciali Terni v Commission*, by which that Court dismissed an application for annulment of Commission Decision 2008/408/EC of 20 November 2007 on the State aid C 36/A/06 (ex NN 38/06) implemented by Italy in favour of ThyssenKrupp, Cementir and Nuova Terni Industrie Chimiche (OJ 2008 L 144, p. 37)

Operative part of the order

1. The appeals are dismissed.
2. ThyssenKrupp Acciai Speciali Terni SpA, Cementir Italia Srl and Nuova Terni Industrie Chimiche SpA are ordered to pay the costs.

⁽¹⁾ OJ C 317, 20.11.2010.