

Parties to the main proceedings

Applicant: Caruter s.r.l.

Defendants: S.R.R. Messina Provincia S.c.P.A., Comune di Basicò, Comune di Falcone, Comune di Fondachelli Fantina, Comune di Gioiosa Marea, Comune di Librizzi, Comune di Mazzarrà Sant'Andrea, Comune di Montagnareale, Comune di Oliveri, Comune di Piraino, Comune di San Piero Patti, Regione Siciliana — Urega — Ufficio regionale espletamento gare d'appalti lavori pubblici Messina, Regione Siciliana — Assessorato regionale delle infrastrutture e della mobilità

Question referred

Does Article 63 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014,⁽¹⁾ concerning reliance on the capacities of other entities, in conjunction with the principles of freedom of establishment and freedom to provide services enshrined in Articles 49 and 56 of the Treaty on the Functioning of the European Union (TFEU), preclude the application of the Italian national rules relating to 'criteria for selection and the supplementing or amending of tendering documentation' laid down in the penultimate sentence of Article 83(8) of the Public Procurement Code established by Legislative Decree No 50 of 18 April 2016, according to which where recourse is had to reliance on the capacities of other entities (referred to in Article 89 of the Public Procurement Code established by Legislative Decree No 50 of 18 April 2016), the agent must in any event fulfil the majority of the requirements and provide the majority of the services?

⁽¹⁾ 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 (OJ 2014 L 94, p. 65).

Request for a preliminary ruling from the Apelativen sad — Sofia (Bulgaria) lodged on 15 November 2020 — Criminal proceedings against VD

(Case C-654/20)

(2021/C 79/26)

Language of the case: Bulgarian

Referring court

Apelativen sad — Sofia

Party to the main proceedings

VD

Questions referred

1. Does the principle of legality of criminal offences and penalties allow national legislation which provides for both administrative and criminal liability for the same act, namely driving a motor vehicle while subject to a coercive administrative measure in the form of a driving licence suspension, in the absence of any criteria allowing for an objective distinction to be made between the two types of liability?
2. Should the Court of Justice of the European Union answer the first question in the negative, what powers does the national court have to ensure the effective application of the principles of EU law?
3. Is a penalty involving deprivation of liberty of up to three years and the imposition of a fine of 200 to 1 000 Bulgarian leva (BGN) proportionate for the purpose of Article 49(3) of the Charter of Fundamental Rights of the European Union as regards the criminal offence of driving a motor vehicle while subject to a coercive administrative measure in the form of a driving licence suspension?