



C/2023/1293

11.12.2023

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania (Italy)
lodged on 25 September 2023 — Scai Srl v Regione Campania**

(Case C-588/23, Scai)

(C/2023/1293)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale della Campania

Parties to the main proceedings

Appellant: Scai Srl

Respondent: Regione Campania

Questions referred

1. Do Articles 108 and 288 TFEU and Articles 16 and 31 of [Regulation (EU) No 2015/1589] ⁽¹⁾ preclude national legislation, such as Article 48 of Law No 234 of 24 December 2012, which allows the national authority, during the implementation stage of recovery, to broaden the circle of persons required to repay the unlawful aid, by means of an assessment concerning economic continuity between undertakings, without excluding that power where the Commission has already identified the direct beneficiaries, thereby excluding the Commission's competence in relation to State aid?
2. Do Articles 263 and 288 TFEU, Articles 41 and 47 of the [Charter of Fundamental Rights of the European Union] and Articles 16 and 31 of [Regulation (EU) No 2015/1589] preclude national legislation, such as Article 48 of Law No 234 of 24 December 2012 on State aid, in so far as — in providing that the State, when implementing a recovery decision, is to identify, where necessary, the persons required to repay the aid — it also permits the decision to be implemented with regard to a person other than the addressees of the decision who is autonomous, did not participate in the procedure before the Commission, did not have the right to be heard and, consequently, does not have legal standing to contest that decision before the General Court of the European Union?

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (codification) (OJ 2015 L 248, p. 9).