

2. Is the Decision vitiated by a contradiction between its statement of reasons and its enacting terms as to the date from which the [aid] is to be considered unlawful: 5 December 2008 or 5 June 2009?
3. Does the Decision infringe Article 107(1) TFEU, insofar as the aid granted did not affect trade between Member States, particularly in view of the purpose of the loan and the actual use made of it and the fact that the beneficiary has not carried out its activities since 1 December 2008?
4. Does the decision infringe Article 107(3) TFEU, insofar as the aid was intended to remedy a serious disturbance in the economy of a Member State and, as such, is compatible with the common market?
5. Do paragraphs 1 and 2 of Article 14 of Regulation 659/1999 ⁽²⁾ preclude, in this specific case, a reduction in the amount to be recovered, when that provision is applicable, without discrimination, to all creditors of the insolvent company?

⁽¹⁾ 2011/346/EU: Commission Decision of 20 July 2010 on the State aid C-33/09 (ex NN 57/09, CP 191/09) implemented by Portugal in the form of a State guarantee to BPP (notified under document C(2010) 4932) — OJ 2011 L 159, p. 95.

⁽²⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty — OJ 1999 L 83, p. 1.

Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco (Spain) lodged on 27 January 2014 — Subdelegación del Gobierno en Gipuzkoa — Extranjería v Samir Zaizoune

(Case C-38/14)

(2014/C 93/32)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco

Parties to the main proceedings

Appellant: Subdelegación del Gobierno en Gipuzkoa — Extranjería

Other party: Samir Zaizoune

Question referred

In the light of the principles of sincere cooperation and the effectiveness of directives, must Articles 4(2), 4(3) and 6(1) of Directive 2008/115/EC ⁽¹⁾ be interpreted as meaning that they preclude legislation, such as the national legislation at issue in the main proceedings and the case-law which interprets it, pursuant to which the illegal stay of a foreign national may

be punishable just by a financial penalty, which, moreover, may not be imposed concurrently with the penalty of removal?

⁽¹⁾ 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).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte (Italy) lodged on 3 February 2014 — CASTA and Others v A.S.L. di Ciriè, Chivasso e Ivrea (ASL TO4) and Regione Piemonte

(Case C-50/14)

(2014/C 93/33)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Piemonte

Parties to the main proceedings

Applicants: Consorzio Artigiano Servizio Taxi e Autonoleggio (CASTA), Galati Lucimorto Roberto — Autonoleggio Galati, Seren Bernardone Guido — Autonoleggio Seren Guido

Defendants: Azienda Sanitaria Locale di Ciriè, Chivasso e Ivrea (ASL TO4), Regione Piemonte

Questions referred

1. Does European Union public procurement law — in the case under examination, concerning excluded contracts and the general principles of free competition, equal treatment, transparency and proportionality — preclude national legislation under which contracts for the provision of ambulance and health-related transport services may be awarded directly to voluntary organisations organised predominantly on the basis of unpaid work and in return for genuine reimbursement of costs?
2. If such an award is regarded as compatible with Community law, must there be a prior comparison of tenders from several homogeneous (and possibly also Community) operators and recipients of a direct award in order to limit the risk of exposure to inefficient and unreasonable costs, and must the national law under which direct awards are permitted accordingly be construed to that effect?
3. If such an award is regarded as compatible with Community law, must voluntary organisations which receive direct awards be subject to precise percentage limits on parallel access to the market, and must the provision of national law under which the commercial activity of those organisations has to be marginal accordingly be construed to that effect?