

Case C-452/09

Tonina Enza Iaia and Others

v

**Ministero dell'Istruzione, dell'Università e della Ricerca and
Others**

(Reference for a preliminary
ruling from the Corte d'appello di Firenze)

(Directive 82/76/EEC — Freedom of establishment and freedom to provide
services — Doctors — Acquisition of the title of medical specialist — Remuneration
during the period of training — Five-year limitation period in respect of the right to
payment of periodic remuneration)

Judgment of the Court (First Chamber), 19 May 2011 I - 4045

Summary of the Judgment

*Union law — Rights conferred on individuals — Infringement by a Member State — Obligation
to make good damage caused to individuals — Rules on compensation*

I - 4043

Union law must be interpreted as not precluding a Member State from relying on the expiry of a reasonable limitation period as a defence in legal proceedings brought by an individual for the purpose of safeguarding rights conferred by a directive, even though the Member State had not transposed that directive correctly, on condition that, by its conduct, that Member State was not responsible for the delay in bringing the action. The finding by the Court that there has been a breach of Union law does not affect the

starting point of the limitation period, if that breach is not in doubt. In such a situation, a ruling by the Court that there has been such a breach is not necessary to enable the beneficiaries to ascertain the full extent of their rights. The fact that the period starts to run before that ruling does not therefore render it virtually impossible or excessively difficult to safeguard the rights derived from Union law.

(see paras 23-24, operative part)