

action for annulment in part of Decision C(2009) 10350 of the European Commission of 22 December 2009 concerning the reduction in the financial aid from the European Regional Development Fund granted under Commission Decision C(2000) 2349 of 8 August 2000 approving the operational programme POR Puglia for the period from 2000 to 2006, under objective No 1 — Absence of oral procedure — Fourth paragraph of Article 263 TFEU — Not directly affected — Inadmissibility — Insufficient reasons

### Operative part of the order

1. *The appeal is dismissed.*
2. *The Regione Puglia shall pay the costs.*
3. *The Italian Republic shall bear its own costs.*

(<sup>1</sup>) OJ C 25, 28.1.2012.

### Order of the Court (Eighth Chamber) of 11 July 2013 (request for a preliminary ruling from the Curtea de Apel Bacău, Romania) — Elena Luca v Casa de Asigurări de Sănătate Bacău

(Case C-430/12) (<sup>1</sup>)

*(Article 99 of the Rules of Procedure — Social security — Freedom to provide services — Regulation (EEC) No 1408/71 — Article 22 — Sickness insurance — Hospital treatment provided in another Member State — Prior authorisation — Compensation for the insured person)*

(2013/C 304/04)

*Language of the case: Romanian*

### Referring court

Curtea de Apel Bacău, Romania

### Parties to the main proceedings

*Applicant:* Elena Luca

*Defendant:* Casa de Asigurări de Sănătate Bacău

### Re:

Request for a preliminary ruling — Curtea de Apel Bacău — Interpretation of Article 56 TFEU and Article 22 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (English Special Edition, Series I, 1971(II), pp. 416 to 463), as amended — National legislation under which prior authorisation is required in order to obtain full reimbursement of expenses incurred in respect of medical treatment abroad — Determination in the absence of prior authorisation, of expenditure incurred in another Member State determined in accordance with the criteria of the State of affiliation

### Operative part of the order

Article 49 EC and Article 22 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008, do not, in principle, preclude legislation of a Member State which makes the entitlement to full reimbursement of expenses incurred in respect of hospital treatment provided in another Member State subject to obtaining prior authorisation. On the other hand, those provisions preclude such legislation which is interpreted as excluding, in all cases, full reimbursement by the competent institution for hospital treatment given without prior authorisation.

Where a refusal to grant reimbursement, because of the absence of prior authorisation alone, of hospital treatment provided in another Member State and paid for by the insured person is, having regard to the circumstances of the case, unfounded, that person is entitled to reimbursement for that treatment by the competent institution up to the amount determined by the legislation of that Member State. If that amount is less than that which would have resulted from application of the legislation in force in the Member State of residence if hospital treatment had been provided there, additional reimbursement corresponding to the difference between those two amounts must in addition be made by the competent institution, up to the amount of the expenditure actually incurred.

Where a refusal to grant reimbursement is well-founded, the insured person is entitled, under Article 49 EC, to a reimbursement of hospital treatment only within the limits of cover guaranteed by the health insurance system to which that person is affiliated.

(<sup>1</sup>) OJ C 399, 22.12.2012.

### Order of the Court (Seventh Chamber) of 4 July 2013 — Diadikasia Symvouloi Epicheiriseon AE v European Commission, EU Delegation to Turkey, Central Finance & Contracts Unit (CFCU)

(Case C-520/12 P) (<sup>1</sup>)

*(Appeals — Instrument for Pre-Accession Assistance — Public procurement — Project for the enlargement of the European Turkish Business Centres Network — Decision not to award the project — Application for damages for the alleged losses — National decision — No involvement by European Union bodies)*

(2013/C 304/05)

*Language of the case: English*

### Parties

*Appellant:* Diadikasia Symvouloi Epicheiriseon AE (represented by: A. Krystallidis, avocat)