

**Judgment of the Court (Fifth Chamber) of 26 November 2015 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — MedEval — Qualitäts-, Leistungs- und Struktur-Evaluierung im Gesundheitswesen GmbH**

(Case C-166/14) <sup>(1)</sup>

*(Reference for a preliminary ruling — Public procurement — Directive 89/665/EEC — Principles of effectiveness and equivalence — Review procedures concerning the award of public contracts — Period allowed for commencing proceedings — National legislation making an action for damages subject to a precondition that the procedure be declared unlawful — Limitation period which starts to run irrespective of the applicant's knowledge of the unlawfulness)*

(2016/C 038/04)

Language of the case: German

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Applicant:* MedEval — Qualitäts-, Leistungs- und Struktur-Evaluierung im Gesundheitswesen GmbH

*Intervening parties:* Bundesminister für Wissenschaft, Forschung und Wirtschaft, Hauptverband der österreichischen Sozialversicherungsträger, Pharmazeutische Gehaltskasse für Österreich

**Operative part of the judgment**

EU law, in particular the principle of effectiveness, precludes national legislation which makes bringing an action for damages in respect of the infringement of a rule of public procurement law subject to a prior finding that the public procurement procedure for the contract in question was unlawful because of the lack of prior publication of a contract notice, where the action for a declaration of unlawfulness is subject to a six-month limitation period which starts to run on the day after the date of the award of the public contract in question, irrespective of whether or not the applicant in that action was in a position to know of the unlawfulness affecting the decision of the awarding authority.

<sup>(1)</sup> OJ C 282, 25.8.2014.

**Judgment of the Court (Fifth Chamber) of 3 December 2015 — Italian Republic v European Commission**

(Case C-280/14 P) <sup>(1)</sup>

*(Appeal — Regional policy — Regional operational programme (ROP) Puglia (Italy) covered by objective No 1 (2000-2006) — Reduction of the Community financial assistance initially granted by the European Regional Development Fund)*

(2016/C 038/05)

Language of the case: Italian

**Parties**

*Appellant:* Italian Republic (represented by: G. Palmieri, acting as Agent, and by P. Gentili, avvocato dello Stato)

*Other party to the proceedings:* European Commission (represented by: D. Recchia and A. Steiblyté, acting as Agents)