

**Pleas in law and main arguments**

The Member States were required, under Article 106(1) of Directive 2014/25/EU, to adopt the national measures necessary to transpose the obligations under that directive into national law by 18 April 2016 at the latest. Since the Republic of Austria failed to adopt all the required laws, regulations and administrative provisions necessary to transpose that directive, or failed to give notification of those provisions to the Commission, the Commission decided to refer the matter to the Court of Justice.

By its application, the Commission asks the Court to impose a penalty payment in the amount of EUR 42 377 per day on the Republic of Austria. The amount of that penalty payment has been calculated taking into account the gravity and duration of the infringement and the deterrent effect based on that Member State's ability to pay.

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<sup>(1)</sup> OJ 2014 L 94, p. 243.

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**Action brought on 6 February 2018 — European Commission v Republic of Austria****(Case C-77/18)**

(2018/C 112/35)

*Language of the case: German***Parties**

*Applicant:* European Commission (represented by: M. Noll-Ehlers, P. Ondrůšek and G. von Rintelen, acting as Agents)

*Defendant:* Republic of Austria

**Form of order sought**

The applicant claims that the Court should:

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to transpose Directive 2014/24/EU <sup>(1)</sup> of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, or by failing to notify the Commission of those provisions, the Republic of Austria has failed to fulfil its obligations under that directive;
- impose on the Republic of Austria, pursuant to Article 260(3) TFEU, by reason of the infringement of the obligation to notify the transposition measures, a penalty payment in the amount of EUR 42 377 per day;
- order the Republic of Austria to pay the costs of the proceedings.

**Pleas in law and main arguments**

Member States were required, under Article 90(1) of Directive 2014/24/EU, to adopt the national measures necessary to transpose the obligations under that directive into national law by 18 April 2016 at the latest. Since the Republic of Austria failed to adopt all the required laws, regulations and administrative provisions necessary to transpose that directive, or failed to give notification of those provisions to the Commission, the Commission decided to refer the matter to the Court of Justice.

By its application, the Commission requests the Court to impose a penalty payment in the amount of EUR 42 377 per day on the Republic of Austria. The amount of that penalty payment has been calculated taking into account the gravity and duration of the infringement and the deterrent effect based on that Member State's ability to pay.

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<sup>(1)</sup> OJ 2014 L 94, p. 65.