



C/2024/4435

22.7.2024

**Judgment of the Court (Fifth Chamber) of 6 June 2024 (request for a preliminary ruling from the  
Okresný súd Bratislava II – Slovakia) – INGSTEEL spol. s. r. o. v Úrad pre verejné obstarávanie**

**(Case C-547/22, <sup>(1)</sup> INGSTEEL)**

**(Reference for a preliminary ruling – Review procedures in respect of the award of public supply and public  
works contracts – Directive 89/665/EEC – Article 2(1)(c) – Compensation awarded to a tenderer  
unlawfully excluded from a procedure for the award of a public contract – Scope – Loss of opportunity)**

(C/2024/4435)

Language of the case: Slovak

### **Referring court**

Okresný súd Bratislava II

### **Parties to the main proceedings**

*Applicant:* INGSTEEL spol. s. r. o.

*Defendant:* Úrad pre verejné obstarávanie

### **Operative part of the judgment**

Article 2(1)(c) of Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007,

must be interpreted as precluding national legislation or a national practice which excludes the possibility, as a matter of principle, for a tenderer excluded from a procedure for the award of a public contract because of an unlawful decision of the contracting authority, of being compensated for the damage suffered as a result of the loss of the opportunity to participate in that procedure with a view to obtaining the contract concerned.

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<sup>(1)</sup> OJ C 432, 14.11.2022.