

(English version)

Question for written answer E-002323/24
to the Commission
Aldo Patriciello (Pfe)
(30 October 2024)

Subject: Beach concessions

In recent months, debate on Directive 2006/123/EC (the ‘Bolkestein Directive’) has flared up once more. In response to the infringement proceedings opened by the Commission against Italy for violation of this directive, the country’s government has been seeking a solution to the controversial issue of beach concessions.

In particular, on 4 September 2024 the Council of Ministers approved a decree intended to resolve the issues arising from the above-mentioned infringement procedure.

In view of this:

1. Does the Commission think the directive in question could be implemented differently for beach concessions or, alternatively, could be amended and/or supplemented?
2. How does it intend to safeguard the position of small and medium-sized business-owners in the sector, who risk being placed at a disadvantage in respect of possible large investors (multinationals, investment funds, etc.)?

Submitted: 30.10.2024

Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(6 February 2025)

1. The applicability of Directive 2006/123/EC ⁽¹⁾ (the Services Directive) to authorisations for the use of state-owned coastal properties for leisure and touristic activities (so called beach concessions) was clarified by the Court of Justice of the European Union on 14 July 2016 ⁽²⁾ and, more recently, on 20 April 2023 ⁽³⁾. No amendments or supplements to the Services Directive are foreseen in this respect.
2. It should be recalled, first, that, in accordance with Article 12(2) of the Services Directive, no advantage to incumbents shall be provided at the moment of assigning beach concessions, whatever their size. However, the Commission is of course in support of small and medium-sized enterprises (SMEs), in general, and will therefore monitor that the application of the national laws in this sector does not pose barriers that could prevent all interested providers, particularly SMEs, from taking full advantage of economic opportunities in the internal market.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0123>

⁽²⁾ Judgment of 14 July 2016, *Promoiimpresa srl and Others v Consorzio dei comuni della Sponda Bresciana del Lago di Garda e del Lago di Idro and Others*, Joined Cases C-458/14 and C-67/15, EU:C:2016:558.

⁽³⁾ Judgment of 20 April 2023, *Autorità Garante della Concorrenza e del Mercato (Commune de Ginosa)*, C-348/22, EU:C:2023:301.