

(English version)

**Question for written answer E-000542/25
to the Commission
Ruggero Razza (ECR), Mario Mantovani (ECR)
(5 February 2025)**

Subject: Implementation of the Bolkestein Directive and the new Italian healthcare accreditation system's compliance issues

Article 15 of Law No 118/2022 makes changes to the system governing accreditation and contractual arrangements for private healthcare facilities. However, this law — whose entry into force was deferred by Article 36 of Law No 193/2024 — seems to be at odds with EU legislation and CJEU case-law, both of which guarantee the autonomy of Member States as regards the organisation of health and social care services. Furthermore, Article 2(f) of Directive 2006/123/EC (the Bolkestein Directive) expressly states that healthcare is outside of its scope.

Instead of encouraging invitations to tender under public procurement procedures as is currently the case for outsourcing and new accreditations, Law No 18/2022 risks opening up the Italian healthcare system to inadequately regulated competition from EU and even non-EU actors.

Can the Commission clarify whether it intends to adopt measures to ensure compliance with EU law with a view to preventing non-EU actors from taking over the Italian healthcare system?

Submitted: 5.2.2025

**Question for written answer E-000717/25
to the Commission
Marco Falcone (PPE), Fulvio Martusciello (PPE), Flavio Tosi (PPE), Letizia Moratti (PPE), Giusi Princi (PPE),
Salvatore De Meo (PPE), Massimiliano Salini (PPE)
(17 February 2025)**

Subject: Italy's application of Directive 2006/123/EC to the health and social care sectors

While the Bolkestein Directive (Directive 2006/123/EC) guarantees that economic operators can freely access and compete in European markets, there are many exceptions. One concerns health and social care services which, as expressly stated in Article 22, are outside of the directive's scope.

Unfortunately, by means of Law No 118 of 5 August 2022, the Italian Parliament violated an EU principle by establishing that the Bolkestein Directive is indeed applicable to health and social care services. Having become aware of the complexity of the situation, the Italian Parliament has since postponed the above provision's entry into force to 1 January 2028.

Opening up the private healthcare sector to public procurement procedures risks giving rise to a profit-first culture in which entrepreneurs show little interest for the effectiveness of public health investments. To avoid such a scenario, investments in the field of health are subject to sustainability requirements.

In the light of the above:

1. What measures will the Commission implement in order to maintain balance in the healthcare sector?
2. What will the Commission do to ensure that the Bolkestein Directive is correctly applied as originally intended by removing any reference to the health and social care sectors?

Submitted: 17.2.2025

**Joint answer given by Executive Vice-President Séjourné on behalf of the European Commission
(14 May 2025)**

Based on the elements available, it is unclear whether Directive 2014/24/EU ⁽¹⁾ or Directive 2014/23/EU ⁽²⁾ would apply to the legal relationships stemming from the accreditation system laid down in the law referred to in the Honourable Member's question.

Even if the directives were not applicable, any national measure which, albeit applicable without discrimination on grounds of nationality, is liable to hinder or render less attractive the exercise by EU nationals of the freedom of establishment guaranteed by the Treaty on the Functioning of the European Union would still be prohibited under Article 49 of that Treaty.

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2014/24/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/eli/dir/2014/23/oj/eng>.

The Commission recalls that according to the principle of free administration of public authorities, Member States authorities may choose to perform their public interest tasks with their own resources, or in cooperation with other authorities or to confer them upon economic operators.
