

(English version)

**Question for written answer E-003740/25
to the Commission
Estrella Galán (The Left)
(26 September 2025)**

Subject: Compliance with EU public procurement rules in concessions for the AP-9 and AP-66 motorways

On 17 July 2025 the Commission issued an opinion (INFR(2021)4052) ⁽¹⁾ calling on Spain to comply with EU public procurement rules. This opinion cites in particular the concessions for the AP-9 motorway in Galicia and the A-66 motorway in Asturias.

In 2000, José María Aznar's government extended the AP-9 and AP-66 concessions to 25 and 29 years, respectively, and later sold the two companies with no prior tender procedures.

The opinion maintains that these extensions constitute substantial modifications equivalent to awarding new concession contracts and thus require a tender procedure, meaning that they were in breach of Directive 93/37/EEC and the principles of equal treatment and transparency of EU rules.

The opinion set Spain a deadline of two months to respond.

1. Has the Commission received notification of the measures Spain will take to remedy this infringement?
2. Given that tolls affect citizens, the internal market and mobility, what will it do to abolish them and compensate users?
3. How will the Commission ensure that similar cases do not recur in other Member States?

Submitted: 26.9.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(18 November 2025)**

The Spanish authorities replied on 17 September 2025 to the reasoned opinion issued on 17 July 2025 under infringement procedure INFR(2021)4052 ⁽¹⁾. However, as already indicated in replies to previous questions regarding this infringement procedure (like E-001267/2024 ⁽²⁾), with a view to attaining an appropriate solution, the Commission is bound to maintain the confidentiality of the content of ongoing infringement procedures and cannot share any other detail at this stage.

Member States may award concession contracts for the construction and/or maintenance of motorways which eventually may include the payment of a toll by users to the concessionaire. However, this award must comply with the applicable EU public procurement rules, which are presently laid down for concessions in Directive 2014/23/EU ⁽³⁾.

The Commission monitors the compliance with EU public procurement and concession rules in every Member State, notably when awarding contracts for the construction, operation and maintenance of motorway networks ⁽⁴⁾. In this regard, the Commission has a public website providing an overview of infringement procedures, including a search functionality by policy area ⁽⁵⁾.

¹ https://spain.representation.ec.europa.eu/noticias-eventos/noticias-0/paquete-de-procedimientos-de-infraccion-de-julio-principales-decisiones-relativas-espana-2025-07-17_es

⁽¹⁾ https://ec.europa.eu/commission/presscorner/detail/en/inf_25_1628,
[https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?typeOfSearch=byDecision&langCode=EN&version=v1&refId=INFR\(2021\)4052&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?typeOfSearch=byDecision&langCode=EN&version=v1&refId=INFR(2021)4052&page=1&size=10&order=desc&sortColumns=decisionDate).

⁽²⁾ https://www.europarl.europa.eu/doceo/document/E-9-2024-001267-ASW_EN.html.

⁽³⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts, OJ L 94/1 of 28.3.2014.
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0023>.

⁽⁴⁾ See, for instance p.4 of the press information cited under footnote 1 above.

⁽⁵⁾ <https://ec.europa.eu/implementing-eu-law/member-state-infringement-cases/en>, (e.g. possible search criteria: Policy area: 'internal market', Topic: Investment/Public procurement and concessions).