

EN
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Answer given by Mr Várhelyi
on behalf of the European Commission
(9.3.2026)

The organisation and delivery of health services and medical care, including the management of health services and medical care, remain the responsibility of the Member States pursuant to Article 168(7) of the Treaty on the Functioning of the European Union. Where healthcare services are delivered under public procurement contracts or concessions falling within the scope of EU public procurement rules, Member States are responsible for ensuring compliance, including Directives 2014/23/EU and 2014/24/EU^[1], as applicable.

Based on the elements available, it is not possible for the Commission to determine whether the arrangements concerning the Vinalopó University Hospital fall within the material scope of Directive 2014/23/EU or Directive 2014/24/EU. Even if this was the case, national courts and review bodies laid down under the Directives on remedies in public procurement (Directive 89/665/EEC^[2] and Directive 92/13/EEC^[3]) are in the best position to assess, according to the facts of each case, whether contracting authorities and contracting entities have respected their obligations under EU law. This reflects not only the system of remedies specific to EU public procurement law, but more broadly the system of judicial protection established by the Treaties.

^[1] <http://eur-lex.europa.eu/eli/dir/2014/23/2018-01-01/eng>; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024>.

^[2] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01989L0665-20140417>.

^[3] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31992L0013>.