(English version)

Question for written answer E-000787/26
to the Commission
Gaetano Pedulla' (The Left)
(25 February 2026)

Subject: Concession for the A22 motorway (the 'Autobrennero')

With reference to Question E-000615/2025 ([1]) and the Commission's related answer ([2]) — not to mention the answer from the Italian Ministry of Infrastructure and Transport to Italian parliamentary question 5/05061 ([3]) — and in light of the judgment of the Court of Justice of 5 February 2026 in Case C-810/24 ([4]):

1. Does the Commission believe the continuation of the tender procedure for the award of the concession for the A22, launched under Article 183 of Legislative Decree 50/2016, to be compatible with EU law in the event that the promoter is denied the right to pre-emption and in the absence of prior verification, carried out in full transparency, that the requirements for an in-house award under Article 17 of Directive 2014/23/EU have been met?

2. In view of the 'serious concerns' already raised in the answer to Question E-000615/2025 regarding the pre-emption right and the risks of distorting competition, will it assess whether the specific tendering procedures used going forward do indeed ensure fair treatment and preclude any undue advantage for the outgoing concessionaire?

Submitted: 25.2.2026

Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(14 April 2026)

The Commission is closely monitoring the development of the procedure for the award of the A22 motorway concession referred to by the Honourable Member and has already contacted the Italian authorities to gather information on how they intend to proceed with said award procedure.

The purpose of this dialogue is to assess the compatibility of the planned path forward with EU law also in light of the judgment of the Court of Justice of the EU of 5 February 2026 in Case C-810/24 ([1]).

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1 https://www.europarl.europa.eu/doceo/document/E-10-2025-000615_EN.html.
2 https://www.europarl.europa.eu/doceo/document/E-10-2025-000615-ASW_EN.html.
3 https://documenti.camera.it/leg19/resoconti/commissioni/bollettini/pdf/2026/02/18/leg.19.bol0633.data20260218.pdf, p. 70.
4 https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62024CJ0810.
([1]) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62024CJ0810.