

(English version)

**Question for written answer E-003143/26
to the Commission
Roberto Vannacci (ESN)
(27 July 2026)**

Subject: Beach concessions: calling on the Commission to close the infringement proceeding against Italy in the light of the Court of Justice's declaration that it is for Member States to determine the scarcity of natural resources

On 10 July 2026, the Court of Justice of the European Union issued an order in Case C-574/25 (*Balneari Rimini II*) regarding concessions on state-owned coastal land used for tourism and recreational purposes.

The Court ruled that the obligation laid down in Article 12 of the Bolkestein Directive (2006/123/EC) to hold tendering procedures for concessions applies to cases in which the number of authorisations available is limited by the scarcity of the natural resource in question, and that the latter should be determined by 'the competent national authority... subject to review by a national court'. In other words, it is for Italy to check whether its beaches are in short supply, not the Commission.

On 6 October 2023, the Italian Government issued a Council Presidency note in which it determined, on the basis of general, proportionate and non-discriminatory criteria, that the country's beaches were not a scarce resource.

Yet, under the the infringement proceeding (INFR(2020)4118) it had opened by means of letter of formal notice of 3 December 2020, the Commission issued a reasoned opinion on 16 November 2023 in which it rejected the Italian Government's findings and threatened to take Italy to the Court of Justice under Article 258 TFEU.

Given the CJEU's recent ruling on beach concessions, will the Commission act with all haste to close the related infringement proceeding against Italy?

Submitted: 27.7.2026

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(15 September 2026)**

The Court of Justice of the European Union (CJEU) order in Case C-574/25 ⁽¹⁾ confirms the CJEU case-law ⁽²⁾, which clarified that the Services Directive ⁽³⁾ applies to situations such as the Italian 'beach concessions': authorisations that are limited, due to a scarcity of available natural resources, are to be granted for a limited duration, through non-discriminatory tenders and may not be open to automatic renewal. The infringement procedure INFR(2020)4118 ⁽⁴⁾ is fully based on such legal principles.

As regards the scarcity assessment, the CJEU has already clarified that, while Member States can choose the best approach to conduct such assessment, it is crucial that the criteria 'are based on objective, non-discriminatory, transparent and proportionate factors' ⁽⁵⁾.

Moreover, the assessment has to refer to the actual 'land available for economic exploitation' ⁽⁶⁾ and consider that such authorisations are granted at a municipal level.

Taking positive note of the significant and growing number of Italian municipalities where open tendering procedures have already been organised, the Commission is expecting the completion of such procedures across the entire national territory by 30 September 2027, as required by Law 166/2024 and its implementation, following the extensive discussions and the mutual understanding with the Italian authorities.

⁽¹⁾ The CJEU gives its ruling by way of order, rather than judgment, where the answer may be clearly deduced from existing case-law.

⁽²⁾ Judgment of 14 July 2016 in *Promoimpresa*, Joined Cases C-458/14 and C-67/15; Judgment of 20 April 2023 in *AGCM v Comune di Ginosa*, Case C-348/22.

⁽³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0123>.

⁽⁴⁾ [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?lang_code=en&langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR\(2020\)4118&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?lang_code=en&langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2020)4118&page=1&size=10&order=desc&sortColumns=decisionDate).

⁽⁵⁾ Judgment of 20 April 2023 in *AGCM v Comune di Ginosa*, Case C-348/22, para 48.

⁽⁶⁾ Judgment of 14 July 2016 (Joined Cases C-458/14 and C-67/15), *Promoimpresa*, para 43.