

(English version)

Priority question for written answer P-004910/25
to the Commission
Borja Giménez Larraz (PPE)
(11 December 2025)

Subject: Doubts as to enforcement in Spain of CJEU ruling in Case C-423/07

On 22 April 2010, the CJEU handed down its judgment in Case C-423/07, establishing as it did that Spain had failed to comply with Directive 93/37/EEC by contracting out additional works for the construction of new sections of the AP-6 motorway without due notification or a competitive tendering procedure.

With a view to complying with this judgment, on 23 December 2010 the Spanish authorities sent the Commission an informal letter, which proposed cutting the current concession short then running a new tender for the management of this infrastructure. The Commission formally accepted the proposal in a communication dated 30 March 2011.

The Spanish Government then approved Royal Decree 525/2012.

In view of the above:

Can the Commission confirm whether the informal document sent by the Kingdom of Spain on 23 December 2010 — the proposal accepted by the Commission on 30 March 2011 — includes the obligation for Spain to run a tender for new toll arrangements for a period of seven years from the expiry, in November 2029, of the current toll regime for the AP-6, AP-51 and AP-61 motorways?

Submitted: 11.12.2025

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

The Commission can confirm that it agreed with the Spanish authorities, mainly based on exchanges that took place on 23 December 2010 and on 30 March 2011, a set of measures to comply with the judgment mentioned by the Honourable Member ⁽¹⁾.

This set of measures included Spain's commitment to shorten the duration of the concession concerning the A-6 motorway by 7 years ⁽²⁾ and the re-tendering of a new concession for that period.

This commitment was implemented through Royal Decree 525/2012, which reduced the duration of the concession by 7 years and laid down the obligation to re-tender the concession for 7 years as from November 2019.

On 14 April 2020, the Spanish Government decided that the exact duration of the concession would be 30 years (taking into account the real evolution of traffic and the reduction by 7 years), thus ending on 19 November 2029.

The re-tendering of a new concession for 7 years would enable to open the concession to competition, preventing that the current concessionaire exploits works that were not duly advertised.

Alternatively, the Spanish authorities may decide to provide the services directly to the public, which is a possibility for Member States recognised in Recital 5 of Directive 2014/23/EU ⁽³⁾ and also an option that would not contravene the objectives of the agreement. The Commission will monitor the future actions taken in this regard by the Spanish authorities.

⁽¹⁾ Judgment of the Court of Justice of 22 April 2010 in Case C-423/07, *Commission v Spain*.

⁽²⁾ This period of 7 years was deemed to correspond to the compensation for the additional works that had not been duly advertised pursuant to Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts.

⁽³⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts.