

**Question for written answer E-005234/2015
to the Commission**

Rule 130

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Subject: Possibility of making amendments to and extending motorway concessions in the 'Unlock Italy' Decree

Law 164 of 11 November 2014 approved by the Italian Parliament, referred to as the 'Unlock Italy' decree, has raised serious concerns in both Italy and Europe. Article 5 states that motorway concessionary companies can propose amendments to key aspects of existing agreements, such as the parties, scope, duration and economic value of the said agreements, even including the possibility of extending motorway concessions without tender.

Raffaele Cantone, President of Italy's Anti-Corruption Authority, declared that 'the mechanism becomes a criterion for extending concessions, contrary to EC rules that require them to be assigned by tender', and he highlighted serious legal problems resulting from the planned mechanism.

Given that the Commission has asked the Italian State for clarifications on the aforesaid measures, can the Commission answer the following questions:

Does it consider that the measures approved by Article 5 of the so-called 'Unlock Italy' decree fully comply with the principles of equal treatment, non-discrimination and proportionality established by the Treaties?

Does it consider that the said measures are compatible with Directive 2014/23/EU, and in particular with the criteria set out in Article 43 concerning the amendment of contracts during the period of validity?

Does it consider that the said measures are compatible with European legislation on State aids and that they do not represent unlawful State aid for motorway concession-holders?