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P-002219/2018  
E-002224/2018  
E-002235/2018  
Answer given by Ms Bieńkowska  
on behalf of the Commission  
(6.7.2018)

The Court of Justice of the EU has the sole jurisdiction to rule on the validity and the interpretation of acts of EU law. In its judgement of 14 July 2016<sup>1</sup>, the Court confirmed that beach concessions<sup>2</sup> are authorisations within the meaning of Directive 2006/123/EC, since they entail an authorisation to exercise an economic activity on State-owned land<sup>3</sup>. They therefore fall under the relevant provisions of EU law, including Article 12 of that Directive, where scarcity of the resource at stake in the concerned municipal area is ascertained, and in any case Article 49 of the Treaty on the Functioning of the European Union, where a certain cross-border interest exists<sup>4</sup>.

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<sup>1</sup> Joined Cases C-458/14 and C-67/15, published in Digital reports (Court Reports – general) ECLI:EU:C:2016:558.

<sup>2</sup> The authorisation scheme covering the administrative procedure for granting concessions to exploit State-owned maritime and lakeside property for tourist and leisure-oriented business activities, which must be obtained by the service providers in order to be able to exercise their economic activities, see Joined Cases C-458/14 and C-67/15, in particular paragraphs 39 to 41.

<sup>3</sup> Joined Cases C-458/14 and C-67/15, in particular paragraph 41, where the Court concluded that those concessions may therefore be characterised as ‘authorisations’ within the meaning of the provisions of Directive 2006/123 in so far as they constitute formal decisions, irrespective of their characterisation in national law, which must be obtained by the service providers from the competent national authorities in order to be able to exercise their economic activities.

<sup>4</sup> Joined Cases C-458/14 and C-67/15, in particular paragraph 43 with regard to Article 12 of the Services Directive, and paragraph 65 as regards Article 49 TFEU.