

EN  
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Answer given by Mr Breton  
on behalf of the European Commission  
(4.2.2022)

A concession such as the A22 motorway concession may be awarded without a call for tenders if the in-house requirements under Article 17 of the Concessions Directive are fulfilled<sup>1</sup>.

If not all the in-house requirements, including the absence of private capital in the concessionaire company, were fulfilled, the concession would have to be awarded via a call for tenders ensuring fair competition.

However, any eventual participation of the incumbent concessionaire in the tendering procedure should be accompanied by the adoption of the appropriate mitigation measures to ensure that competition is not distorted.

The Commission supports the transition towards zero emission mobility and a modal shift towards sustainable mobility solutions, as shown by recent initiatives included in the second Mobility Package<sup>2</sup>, such as the proposal for a new trans-European transport network (TEN-T) Regulation<sup>3</sup>, the new Urban Mobility Framework and the Rail Action Plan to boost long-distance and cross-border passenger transport. While it is the prerogative of Member States to design and implement transport policies for the different modes of transport, the Commission will continue to ensure conformity of Member States' actions with Union law and support initiatives consistent with the above broad EU policy objectives.

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<sup>1</sup> Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 094 28.3.2014, p. 1).

<sup>2</sup> [https://transport.ec.europa.eu/transport-modes/road/mobility-package-questions-and-answers\\_en](https://transport.ec.europa.eu/transport-modes/road/mobility-package-questions-and-answers_en)

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_21\\_6725](https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_6725)