

**Question for written answer E-001961/2022
to the Commission**

Rule 138

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Subject: Court of Justice judgment in case C-719/20 and in-house companies

The Court of Justice of the EU's judgment in case C-719/20 establishes that in-house companies sold to the private sector shall lose contracts awarded even if chosen in a competitive procedure.

In the Court's view, Directive 2014/24 prevents the performance of a public contract (awarded to an 'in-house' entity) from being automatically continued by the economic operator that purchased that entity if the authority selling it does not have a similar degree of control over that operator and holds no stake in its capital.

The Court holds that if the contract is awarded when the company is in-house, it must remain so, on pain of forfeiture of the contract, because acquisition of the company by another economic operator during the period of validity of the contract constitutes a fundamental change in the contract that would necessitate launching a new call for tender.

If the company has been selected by the municipalities following a public tendering procedure this in no way changes matters.

Given that there are many former in-house companies in Italy in this situation, some of which are the object of ongoing legal cases, does the Commission intend to initiate infringement proceedings?