

**Question for written answer E-001499/2023
to the Commission**

Rule 138

Ana Miranda (Verts/ALE)

Subject: Status of the infringement procedure against Spain for failing to comply with the Services Directive when granting coastal concessions

On 15 February 2023, the Commission decided to open an infringement procedure against Spain (INFR(2022)4121) for breaching the Services Directive and for having failed to ensure a transparent and impartial selection procedure for the granting of concessions relating to coastal areas (inter alia to paper companies), giving the country two months to respond to the arguments raised.

What is more, in a recent judgment of 20 April 2023 (Case C-348/22), the EU Court of Justice states that the Services Directive imposes an obligation for these concessions to be awarded with 'impartial and transparent selection', and it invokes Article 288 TFEU, which disapplies conflicting national provisions.

The concession granted to the paper company Ence, in the Pontevedra estuary, was extended until 2073 on the basis of the Spanish Coast Act, without an open selection procedure and therefore in breach of the Services Directive.

In view of this:

1. Has the Spanish Government responded to the reasoned opinion?
2. If so, what measures is it taking to remedy the infringement?
3. Does the Commission consider these measures to be sufficient and, if not, does it intend to refer the matter to the CJEU?

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