

**Question for written answer E-002596/2024
to the Commission**
Rule 144
Brando Benifei (S&D)

Subject: Pedemontana motorway project: suspected breach of EU public procurement rules

The European Investment Bank is co-financing the Pedemontana Lombarda motorway project¹ with a loan of EUR 544 million, which has yet to be disbursed. Under Decree No 1524 of the Minister for Public Works of 31/07/1990, the original project provided for the construction of a motorway between Dalmine, Como, Varese and Valico del Gaggiolo. The concession was issued without a call for tenders, prior to the entry into force of the EU rules on the coordination of procedures for the award of public works contracts². This means that if it were to be altered, it would lapse, as the Commission confirmed in its answer to written question E-0922/01³.

However, Autostrada Pedemontana Lombarda has failed to comply with the condition that the contract cannot be changed – also referred to in the signed programme agreement⁴. Substantial amendments have been made to the places included in the new Pedemontana business plan, approved by the Interministerial Committee for Economic Planning and Sustainable Development (CIPESS)⁵: there will no longer be a junction built between Pedemontana and the A8 motorway at Varese; and section D, which was to go to Dalmine, will no longer be built either, with a different section called ‘D Breve’, ending at Agrate Brianza, currently in the process of being approved.

Does the Commission consider that these changes, meaning that the agreed route is no longer respected, breach EU public procurement rules?

Submitted: 20.11.2024

¹ <https://www.eib.org/en/projects/pipelines/all/20160045>

² In accordance with the directives in force at the time, 89/440/EEC and 93/37/EEC, which have since been repealed and replaced by Directive 2014/24/EU.

³ https://www.europarl.europa.eu/doceo/document/E-5-2001-0922-ASW_EN.html

⁴ Programme Agreement for the construction of the Pedemontano Road Network (19 February 2007), Article 10: ‘The parties acknowledge that the work must be carried out in its entirety in order to guarantee the overall connection between the places along the route, also confirmed at EU level (Valico del Gaggiolo and Dalmine)’. https://www.pedemontana.com/pagina140_accordo-di-programma.html.

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https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-07-19&atto.codiceRedazionale=24A03693&elenco30giorni=false