

**LATEST ON THE EXTENSION OF BEACH CONCESSIONS:
YET ANOTHER NO FROM THE COUNCIL OF STATE**

On April 30, 2024, the Council of State, with sentence no. 3940/2024, reconfirms its iron position on the extensions of beach concessions. The topic is very hot, given the political debate and the tug-of-war about it, which counterposes the legislative activity on one side and the jurisdictional corrective action on the other.

For an interesting in-depth analysis of the Competition Decree, please refer to *Client Alert 6/2022* available on the Firm's website. Essentially, the underlying issue concerns the adaptation of our national legislation to the Euro-unitary one, which requires placing the aforementioned concessions in a real competitive context.

In this ruling, the judges of Palazzo Spada refer to previous rulings on the topic, taking a clear position on the innovations that have occurred in the public debate. Indeed, they state that it isn't of use to the appellant the argument of the non-existence of a certain cross-border interest as well as the non-scarcity of the resource, since the resource is certainly scarce, and the presence or absence of the cross-border interest certainly does not depend on the mere limited economic relevance of the concession.

There are also strong statements regarding the deadline, extended until December 31, 2024, with a provision introduced by the law no. 14/2023; the judges clearly state that this provision "*should and must be disapplied*".

The effect of this ruling would be the immediate announcement of tenders for the reallocation of beach concessions, but it remains to be seen whether these provisions will actually be implemented and how they will concretely be applied.

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