

**Notification Number: 340250 – Rules on the provision of social services in CASTILE-LEON**

On 15 November 2021 Spain notified the provisions of the draft Decree regulating the legal regime of social concert in certain areas of the system of public responsibility of social services in Castile-Leon (PROYECTO DE DECRETO XX/XXX, DE...DE.. POR EL QUE SE REGULA EL RÉGIMEN JURÍDICO DEL CONCIERTO SOCIAL EN DETERMINADOS AMBITOS DEL SISTEMA DE SERVICIOS SOCIALES DE RESPONSABILIDAD PUBLICA DE CASTILLA Y LEÓN).

The envisaged scheme might lead to some compliance issues with regard to the EU public procurement rules. This is particularly the case of the prior registration in the specific Castilla y León register under Article 5(a) and advertising only at regional level in the case of contracts above the thresholds (Article 7(1) and (2)). Two requests for preliminary ruling on the conformity with the EU rules of similar legislation put in place by other Spanish regions (Cases C-436/20 and C-676/20) are pending before the Court of Justice of the European Union (CJEU). Once delivered, the relevant judgments should clarify the applicable legislative framework and, where appropriate, also specify the conditions necessary for the compliance of such schemes with Union law.

The Commission services would like to ask the authorities of Castilla y León to put in hold and not to adopt the notified draft Decree until the up-coming judgement of the CJEU.