



C/2024/4448

22.7.2024

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 29 April 2024 – Opera
Laboratori Fiorentini SpA v Ministero della Cultura, Gallerie degli Uffizi, A.L.E.S. – Arte Lavoro e
Servizi SpA**

(Case C-313/24, Opera Laboratori Fiorentini)

(C/2024/4448)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Opera Laboratori Fiorentini SpA

Defendants: Ministero della Cultura, Gallerie degli Uffizi, A.L.E.S. – Arte Lavoro e Servizi SpA

Question referred

Must Article 5k(c) of Regulation (EU) 833/2014, ⁽¹⁾ introduced by Regulation (EU) 2022/576, ⁽²⁾ concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, in so far as it prohibits the award and continued execution of public contracts and concessions to or with 'a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph, including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement Directives', be interpreted as meaning that the prohibition applies to a company incorporated under Italian law with registered office in Italy, owned by an Italian company and with shareholders who are natural persons and who are not Russian nationals, but of which two of the three members of the board of directors are Russian nationals and one of whom, the chairman and chief executive officer, is also the sole director of the parent company which holds a 90 % stake in that company?

⁽¹⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 1).

⁽²⁾ Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2022 L 111, p. 1).