C/2026/1990

13.4.2026

Judgment of the Court (Fifth Chamber) of 12 February 2026 (request for a preliminary ruling from the Consiglio di Stato – Italy) – Opera Laboratori Fiorentini SpA v Ministero della Cultura, Gallerie degli Uffizi, A.L.E.S. – Arte Lavoro e Servizi SpA

(Case C-313/24, [1] **Opera Laboratori Fiorentini)**

(Reference for a preliminary ruling – Common Foreign and Security Policy – Restrictive measures taken in view of Russia's actions destabilising the situation in Ukraine – Regulation (EU) No 833/2014 – Article 5k(1)(c) – Prohibition on awarding and continuing the performance of any public contract or concession 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' – Award of a public contract by the authorities of a Member State to a resident company two of whose three members of its administrative board are Russian nationals and one of those Russian nationals, who is the chair and the chief executive officer of that administrative board, is also sole administrator of the parent company of the company concerned)

(C/2026/1990)

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

Other party: Scudieri International Srl

Operative part of the judgment

Article 5k(1)(c) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) 2022/576 of 8 April 2022,

must be interpreted as meaning that the prohibition on awarding and continuing the performance of any public contract to or with 'a natural or legal person, entity or body acting on behalf or at the direction' of an 'entity' referred to in Article 5k(1)(a) or (b) of that regulation, as amended, does not apply where a public contract is awarded by the competent authorities of a Member State to a resident company of which two of the three members of its administrative board are Russian nationals and one of them, who is the chair and chief executive officer of that administrative board, is also sole administrator of the parent company of the company concerned, provided that those authorities have first satisfied themselves, in the context of the exhaustive examination of all the relevant circumstances of the case which they are required to carry out each time that they intend to award a public contract to a company not established in Russia but managed by an administrator who is a Russian national, that such an award does not entail a plausible risk that the funds which will be paid to that company under the contract in question will be diverted to the Russian economy, where it has not been established or is at least highly unlikely that that administrator has de facto control over that company.

[1] OJ C, C/2024/4448.