



13.5.2022

Euroopan komission vastauksia Venäjä-pakotteisiin ja julkisiin hankintoihin liittyviin kysymyksiin

In an application situation, should the reference be to Article 1h (updated Decision 2014/512/CFSP) or Article 5k (updated Regulation 883/2014)?

You need to refer to Article 5k of the Regulation. Council Decisions only bind Member States, whereas Council Regulations are directly applicable and must be complied with by all EU operators.

Are the restrictions of Article 5k applicable to people with dual nationality?

Unlike other provisions of Council Regulation (EU) 833/2014, the wording of Article 5k does not foresee an exception for dual nationals. In our view, the prohibition therefore also applies to them.

Where can contracting entities obtain information on the owners of companies and their subcontractors as well as on the nationality or location of parties behind various ownership structures?

The Commission does not manage such a database. We are however aware of such databases (public or which can be purchased). We would recommend that you seek the guidance of your national competent authority for sanctions.

Can a procurement procedure be continued if the exclusion of Russian tenderer causes that tender conditions are not met?

We believe that if for whatever reasons exclusion of a Russian tenderer makes an award impossible (e.g. in case of intended framework agreement with reopening of competition that requires a minimum number of acceptable tenders) this has to be respected. The Sanction Regulation introduces the new exclusion criterion but does not modify terms of ongoing tenders.

Lisätietoja

[Sanctions adopted following Russia's military aggression against Ukraine | European Commission \(europa.eu\)](#)