

**ARTICLE 5K OF THE COUNCIL REGULATION (EU) NO: 833/2014¹ OF 31 JULY
2014 CONCERNING ‘RESTRICTIVE MEASURES IN VIEW OF RUSSIA’S
ACTIONS DESTABILISING THE SITUATION IN UKRAINE’**

Article 5K (1) states:

‘It shall be prohibited to award or continue the execution of any public or concession contract falling within the scope of the public procurement Directives, as well as Article 10, paragraphs 1, 3, 6(a) to 6(e), 8, 9 and 10, Articles 11, 12, 13 and 14 of Directive 2014/23/EU², Article 7 and 8, Article 10 (b) to (f) and (h) to (j) of Directive 2014/24/EU³, Article 18, Article 21 (b) to (e) and (g) to (i), Articles 29 and 30 of Directive 2014/25/EU⁴ and Article 13 (a) to (d), (f) to (h) and (j) of Directive 2009/81/EC, to or with:

- (a) a Russian national, or a natural or legal person, entity or body established in Russia;*
- (b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph; or*
- (c) 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’.

¹ Council Regulation (EU) No: 833/2014 has been amended through Council Regulation (EU) No: 2022/576 of 08 April 2022 to include amongst others Public Procurement/Concession Sanctions against Russia.

² Directive 2014/23/EU was transposed into national law: Concession Contracts Regulations S.L. 601.09 (LN353/2016).

³ Directive 2014/24/EU was transposed into national law: Public Procurement Regulations S.L. 601.03 (LN352/2016).

⁴ Directive 2014/25/EU was transposed into national law: Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations S.L. 601.05 (LN351/2016).

Article 5K (2) states:

‘By way of derogation from paragraph 1, the competent authorities may authorise the award and continued execution of contracts intended for:

- (a) the operation, maintenance, decommissioning and radioactive waste management, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, as well as the supply of precursor material for the production of medical radioisotopes and similar medical applications, critical technology for environmental radiation monitoring, as well as civil nuclear cooperation, in particular in the field of research and development;*
- (b) intergovernmental cooperation in space programmes;*
- (c) the provision of strictly necessary goods or services which can only be provided, or which can only be provided in sufficient quantities, by the persons referred to in paragraph 1;*
- (d) the functioning of diplomatic and consular representations of the Union and of the Member States in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law;*
- (e) the purchase, import or transport of natural gas and oil, including refined petroleum products, as well as titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union; or*
- (f) the purchase, import or transport into the Union of coal and other solid fossil fuels, as listed in Annex XXII until 10 August 2022.*

Article 5K (3) states:

The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within two weeks of the authorisation.

Article 5K (4) states:

The prohibitions in paragraph 1 shall not apply to the execution until 10 October 2022 of contracts concluded before 9 April 2022.