



EMBASSY OF ITALY
ADMINISTRATIVE JOINT CENTRE
BRUSSELS

Subject: Annulment in self-protection, pursuant to Article 21-nonies of Law No 241 of 7 August 1990, of the open procedure for the acquisition of the cleaning and sanitation service for the Italian diplomatic premises in Belgium and the Netherlands - Decree No 31 and Decree No 32 of 16 December 2025 - CIG B99678FBF9 and CIG B996790CCC.

THE PERSON IN CHARGE OF THE PROCEDURE

HAVING REGARD TO:

- Legislative Decree No. 36 of 31 March 2023, containing the Public Contracts Code;
- the Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014, and in particular Article 58, paragraph 2, as well as Annex XI;
- the Decree of the Ministry of Foreign Affairs and International Cooperation (MAECI) of 2 November 2017, No. 192, regulating the procedures for the selection of contractors to be carried out abroad;
- Law No. 241 of 7 August 1990, and in particular Article 21-nonies;
- the principles of competition, equal treatment, non-discrimination, proportionality and transparency set forth in European Union law;

WHEREAS:

- by Decree No. 31 and Decree No. 32 of 16 December 2025 an open procedure was called for the award of the contract for the cleaning and sanitation service of the Italian diplomatic premises in Belgium and the Netherlands for the period 1 March 2026 - 31 December 2027
 - on 9 January 2026 a reasoned request for annulment in self-protection was received from SAGAD S.r.l;

CONSIDERING THAT

- pursuant to Article 100(3) of Legislative Decree No. 36/2023, for economic operators established in another Member State, the declaration of registration in one of the professional or commercial registers provided for in Annex II.11 to the same Code, corresponding to Annex XI of Directive 2014/24/EU, is sufficient
- Directive 2014/24/EU allows contracting authorities to require registration in professional or commercial registers kept in the Member State where the economic operator is established, without requiring prior registration in local registers of different Member States;
- the clause in Article 6.1.1(f) of the lex specialis, as worded, is liable to be interpreted as a requirement for participation, with a potentially restrictive effect on competition and potentially discriminatory effect against economic operators established in other Member States;



EMBASSY OF ITALY
ADMINISTRATIVE JOINT CENTRE
BRUSSELS

- administrative case-law has consistently held that the requirements of professional competence must be interpreted in a manner consistent with the principles of maximum participation and proportionality, avoiding unnecessary restrictions on access to tender procedures;
- there is therefore a concrete and current public interest in removing the current procedure in order to prevent litigation, to ensure full compliance with European law and to ensure the proper conduct of award procedures in compliance with the applicable legal framework;

CONSIDERED

- that the Annulment in self-protection of the procedure, limited to the call for tenders phase, is a proportionate and necessary measure and one which, in the exercise of administrative discretion, complies with the principles of good performance and impartiality of administrative action
- that the cancellation takes place before the expiry of the deadline for the submission of tenders, without the consolidation of qualified legal positions in the economic operators;

DECIDES

Article 1 - Annulment

It is ordered the Annulment in self-protection of the open procedure called by Decree no. 31 and Decree no. 32 of 16 December 2025, concerning the awarding of the cleaning and sanitation service of the Italian Diplomatic Offices in Belgium and in the Netherlands (CIG B99678F9 and CIG B996790CCC).

Art. 2 - Effects

The annulment shall entail the termination of all legal effects connected with the annulled tender procedure, without awarding any indemnity or compensation.

Brussels, 13 January 2026

**FABIO
VANORIO**

