PRESS RELEASE

Rekeep S.p.A.: The Council of State (*Consiglio di Stato*) accepted on a precautionary basis Rekeep's appeal against the decision no. RG 3754/2021 issued by the Administrative Court of Lazio (*TAR Lazio*)
All effects of the ANAC Decision are suspended

Zola Predosa (Bologna), April 23, 2021 – Rekeep S.p.A. ("**Rekeep**" or the "**Company**"), following the last announcement of December 6, 2020, announces that, by order filed as of the date hereof, no. 2163/2021 (the "**Order**"), the Council of State has accepted on a precautionary basis the appeal filed by the Company against the decision no. 3754/2021 of the Administrative Court of Lazio ("**TAR Lazio**").

Based on the Order, all effects imposed by the interdictory decision (the "**ANAC Decision**") adopted by the Italian Anti-Corruption Authority ("**ANAC**" or the "**Authority**") against the Company, are suspended. The ANAC Decision had imposed a €10,000 fine and the exclusion of the legal entity Rekeep S.p.A. from participating in all public tenders and from subcontracting in relation to public contracts for a period of six months pursuant to Legislative Decree no. 50/2016 (the "**Code of Public Procurement**").

Following the preliminary analysis conducted during the precautionary phase, the Council of State in its Order stated that «*the principle of typicality that applies to sanctions was violated (…) since (…) a failure to provide a statement* [which was charged against the Company] *cannot be considered equivalent to a false declaration*» [NTD: «*vulnerato il principio di stretta tipicità legale della fattispecie sanzionatoria (….) atteso che (…) l'omissione dichiarativa [contestata alla Società con il Provvedimento] non coincide con la falsa dichiarazione*»].

On October 20, 2020, Rekeep had submitted before ANAC an out-of-court request to amend the ANAC Decision (issued by ANAC with decision no. 1106/2017) and had subsequently challenged before the TAR Lazio the negative outcome of such out-of-court request together with the entering of such decision in the relevant electronic register, which occurred on December 25, 2020. With decision no. 3754/2021 of March 29, 2021, the TAR Lazio rejected Rekeep's appeal, which challenged such TAR Lazio decision before the Council of State asking for the suspension of its effects on a precautionary basis. Such request was granted by the Council of State with the Order.

As previously communicated, the ANAC Decision was issued following a notice filed by the Santobono-Pausilipon Public Health Agency of Naples, alleging that the Company omitted an affidavit stating that one of the Company's attorneys in fact (*procuratore*) had no criminal record, which was required to participate in a public tender procedure in 2013—It is worth noting that such attorney in fact was in full compliance with such applicable legal requirements.

For further information:

Rekeep / Press Office
Chiara Filippi
Ph. +39 051 3515195 / cfilippi@rekeep.com

Rekeep / CFO and Investor Relations
Luca Buglione
Ph. +39 051 35 15 546 / investor@rekeep.com

Image Building / Media Relations
Alfredo Mele, Carlo Musa
Ph. +39 02 89011300 / rekeep@imagebuilding.it

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