

NOTA PER LA STAMPA

Rekeep S.p.A.: la Corte di Cassazione respinge il ricorso avverso la sentenza del Consiglio di Stato del 27 dicembre 2018, n. 7271

Zola Predosa (Bologna), 6 dicembre 2020 – Rekeep S.p.A. (“Rekeep” o la “Società”), facendo seguito a quanto comunicato da ultimo in data 25 gennaio 2019, rende noto che, la Corte di Cassazione, con sentenza depositata il 4 dicembre 2020, n. 27770 (la “Sentenza”), ha respinto il ricorso presentato dalla Società volto a ottenere l’ integrale annullamento della sentenza del Consiglio di Stato del 27 dicembre 2018, n. 7271.

Alla luce della Sentenza, deve considerarsi rimosso ogni effetto sospensivo della Delibera dell’Autorità Nazionale Anticorruzione (“ANAC” o l’“Autorità”) n. 1106/2017 (il “Provvedimento ANAC”) disposta nei confronti della Società che comporta, oltre a una multa di Euro 10.000, l’esclusione, ai sensi del Decreto Legislativo 50/2016 (il “Codice dei Contratti Pubblici”), della società Rekeep S.p.A. dalle procedure pubbliche di gara e dagli affidamenti in subappalto di contratti pubblici per un periodo di 6 mesi. L’annotazione, precedentemente oscurata dall’ANAC, salvo diverse determinazioni assunte da quest’ultima, sarà pertanto nuovamente inserita nel casellario informatico degli operatori economici dei contratti pubblici relativi a lavori, servizi e forniture.

Come già comunicato, il Provvedimento ANAC concludeva un procedimento avviato da ANAC nel novembre 2016 a seguito di una segnalazione da parte dell’Azienda Ospedaliera Santobono-Pausilipon di Napoli in cui veniva contestata alla Società l’omissione, nella documentazione amministrativa richiesta nell’ambito di una gara bandita nel 2013, di una dichiarazione relativa all’assenza di precedenti penali a carico di uno dei procuratori della Società, peraltro pienamente in possesso dei suddetti requisiti di legge.

Poiché il Provvedimento ANAC dispone l’interdizione dalle procedure pubbliche di gara e dagli affidamenti in subappalto di contratti pubblici della sola Rekeep S.p.A., si ritiene che lo stesso non produca un effetto interdittivo per le altre società del Gruppo, né che lo stesso produca effetti diretti sui contratti già in portafoglio e ricompresi nel *backlog* del Gruppo. Inoltre, il Provvedimento ANAC non interdice Rekeep S.p.A. dalla possibilità di partecipare alle gare bandite da privati.

La pipeline commerciale del Gruppo (che corrisponde al valore complessivo delle gare indette da enti pubblici a cui il Gruppo ha partecipato e per cui è in attesa del relativo esito) è storicamente segmentata tra le diverse controllate e la controllante Rekeep S.p.A. pesa attualmente meno del 10% della pipeline commerciale a livello consolidato.

La Società, nonostante la Sentenza della Corte di Cassazione, sta valutando, insieme ai propri legali, ulteriori azioni a tutela dei propri interessi.

Per maggiori informazioni si rinvia alla presentazione messa a disposizione sul sito *web* della Società.

Per ulteriori informazioni:

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