Legislative Decree no. 231 of 8 June 2001. The administrative liability of entities with legal personality, companies and associations even if without legal personality, in accordance with Article 11 of Law no. 300 of 29 September 2000.

updated as of 30 July 2020

The President of the Republic:

with regards Articles 76 and 87 of the Constitution;

with regards Article 14 of Law no. 400 of 23 August 1988;

and with regards Articles 11 and 14 of Law no. 300 of 29 September 2000 ensured the Government adopt, within eight months of its enforcement, a Legislative Decree regarding the regulations of administrative liability of legal persons and companies, associations and other entities without legal representation that do not carry out constitutional functions in accordance with the criteria contained in Article 11;

with regards the preliminary resolution of the Council of Ministers adopted in the meeting of 11 April 2001;

and having heard the opinion of the permanent committees of the Senate of the Republic Chamber of Deputies, in accordance with Article 14 paragraph 1 of the aforementioned law no. 300 of 29 September 2000;

with regards the resolution of the Council of Ministers adopted at the meeting on 2 May 2001; on the proposal of the Minister of Justice, in consultation with the Minister for Industry, Trade and Crafts and Foreign Trade, Minister for Community Policies and the Minister of the Treasury, and the Budget and Economic Planning; issued the following Legislative Decree:

CHAPTER I
ADMINISTRATIVE LIABILITY OF ORGANIZATIONS

SECTION I
GENERAL PRINCIPLES AND CRITERIA FOR THE ALLOCATION OF ADMINISTRATIVE LIABILITY

Article 1

(Subjects)

1. The present Legislative Decree regulates the liabilities of entities for administrative offences arising from crimes.

2. The provisions it contains are applied both to entities with legal representation and companies or associations without legal representation.

3. It does not apply to the State, local authorities, other public bodies as well as non-economic institutions that perform functions of constitutional importance.

Article 2

(Rule of Law)

1. The body cannot be held liable for an act that constitutes an offence if its administrative liability in relation to that offence and sanctions are not expressly provided for by the law which came into force before the offence was committed.

Article 3

(Law of succession)

1. The body cannot be held liable for an act which, according to a subsequent law, no longer constitutes a crime, or in relation to which no longer provides for administrative liability, and, where there has been a sentence, will not be executed with no legal consequences.

2. Should the law at the time when the offence was committed and later laws differ, the more favourable provisions would apply, unless an irrevocable ruling was applied.

3. The provisions of paragraphs 1 and 2 shall not apply in the case of exceptional or temporary laws.

Article 4

(Offences committed abroad)

1. In cases and under conditions provided for in Articles 7, 8, 9 and 10 of the Criminal Code, the institutions present in the territory of the state headquarters also respond to offences committed abroad, provided that the country where the act was committed does not take precedence.

2. In cases where the law states that the guilty party be punished at the request of the Minister of Justice, proceedings are taken against the institution only should a formal request be made against them.

Article 5

(Organizational liability)

1. The company is liable for any offences committed in its interest or to its advantage:
2.

a) by persons who are representatives, directors or managers of the company or one of its organizational units with financial and functional autonomy as well as by people who exercise, even de facto, management and control thereof;

b)

c) by persons subject to the direction or supervision of one of the persons referred to in sub paragraph a).

2. the company is not liable if the persons referred to in paragraph 1 acted exclusively in their own interests or on behalf of third parties.

Article 6

(Individuals covering top positions and organizational models)

1. Should the crime be committed by the persons indicated in Article 5, paragraph 1, letter a) the organization is not liable should it prove that:

a) the governing body has adopted and effectively implemented, before the offence was committed, organization and management models capable of preventing offences of the type that occurred;
b) the task of supervising the functioning and observance of the models and their updates was entrusted to a body with independent powers of initiative and control;
c) the persons have committed the offence by fraudulently eluding the models of organization and management;
d) there was no or insufficient supervision by the body referred to in point b).

2. In relation to the extension of the delegated powers and the risk of committing the crimes, the models referred to in sub paragraph 1, must meet the following requirements:
a) identify the activities where offences may be committed;
b) foresee specific protocols aimed at planning the formation and implementation of decisions in relation to the crimes to be prevented;
c) identify procedures for managing financial resources suitable to prevent the commission of offences;
d) provide information duties to the body liable for supervising the functioning and observance of the models;
e) introduce a disciplinary system to punish non-compliance with the measures indicated in the model.

2-bis. The models referred to in point (a) of paragraph 1 shall include:
a) one or more channels allowing the subjects referred to in article 5, paragraph 1, letters a) and b) to present, to protect the integrity of the institution, detailed reports of illicit conduct, relevant to accordance with this decree and based on factual and consistent elements, or violations of the organizational and management model of the institution, of which they have become aware of the functions carried out; these channels guarantee the confidentiality of the whistle-blower identity in the reporting management activities;
b) at least one alternative channel of reporting suitable to ensure, by computer mode, the confidentiality of the reporting identity;
c) the prohibition of retaliation or discriminatory, direct or indirect, against the reporter for reasons linked directly or indirectly to the reporting;
d) in the disciplinary system adopted under paragraph 2, letter e), sanctions against those who violate the protection measures of the reporters, as well as those who carry out serious negligence or faulty reports which prove to be unfounded.

2-ter. The adoption of discriminatory measures in respect of the persons carrying out the reports referred to in paragraph 2-bis may be denounced to the National Labour Inspectorate for the measures of its own competence, as well as the reporters, also by the union organization indicated by the same.

2-quater. Retaliatory or discriminatory dismissal of the reporting subject is void. The change of duties within the meaning of article 2103 of the Civil Code, as well as any other retaliatory or discriminatory measure adopted in relation to the reporter, shall be void. It is the employer's burden, in the event of disputes relating to the imposition of disciplinary sanctions, or to demotion, redundancies, transfers, or the reporting of a reporter to another organizational measure having adverse effects.

3. The organizational and management models can be adopted, guaranteeing the criteria referred to in paragraph 2, based on codes of conduct prepared by associations representing companies, submitted by the Ministry of Justice, in accordance with the relevant Ministries, within thirty days, on the suitability of the models to prevent crimes.

4. In small organizations, the tasks set out in letter b) of paragraph 1, can be carried out directly by management.

4-bis. In the corporation the board of auditors, the supervisory board and the committee for management control, can perform the functions of the supervisory body referred to in paragraph 1, letter b).

5. Any profits that an organization has made from the offence are viable to be confiscated regardless of their worth.

Article 7

(Individuals subject to direction functions and organizational models)

1. In the case provided for in Article 5, paragraph 1, letter b), the company is liable if the commission of the offence was made possible by the failure of management or supervisory obligations.

2. In any case, it excludes the non-compliance of the management and supervisory obligations if the organization, before the offence was committed, adopted and effectively implemented an organizational, management and control model capable of preventing offences of the kind that occurred.

3. The model provides, according to the nature and size of the organization as well as the type of business conducted, measures to ensure that business is run in compliance with the law. It also deals with the discovery of potentially risky situations and their swift elimination

4. The effective implementation of the model requires:
a) a periodic review and possible amendment of the same when significant violations of the rules were discovered or when changes in organizational activity were involved;
b) a disciplinary system to sanction non-compliance with the measures indicated in the model.

Article 8

(Autonomy of the entity's liability)

1. The organization is also liable when:
a) the offender has not been identified or is not liable;
b) the offence is extinguished for a reason other than amnesty.

2. Unless the law provides otherwise, it shall not work against the organization if it is granted amnesty for a crime which foresees liability, and the accused has declined the application.

3. The organization may refuse amnesty.

SECTION II

SANCTIONS IN GENERAL

Article 9

(Administrative sanctions)

1. Sanctions for administrative offences are:
a) pecuniary damages;
b) disqualification sanctions;
c) confiscation;
d) publication of the sentence.

2. Disqualifications are:
a) prohibition of the suspension of business activities;
b) suspension or revocation of permits, licenses or concessions to the commission;
c) a ban on contracting with public administration, aside from obtaining public services;

d) exclusion from benefits, loans, grants or subsidies and the possible revocation of those already granted;
e) prohibition on advertising goods or services.

Article 10

(Administrative penalties)

1. All administrative offences resulting from a crime are always subject to pecuniary damages.

2. The financial penalty is applied for sums of not less than one hundred and not more than one thousand.

3. A sum amount can range from a minimum of € 258,00 and a maximum of € 1.549,00.

4. Reduced payments are not admitted.

Article 11

(Commensuration criteria of the pecuniary damages)

1. In monetary sanctions the judge determines the amount, depending on the seriousness of the crime, the degree of the company's liability as well as considering the eliminating or mitigating consequences of the offence and the prevention of further offences.

2. The damages are calculated on the basis of the economic and financial conditions of the organization in order to ensure the effectiveness of the sanction.

3. In the cases referred to in Article 12, paragraph 1, the amount is always fixed at € 103,00.

Article 12

(Cases of reduced pecuniary damages)

1. Pecuniary damages are reduced by half and, in any case, can never exceed € 103.291,00 if:
a) the offender has committed the offence in the best interests of third parties and the organization has not gained any or a slight advantage; b) the financial damage caused is only slight;

2. The penalty is reduced by one third to a half if, prior to the opening statement of the trial of the first instance:
a) the organization has completely refunded the damages and has eliminated the damaging or dangerous consequences of the offence or has taken effective steps in this regard;
b) an organizational model capable of preventing offences of the type in question has been adopted and implemented.

3. If both the conditions provided for by the previous paragraph letters, the damages are reduced by a half to two-thirds.

4. In any case, the pecuniary damages cannot be less than € 10.329,00.

Article 13

(Disqualifications)

1. Disqualifications apply in relation to the offences for which they are expressly provided, when at least one of the following conditions is considered:
a) the organization has made a substantial profit and the crime was committed by persons in senior positions or individuals with directional functions when, in this case, the crime was determined or facilitated by serious organizational shortcomings;
b) in case of reiteration of the offences.

2. Without prejudice to the provisions of Article 25, paragraph 5, the disqualification sanctions have a duration of not less than three months and not more than two years.

3. The disqualification sanctions do not apply in the cases provided for in Article 12, paragraph 1.

Article 14

(Procedure for applications of disqualification sanctions)

1. The disqualification sanctions are applied to the specific activity to which the unlawful organization relates. The judge determines the type and duration on the basis of the criteria set out in Article 11, taking into account the individual sanctions to prevent further illegal activities of the type committed.

2. A ban on contracting with public administration can also be limited to certain types of contract or under certain administrations. The prohibition of business transactions involves the suspension or revocation of permits, licenses or concessions.

3. If necessary, the disqualification sanctions can be applied jointly.

4. The period of debarment applies only when the imposition of other prohibitive sanctions is inadequate.

Article 15

(Judicial commissioner)

1. Should the conditions for the application of the disqualification sanctions result in the interruption of the organization's business, the court, in applying the sanctions, provides for the continuation of business activities by a commissioner for a period equal to the duration of the disqualification that would have been applied, in at least one of the following conditions:
a) the organization carries out a public service or a service considered of public necessity, the interruption of which can cause serious harm to the community;
b) the interruption of business within the organization may cause, based on its size and the economic conditions of the territory where it is located, significant effects on employment.

2. With the ruling ordering the continuation of business transactions, the judge indicates the duties and powers of the Commissioner, taking into account the specific business transactions within the organization in which the offence occurred.

3. Within the duties and powers set out by the court, the Commissioner takes care of adoption and effective implementation matters of the organizational and control models capable of preventing offences of the type that occurred and is not permitted to perform acts of extraordinary administration without judicial authorization.

4. The profit resulting from the continuation of business transactions is confiscated.

5. The continuation of business deals by the Commissioner cannot be ordered when the interruption follows the application definitively to a disqualification.

Article 16

(Definitively applied disqualifications)

1. Definitive prohibition to temporary prohibition can be sanctioned if the organization has committed a substantially profitable crime and has already been condemned, at least three times in the past seven years.

2. The judge may apply definitively applied disqualifications to the organization with the sanction of a ban on contracting with the public administration or a ban on advertising goods or services, when it has already been sentenced to the same penalty at least three times in the last seven years.

3. If the company or its organizational units is permanently used for the sole or main purpose of enabling or facilitating the commission of offences in relation to which the responsibility is always punishable with the definitive prohibition of business transactions where provisions of Article 17 are not applicable.

Article 17

(Repairing the consequences of the offence)

1. Once the application of pecuniary damages has stopped, disqualification penalties shall not apply where, prior to the opening statement of the trial of the first instance, the following conditions apply:
a) the organization has completely refunded the damage and has eliminated the damaging or dangerous consequences of the offence or has taken effective steps in this regard;
b) the organization has eliminated the organizational deficiencies that led to the offence by adopting and implementing organizational models suitable to prevent crimes of the type that occurred;
c) the organization has made any profits made available for purposes of confiscation.

Article 18

(Publication of the sentence)

1. The publication of the sentence may be ordered when organizational disqualification sanctions are applied.

2. The publication of the sentence is made in accordance with Article 36 of the Criminal Code as well as by posting it in the municipality where the organization has its head office.

3. The publication of the sentence is performed by the clerk of the court and at the expense of the organization.

Article 19

(Confiscation)

1. The organization is always prepared, with a condemning sentence, to confiscation of the monetary amount or profit of the offence, except for the portion to be repaid to the injured party. They are subject to the rights acquired by third parties in good faith.

2. When it is not possible to execute the confiscation pursuant to paragraph 1, the same may involve sums of money, goods or other benefits of equivalent value to the price or profit of the offence.

Article 20

(Reiteration)

1. Reiteration occurs when the organization, which has already been convicted definitively at least once for an offence resulting from a crime, then commits another within five years of the definitive sentence.

Article 21

(Number of offences)

1. When the organization is liable in relation to a number of crimes committed by a single act or omission that is committed in the performance of the same activities and before that, when one of them has been pronounced even if not definitive judgement, pecuniary damages are imposed for the most serious offence multiplied by three. As a result of the said increase, the increase, in the amount of the fine cannot exceed the sum of the penalties applicable for each offence.

2. In cases provided for in paragraph 1, when in connection with an offence the conditions for the application of disqualifications, the penalty disqualification is relative to the most serious offence.

Article 22

(Prescription)

1. Administrative sanctions are prescribed within the period of five years from the date that the offence was committed.

2. Prescription is interrupted with the request of precautionary disqualification measures and an administrative offence in accordance with Article 59.

3. Each interruption starts a new period of limitation.

4. If the interruption was achieved by challenging an administrative offence resulting from a crime, the prescription does not run until the time when the ruling becomes final, which defines the judgement.

Article 23

(Failure to comply with disqualification sanctions)

1. Anyone who, in the performance of the organization to which a penalty or a preventive measure was applied disqualifying the obligations or prohibition inherent in the sanctions or measures, shall be punished with imprisonment from six months to three years.

2. In the case referred to in paragraph 1, to the organization in the interest or for the benefit of which the offence was committed, the applicable fine from two hundred to six hundred shares and the confiscation of profits, in accordance with Article 19.

3. If the offence referred to in paragraph 1, the organization has made a substantial profit, the disqualification sanctions, also other than those previously imposed.

SECTION III

ADMINISTRATIVE LIABILITY FOR THE OFFENCE

Article 24

(Misappropriation of funds, fraud against the State, a public body or the European Union

or to obtain public funds, computer fraud against the State or a public body and fraud in public supplies)

1. In relation to the commission of the crimes referred to in Articles 316-bis, 316-ter, 356, 640, paragraph 2, n. 1, 640-bis and 640-ter if committed against the State or other public body or the European Union, of the Criminal Code, the organization shall be fined up to five hundred shares.

2. If, following the commission of the crimes referred to in paragraph 1, the organization has earned a substantial profit or a particularly grave damage; a fine of between two hundred to six hundred shares will be applied.

2-bis. The sanctions provided for in the previous paragraphs will be applied in connection with the commission of the crime referred to in article 2 of Italian Law no. 898 of 23 December 1986.

3. In cases provided for in the preceding paragraphs, the disqualification sanctions contained in Article 9, paragraph 2, letters c), d) and e) will apply.

Article 24-bis

(Computer crimes and unlawful data processing)

1. In relation to the commission of the crimes referred to in Articles 615-ter, 617-quater, 617- quinquies, 635-bis, 635-ter, 635-quater e 635-quinquies of the Criminal Code, the organization shall be fined from one hundred to five hundred shares.

2. In relation to the commission of the crimes referred to in Articles 615-quater and 615-quinquies of the Criminal Code, the organization shall be fined up to three hundred shares.

3. In relation to the commission of the crimes referred to in Articles 491-bis and 640-quinquies of the Criminal Code, except as provided in Article 24 of this Decree for cases of fraud against the state or other public entity, the organization shall be fined up to four hundred shares.

4. In cases of conviction for one of the crimes indicated in paragraph 1, the disqualification sanctions contained in Article 9, paragraph 2, letters a), b) and e). In cases of conviction for one of the crimes indicated in paragraph 2 the disqualification sanctions contained in Article 9, paragraph 2, letters b) and e). In cases of conviction for one of the crimes indicated in paragraph 3 the disqualification sanctions contained in Article 9, paragraph 2, letters c), d) and e).

Article 24-ter

(Organized crimes)

1. In relation to the commission of the crimes referred to in Articles 416, sixth paragraph, 416-bis, 416-ter and 630 of the Criminal Code to crimes committed under the conditions in the said Article 416-bis or in order to facilitate the activity associations provided for by that Article, as well as offences under Article 74 of the consolidated text of the Decree of the President of the Republic 9 October 1990, n.309, the organization shall be fined four hundred thousand shares.

2. In relation to the commission of offences referred to in Articles 416 of the Criminal Code, with the exception of the sixth paragraph, that in Article 407, paragraph 2, letter a), number 5), of the Code of Criminal Procedure, shall be fined from three hundred to eight hundred shares.

3. In cases of conviction for one of the offences indicated in paragraphs 1 and 2, the prohibitive sanctions envisaged by Article 9, paragraph 2, for a period of not less than one year.

4. If the institution or its organizational units are permanently used for the sole or main purpose of enabling or facilitating the commission of offences indicated in paragraphs 1 and 2, the applicable sanction is to be permanently banned from conducting business within the criteria of Article 16, paragraph 3.

Article 25

(Embezzlement, bribery, undue inducement to give or promise utility, corruption and abuse of authority)

1. In relation to the commission of the crimes referred to in Articles 318, 321, 322, paragraphs 1 and 3, and 346-bis of the Criminal Code, the organization shall be fined up to two hundred shares. The same sanction is applied when the crime negatively affects the financial interests of the European Union, in connection with the commission of the crimes referred to in articles 314, paragraphs 1, 316 and 323 of the Criminal Code.

2. In relation to the commission of the crimes referred to in Articles 319, 319-ter, paragraph 1, 321, 322, paragraphs 2 and 4, of the Criminal Code, the organization shall be fined between two hundred to six hundred shares.

3. In relation to the commission of the crimes referred to in Articles 317, 319, aggravated pursuant to Article 319-bis when the organization has achieved a substantial profit, 319-ter, paragraph 2, 319-quater and 321 of the Criminal Code, the organization shall be fined between three to eight hundred shares.

4. The fines for the crimes referred to in paragraphs 1 to 3, are applicable to the organization even when these crimes were committed by the persons mentioned in Articles 320 and 322-bis.

5. In cases of conviction for one of the crimes indicated in paragraphs 2 and 3, the disqualification sanctions contained in Article 9, paragraph 2, apply for a term of not less than four years and not more than seven years, if the offense was committed by one of the persons referred to in Article 5, paragraph 1, letter a), and for a term of no less than two years and no more than four years, if the offense was committed by one of the persons referred to in 5, paragraph 1, letter b).

5-bis. If before the sentence of first instance the institution has effectively worked to avoid that the criminal activity is carried to further consequences, to ensure the evidence of the crimes and for the identification of those responsible or for the seizure of the sums or other benefits transferred and eliminated the organizational deficiencies that determined the crime by adopting and implementing organizational models suitable to prevent crimes of the type that occurred, the disqualification sanctions have the duration established by Article 13, paragraph 2.

Article 25-bis

(Money forgery, public credit cards, revenue stamps and identification instruments or signs of recognition)

1. In relation to the commission of crimes under the Criminal Code relating to money forgery, public credit cards, revenue stamps and identification instruments or signs of recognition, the organization shall be applied the following pecuniary damages:
a) for the offence referred to in Article 453 a fine of between three hundred to eight hundred shares; b) for the crimes referred to in Articles 454, 460 and 461 the fine will be up to five hundred shares;
c) for the offence referred to in Article 455, the pecuniary damages laid down in point a), in conjunction with Article 453, and point b), in conjunction with Article 454, reduced by between a third and a half;
d) for the offences referred to in Articles 457 and 464, second paragraph, the pecuniary damages of up to two hundred shares;
e) for the offence referred to in Article 459 of the pecuniary damages provided for by letters a), c) and d) reduced by one third;
f) for the offence referred to in Article 464, first paragraph, pecuniary damages of up to three hundred shares;
f-bis) for the crimes referred to in Articles 473 and 474, pecuniary damages of up to five hundred shares.

2. For the condemned cases for one of the crimes referred to in Articles 453, 454, 455, 459, 460, 461, 473 and 474 of the Criminal Code, pecuniary damages will be sanctioned to the organization in Article 9, paragraph 2, for a period of not more than one year.

Article 25-bis1

(Crimes against industry and commerce)

1. In relation to the commission of crimes against industry and commerce under the Criminal Code, the organization shall apply the following damages:
a) for the crimes referred to in Articles 513, 515, 516, 517, 517-ter and 517-quater of the financial penalty up to five hundred shares;
b) for the offences referred to in Articles 513-bis and 514, a pecuniary penalty of up to eight hundred shares.

2. In case of conviction for the crimes referred to in point b) of paragraph 1 the organization will apply disqualification sanctions contained in Article 9, paragraph 2.

Article 25-ter

(Corporate crime)

(In accordance with Article 39, paragraph 5, of law no. 262 of 28 December 2005,

the pecuniary damages provided for in this Article shall be doubled)

1. In relation to corporate crimes provided for in the Civil Code, the organization shall apply the following pecuniary damages:
a) for the summary offence of publishing false company documents provided for by Article 2621 of the Civil Code, a fine of between two hundred and four hundred shares;
a-bis) for the offence of false corporate communications required by Article 2621-bis of the Civil Code, a fine of between one hundred and two hundred shares;
b) for the offence of false corporate communications provided in Article 2622 of the Civil Code, the pecuniary sanction of four hundred to six hundred shares;
d) for the offence of false statement, provided for in Article 2623, first paragraph, of the Civil Code, a fine of between one hundred and one hundred and thirty shares;
e) for the offence of false statement, provided for in Article 2623, second paragraph, of the Civil Code, a fine of between two hundred to three hundred and thirty shares;
f) for the offence of false statements in reports or communications of the auditing company, provided for in Article 2624, first paragraph, of the Civil Code, a fine of between one hundred to one hundred and thirty shares;
g) for the offence of false reports or communications of audit companies, provided for by Article 2624, second paragraph, of the Civil Code, a fine of between two hundred and four hundred shares;
h) for the crime of obstruction of inspection provided for in Article 2625, second paragraph, of the Civil Code, a fine of between one hundred to one hundred and eighty shares;
i) for the offence of fictitious capital formation, provided for in Article 2632 of the Civil Code, a fine of between one hundred to one hundred and eighty shares;
l) for the crime of improper restitution of contributions provided for in Article 2626 of the Civil Code, a fine between one hundred to one hundred and eighty shares;
m) for the offence of illegal distribution of profits and reserves, under Article 2627 of the Civil Code, a fine of between one hundred to one hundred and thirty shares;
n) for the offence of illegal transactions involving shares or quotes of the parent company, under Article 2628 of the Civil Code, a fine of between one hundred to one hundred and eighty shares;
o) for the crime to the detriment of creditors, provided for in Article 2629 of the Civil Code, a fine of between one hundred and fifty to three hundred and thirty shares;
p) for the offence of unlawful distribution of corporate assets by the liquidators, under Article 2633 of the Civil Code, a fine of between one hundred and fifty to three hundred and thirty shares;
q) for the offence of unlawful influence, under Article 2636 of the Civil Code, a fine of between one hundred and fifty to three hundred and thirty shares;
r) for the crime of insider trading, provided for by Article 2637 of the Civil Code and for the offence of failure to disclose a conflict of interest provided for in Article 2629-bis of the Civil Code, a fine ranging from two hundred to five hundred shares;
s) for crimes pertaining to obstacles in business transactions by public supervisory authorities, provided for in Article 2638, first and second paragraph of the Civil Code, a fine of between two hundred to four hundred shares;
s-bis) for the offence of bribery between private individuals, in cases provided for by the third paragraph of Article 2635 of the Civil Code, a fine of between four hundred to six hundred shares and, in case of instigation referred to in the first subparagraph of article 2635-bis of the Civil Code, the financial penalty from two hundred to four hundred shares. The disqualification sanctions provided for in article 9, paragraph 2 shall also apply.

3. If, following the commission of the offences referred to in paragraph 1, the organization has earned consistent profits, the pecuniary damages are increased by a third.

Article 25-quater

(Crimes of terrorism or subversion of democratic order)

1. In relation to the commission of crimes of terrorism or subversion of the democratic order, under the Criminal Code and special laws, the organization shall apply the following penalties:
a) if the offence is punishable with imprisonment of less than ten years;
b) if the crime is punishable with imprisonment of not less than ten years or life imprisonment, the penalty fine is between four hundred to one thousand shares.

2. In the case of being condemned for one of the crimes indicated under paragraph 1, the penalty fines under Article 9, paragraph 2, for a period of not less than one year.

3.Should the institution or organizational units be used permanently for the sole or main purpose of enabling or facilitating the commission of offences set out in paragraph 1, the definitive interdiction penalty applies from conducting business transactions under Article 16, paragraph 3.

4. The provisions of paragraphs 1, 2 and 3 shall also apply in relation to the commission of crimes, other than those specified in paragraph 1, which have, in any case, been put in place in violation of the provisions of Article 2 of the International Convention for the suppression of the financing of terrorism signed in New York on 9 December 1999.

Article 25-quater1

(Mutilation of female genital organs)

1. In relation to the commission of offences referred to in Article 583-bis of the Criminal Code, the organization, the structure of which the offence was committed, is applied a fine of between 300 to 700 shares and the disqualification sanctions provided for in Article 9, paragraph 2, for a period of not less than one year. In the event that it refers to a private accredited institution, the accreditation will be revoked.

2. If the institution or its organizational units is permanently used for the sole or main purpose of enabling or facilitating the commission of crimes indicated in paragraph 1, the definitive interdiction penalty applies from conducting business under Article 16, paragraph 3.

Article 25-quinquies

(Crimes against the person)

1. In relation to the commission of the crimes listed in Section I of Chapter III of the Criminal Code XII of Book II, the organization should apply the following pecuniary damages:
a) for the crimes referred to in Articles 600, 601, 602 and 603-bis, a fine of between four hundred and one thousand shares;
b) for the crimes referred to in Article 600-bis, first paragraph, 600-ter, first and second paragraphs, related to pornographic material referred to in Article 600-quater1, and 600-quinquies, a fine of between three hundred to eight hundred shares;
c) for the offences referred to in Articles 600-bis, second paragraph, 600-ter, third and fourth paragraphs, and 600-quater, related to pornographic material referred to in Article 600-quater1, as well as for the crime referred to in Article 609-undecies the fine is between two hundred to seven hundred shares.

2. In cases of conviction for one of the crimes indicated in paragraph 1, letters a) and b), the disqualification sanctions contained in Article 9, paragraph 2, for a period of not less than one year.

3. If the institution or its organizational units is permanently used for the sole or main purpose of enabling and facilitating the commission of offences set out in paragraph 1, the definitive interdiction penalty applies from conducting business as specified in Artice16, paragraph 3.

Article 25-sexies

(Market abuse)

1. In relation to the crimes of abuse of privileged information and market manipulation pursuant to Part V, Title I bis, Chapter II, of the consolidated act as per legislative decree n. 58 of 24 February 1998, the organization shall be fined between four hundred and one thousand shares.

2. If, following the commission of offences referred to in paragraph 1, the product or profit obtained by the body is significant, the penalty is increased to ten times such product or profit.

Article 25-septies

(Wrongful death or grievous bodily harm committed in violation

of the rules on the protection of health and safety at work)

1. In relation to the crime under Article 589 of the Criminal Code, committed in violation of Article 55, paragraph 2, of the legislative decree implementing the delegation referred to in law no. 123 of 3 August 2007, relating to health and safety at work, a financial penalty equal to 1.000 shares will be applied. In case of conviction for the offence referred to in the previous period, the disqualification sanctions referred to in Article 9, paragraph 2, for a period of not less than three months and not exceeding one year.

2. Except as provided in paragraph 1, in relation to the crime under Article 589 of the Criminal Code, committed in violation of the rules on health and safety at work, apply the fine of not less than 230 shares and not more than 500 shares. In case of conviction for the offence referred to in the previous period, the disqualification sanctions referred to in Article 9, paragraph 2, for a period of not less than three months and not exceeding one year.

3. In relation to the crime under Article 590, third paragraph, of the Criminal Code, committed in violation of the rules on protection of health and safety at work, apply a financial penalty in an amount not exceeding 250 shares. In case of conviction for the offence referred to in the previous period, the disqualification sanctions referred to in Article 9, paragraph 2, for a period not exceeding six months.

Article 25-octies

(Receiving, laundering and using money, goods or benefits

of illicit origin, as well as self-laundering)

1. In relation to crimes under Articles 648, 648 bis, 648-ter and 648-ter.1 of the Criminal Code, the organization shall be fined from between 200 to 800 shares. In cases where money, goods or other benefits from a crime for which the penalty established is of imprisonment for a maximum of five years, shall be fined from 400 to 1.000 shares.

2. In cases of conviction for one of the crimes referred to in paragraph 1, the organization will be fined disqualification sanctions referred to in Article 9, paragraph 2, for a period not exceeding two years.

3. In relation to the offences referred to in paragraphs 1 and 2, the Ministry of Justice, after hearing the opinion of the UIF, will make such observations as referred to in Article 6 of the Legislative Decree no. 231 of 8 June 2001.

Article 25-novies

(Crimes related to violation of copyright)

1. In relation to the commission of crimes under Articles 171, first paragraph, letter a- bis), and third paragraph, 171-bis, 171-ter, 171-septies and 171-octies of law no. 633 of 22 April 1941, the organization shall be fined up to five hundred shares.

2. In case of conviction for the crimes referred to in paragraph 1, the organization will receive disqualification sanctions contained in Article 9, paragraph 2, for a period not exceeding one year. This is without prejudice to Article 174-quinquies of law no. 633 of 1941.

Article 25-decies

(Induction not to leave statements or to make false statements to the court)

1. In relation to the commission of crimes under Article 377-bis of the Criminal Code, the organization will receive a penalty fine of up to 500 shares.

Article 25-undecies

(Environmental related crimes)

1. In relation to the commission of offences under the Criminal Code, the organization will be applied the following pecuniary damages:
a) for violation of Article 452-bis, a fine of between two hundred and fifty and six hundred shares;
b) for the violation of Article 452-quater, a pecuniary sanction of four hundred to eight hundred shares is applied;
c) for the violation of Article 452-quinquies, a fine ranging from two hundred to five hundred shares is applied;
d) for associative aggravated offences under Article 452-octies, a fine of between three hundred to a thousand shares;
e) for traffic offences and abandonment of high-level radioactive material in accordance with Article 452-sexies, a fine of between two hundred and fifty to six hundred shares is applied;
f) for the violation of Article 727-bis, a fine of up to two hundred and fifty shares is applied;
g) for the violation of Article 733-bis, a fine of between one hundred and fifty to two hundred and fifty shares is applied.

1-bis. In cases of conviction for the crimes indicated in paragraph 1, letters a) and b), of this Article, in addition to the financial penalties provided therein, the disqualification sanctions provided for in Article 9, for a period not exceeding one year for the offence referred to in letter a).

2. In relation to the commission of offences provided for by Legislative Decree no. 152 of 3 April 2006, the organization shall apply the following financial penalties:
a) for the offences referred to in Article 137:
1) for the violation of paragraphs 3 and 5, in the first period, and paragraph 13, the financial penalty is from one hundred and fifty to two hundred and fifty shares;
2) for the violation of paragraphs 2 and 5, in the second period, and paragraph 11, the financial penalty is from two hundred to three hundred shares.
b) for the offences referred to in Article 256:
1) for the violation of paragraph 1, letter a), and paragraph 6, in the first period, the financial penalty up to two hundred and fifty shares;
2) for the violation of paragraph 1, letter b), and paragraph 3, in the first period, and paragraph 5, the financial penalty is from one hundred and fifty to two hundred and fifty shares;
3) for the violation of paragraph 3, in the second period, the financial penalty from between two hundred to three hundred shares is applied;
c) for the offences referred to in Article 257:
1) for the violation of paragraph 1, the financial penalty is of up to two hundred and fifty shares;
2) for the violation of paragraph 2, the financial penalty is from one hundred and fifty to two hundred and fifty shares;
d) for the violation of Article 258, paragraph 4, in the second period, the financial penalty is from one hundred and fifty to two hundred and fifty shares;
e) for the violation of Article 259, paragraph 1, the financial penalty is from one hundred and fifty and two hundred and fifty shares;

f) for the crime committed under Article 260, the financial penalty is from three hundred to five hundred shares, in the case under paragraph 1 and from four hundred to eight hundred shares in the case under paragraph 2;
g) for the violation of Article 260-bis, the financial penalty is from one hundred and fifty and two hundred and fifty shares in the case under paragraphs 6 and 7, in the second and third periods, and paragraph 8, in the first period, the financial penalty is from two hundred to three hundred shares in the case under paragraph 8, in the second period;
h) for the violation of Article 279, paragraph 5, the financial penalty is up to two hundred and fifty shares.

3. In connection with the offences envisaged by the law no.150 of 7 February 1992, the organization shall apply the following financial penalties:
a) for the violation of Articles 1, paragraphs 1, 2, paragraphs 1, 2, and 6, paragraph 4, the financial penalty is up to two hundred and fifty shares;
b) for the violation of Article 1, paragraph 2, a fine of between one hundred and fifty and two hundred and fifty shares is applied;
c) for the offences of the Criminal Code referred to in Article 3-bis, paragraph 1, of the same law n. 150 of 1992, respectively:
1) the financial penalty of up to two hundred and fifty shares, in case of commission of crimes for which the punishment does not exceed a maximum of one year imprisonment;
2) a fine of between one hundred and fifty to two hundred and fifty shares, in case of commission of crimes for which the punishment does not exceed a maximum of two years' imprisonment;
3) the financial penalty from two hundred to three hundred shares, in case of commission of crimes for which the punishment does not exceed a maximum of three years' imprisonment;
4) a fine of between three hundred to five hundred shares, in case of commission of crimes for which the maximum penalty is up to three years in prison.

4. In relation to the commission of offences covered by Article 3, paragraph 6, of law no.549 of 28 December 1993, the organization shall be fined from one hundred and fifty to two hundred and fifty shares.

5. In relation to the commission of offences covered in Legislative Decree no.202 of 6 November 2007, the organization shall be fined as follows:
a) for the offences referred to in Article 9, paragraph 1, a fine of up to two hundred and fifty shares;
b) for the crimes referred to in Article 8, paragraphs 1, and 9, paragraph 2, a fine from one hundred and fifty to two hundred and fifty shares;
c) for the offences referred to in Article 8, paragraph 2, a fine of between two hundred and three hundred shares.

6. The sanctions provided for in paragraph 2, letter b), are reduced by half in case of commission of the offence provided for in Article 256, paragraph 4, of Legislative Decree no.152 of 3 April 2006.

7. In cases of conviction for offences specified in subparagraph 2, letters a), no. 2), b), no. 3), and f), and paragraph 5, letters b) and c), the disqualification sanctions contained in Article 9, paragraph 2, of Legislative Decree no.231 of 8 June 2001, for a period not exceeding six months.

8. If the institution of organizational units is permanently used for the sole or main purpose of allowing or facilitating the commission of the offences referred to in Article 260 of Legislative Decree no.152 of 3 April 2006, and Article 8 of Legislative Decree no.202 of 6 November 2007, the penalty applied is the permanent banning of conducting business in accordance with Article 16, paragraph 3, of Legislative Decree no.231 of 8 June 2001.

Article 25-duodecies

(Use of third-country nationals residing illegally)

1. In relation to the commission of the crime referred to in Article 22, paragraph 12-bis, of the Legislative Decree no.286 of 25 July 1998, the organization shall be fined from between one hundred to two hundred shares, within the limit of € 150.000,00.

1-bis. In relation to the commission of the offences referred to in article 12, paragraphs 3, 3-bis and 3-ter of the single text referred to in Legislative Decree no. 286 of 25 July 1998, and subsequent amendments, the financial penalty is applied to the institution from four hundred to thousand shares.

1-ter. In relation to the commission of the offences referred to in article 12, paragraph 5 of the single text referred to in Legislative Decree no. 286 of 25 July 1998, and subsequent amendments, the financial penalty for a hundred to two hundred shares applies to the institution.

1-quarter. In cases of conviction for the offences referred to in paragraphs 1-bis and 1-ter of this article, the disqualification sanctions provided for in article 9, paragraph 2 shall apply for a period of not less than one year.

Art. 25-terdecies

(racism and xenophobia)

1. In relation to the commission of the offences referred to in article 3, paragraph 3-bis of the Law of 13 October 1975, no. 654, the financial penalty is applied to the institution from two hundred to eight hundred quotas.

2. In cases of conviction for the offences referred to in paragraph 1, the disqualification sanctions provided for in article 9, paragraph 2 shall apply to the institution for a period of not less than one year.

3. If the institution or its organizational unit is permanently used for the sole or prevalent purpose of permitting or facilitating the commission of the offences referred to in paragraph 1, the final prohibition shall be imposed by the exercise of the activity under article 16, paragraph 3.

Article 25-quaterdecies

(Fraud in sports competitions, illegal gaming or betting and gambling by means of prohibited devices)

1. In connection with the offences envisaged by articles 1 and 4 of law no. 401 of 13 December 1989, the organization shall apply the following financial penalties:

a) for the offences, a financial penalty of up to five hundred shares;

b) for fines, a financial penalty of up to two hundred sixty shares.

2. In cases of conviction for one of the crimes indicated in paragraph 1, letter a) of this article, the disqualification sanctions contained in Article 9, paragraph 2, for a period of not less than one year.

Article 25-quinquiesdecies

(Tax offences)

1. In relation to the commission of offences provided for by Legislative Decree no. 74 of 10 March 2000, the following financial penalties shall be applied to the organisation:

a) for the crime of filing a fraudulent tax return through the use of invoices or other documents for non-existent transactions, envisaged in article 2, paragraph 1, the financial penalty up to five hundred shares;

b) for the crime of filing a fraudulent tax return through the use of invoices or other documents for non-existent transactions, envisaged in article 2, paragraph 2-bis, the financial penalty of up to four hundred shares;

c) for the crime of filing a fraudulent tax return by means of other artifices, envisaged in article 3, the financial penalty of up to five hundred shares;

d) for the crime of issuing invoices or other documents for non-existent transactions, envisaged in article 8, paragraph 1, the financial penalty up to five hundred shares;

e) for the crime of issuing invoices or other documents for non-existent transactions, envisaged in article 8, paragraph 2-bis, the financial penalty of up to four hundred shares;

f) for the crime of concealment or destruction of accounting documents, envisaged in article 10, a financial penalty of up to four hundred shares;

g) for the crime of fraudulent evasion of the payment of taxes, envisaged in article 11, a financial penalty of up to four hundred shares.

1-bis. In connection with the commission of the crimes provided for by Legislative Decree no. 74 of 10 March 2000, if committed within the framework of cross-border fraudulent schemes and for the purpose of evading the value added tax for a total amount of not less than € 10 million, the following financial penalties shall be applied to the organisation:

a) for the crime of untrue tax return under article 4, a financial penalty of up to three hundred shares;

b) for the crime of omitted tax return under article 5, a financial penalty of up to four hundred shares;

c) for the crime of undue offsetting under article 10-quater, a financial penalty of up to four hundred shares.

2. If, following the commission of the offences specified in paragraphs 1 and 1-bis, the organization has earned consistent profits, the pecuniary damages are increased by a third.

3. In the cases referred to in paragraphs 1, 1-bis and 2 the disqualification sanctions referred to in article 9, paragraph 2, letters c), d) and e) are applied.

Article 25-sexiesdecies

(Contraband)

1. In connection with the commission of the crimes provided for by Presidential Decree no. 43 of 23 January 1973, a financial penalty of up to two hundred shares is applied to the organisation.

2. When the border duties due exceed the amount of € 100,000, a financial penalty of up to four hundred shares is applied to the organisation.

3. in the cases provided for by paragraphs 1 and 2, the disqualification sanctions under article 9, paragraph 2, letters c), d) and e) are applied to the organisation.

Article 26

(Attempted crimes)

1. The fines and disqualification penalties are reduced by one third to a half in relation to the commission, in those attempted offences specified in this Chapter of the Decree.

2. The organization is not liable if it voluntarily prevents the completion of the action or event.

CHAPTER II
FINANCIAL LIABILITY AND EVENTS THAT HAVE BEEN MODIFIED

SECTION I THE ORGANIZATION'S CAPITAL LIABILITY

Article 27

(The organization's capital liability)

1. The obligation to pay the fine is only on behalf of the organization with its assets or common fund.

2. State credits deriving from illegal administrative offences of the organization have privilege under the provisions of the Code of Criminal Procedure on credits from offences. To this end, the pecuniary damages are equal to the monetary profits.

SECTION II
ORGANIZATIONAL MODIFYING EVENTS

Article 28

(Organizational transformation)

1. In the case of organizational transformation, it remains liable for offences committed before the date on which the transformation took effect.

Article 29

(Organizational merger)

1. In the event of a merger, including takeovers, the organization results as being liable for offences for which they were responsible for the participating agencies to the merger.

Article 30

(Organizational split)

1. In case of partial division, the liability remains firmly split for crimes committed before the date on which the division took effect, except as covered in paragraph 3.

2. The beneficiary organizations of the split, both total and partial, are responsible for the payment of financial penalties due by the demerged for crimes committed before the date from which the division took effect. The obligation is limited to the actual value of the net assets transferred to the individual organization, except in case of institutions to which it was transferred, also part of the business unit within which the offence was committed.

3. Disqualification sanctions relative to offences set out in paragraph 2, shall apply to the organizations which have been or have transferred, even in part, the business unit within which the offence was committed.

Article 31

(Determining penalties in the event of a merger or demerger)

1. If the merger or demerger took place before the conclusion of the trial, the judge, in monetary sanctions pursuant to Article 11, paragraph 2, takes into account the economic and financial conditions of the organization which is originally responsible.

2. Subject to Article 17, the organization resulting from the merger and the body to which, in the case of division is responsible for the disqualification sanctions can request that the judge replace it with monetary sanctions if, as a result of the merger or division, it is understood that the condition provided for in subparagraph b) of paragraph 1 of Article 17, is applicable and if the conditions referred to in subparagraphs a) and c) of said Article.

3. If the judge accepts the request, in pronouncing the sentence, the judge may replace the prohibitive sanctions with a fine amounting to one to two times that of the pecuniary penalty imposed on the organization in relation to the same offence.

4. It is without prejudice to request the conversion of the disqualification sanction fine as an entitlement, even in cases of merger or division, at the conclusion of the proceedings.

Article 32

(Relevance of the merger or transfer, the purpose of recurrence)

1. In cases of liability of the merged organization or the recipient of the division for offences committed after the date on which the merger or spin-off took effect, the court may consider that a repetition, in accordance with Article 20, also in relation to convictions of the organization engaged in the merger or the division for offences committed before that date.

2. To this end, the judge takes into account the nature of the violations and of the context in which the offences were committed, as well as the merger or spin-off characteristics.

3. Compared to the recipient organizations of the demerger, the recurrence can be held, pursuant to paragraphs 1 and 2, only if, even in part, the business unit within which the offence was committed and for which a condemnation split entity was pronounced, was transferred to them.

Article 33

(Business sale)

1. In the event of the sale of a company where the offence was committed, the transferee is obliged to pay the fine to the seller on the condition that it has been discussed in advance and is within the limits of the company's value.

2. The obligation of the transferee is limited to financial penalties resulting from the statutory accounts, as a result of administrative offences of which the transferee was aware.

3. The provisions of this Article shall also apply in the case of a company conferment.

CHAPTER III
PROCEDURE OF ASSESSMENT AND APPLICATION OF ADMINISTRATIVE SANCTIONS

SECTION I GENERAL PROVISIONS

Article 34

(Applicable procedural provisions)

1. In proceedings for illegal administrative offences dependent from the offences, the norms laid down in this Chapter and, where compatible, the provisions of the Code of Criminal Procedure and the Legislative Decree no.271 of 28 July 1989 will apply.

Article 35

(Extension of the rules governing the accused)

1. The organization will be applied the procedural provisions related to the accused, where compatible.

SECTION II
SUBJECTS, JURISDICTION AND COMPETENCES

Article 36

(Powers of the criminal court)

1. The jurisdiction to understand the offences committed by the organization belong to the criminal court for crimes from which they themselves depend.

2. For the case of administrative offences committed by the organization, it will comply with the provisions on the composition of the court and the trial provisions relating to the offences from which the administrative offence depends.

Article 37

(Admissibility of cases)

1. The court does not proceed to ascertaining administrative offences when the prosecution cannot be initiated or continued against the offender for the lack of a condition of admissibility.

Article 38

(Meeting and separating proceedings)

1. The procedure for administrative offences is associated to the criminal proceedings brought against the offender to which the offence depends.

2. We proceed separately for the administrative offence only when:
a) proceedings have been ordered to be suspended under Article 71 of the Code of Criminal Procedure;
b) the proceeding was defined with the accelerated procedure or by the application of the sentence pursuant to Article 444 of the Code of Criminal Procedure, for which a penal procedure was issued;
c) compliance with procedural provisions make it necessary.

Article 39

(Organizational representation)

1. The organization participates in the criminal case with its legal representative, unless accused of the crime related to the administrative offence.

2. The organization wishing to participate in the proceedings must deposit a declaration under a penalty of inadmissibility to the court clerk:
a) the name of the organization and details of its legal representative;
b) the name and surname of the lawyer and indication of the prosecution;
c) the signature of the defender;
d) the statement or an address for service.

3. The power of attorney, given in the manner provided in Article 100, paragraph 1, of the Code of Criminal Procedure, is deposited to the secretariat of the prosecutor or the clerk of the court present at the hearing, together with the declaration referred to in paragraph 2.

4. When the legal representative does not appear, the organization is represented by counsel.

Article 40

(Office of Defence)

1. An organization that has not nominated a trusted legal representative or has no legal representation is automatically assisted by counsel.

Article 41

(Default of appearance by the Organization)

1. An organization that does not appear in court is declared in default.

Article 42

(Modifying events of the organization during trial proceedings)

1. In the case of transformation, merger or splitting up of the originally responsible organization, the trial will proceed against the organizations resulting from the modification or benefitting from the division, participating in the trial proceedings in the state in which it is located, by filing the declaration referred to in Article 39, paragraph 2.

Article 43

(Notifications to the Organization)

1. For the first notification to the organization, it will comply with the provisions of Article 154, paragraph 3, of the Code of Criminal Procedure.

2. Notifications by delivery to the legal representative are also valid, even when accused of a crime related to an administrative offence.

3. If the organization has declared or elected its domicile in the declaration referred to in Article 39 or in any other act communicated to the court, notifications are made pursuant to Article 161 of the Code of Criminal Procedure.

4. If it should not be possible to run the notifications as provided for in the aforementioned ways, the court shall need further research methods. Should the research not prove successful, the judge, at the request of the prosecutor, can suspend the proceedings.

SECTION III

EVIDENCE

Article 44

(Incompatibility with the position of the witness)

1. A witness may not be accepted if:
a) he/she is the person accused of the crime of the administrative offence;
b) he/she is the person representing the organization in the declaration referred to in Article 39, paragraph 2, and held that position at the time the crime was committed.

2. In the case of incompatibility the person representing the organization can be questioned and examined in the manner, within the limits and with the consequences provided for interrogation and for the examination of the person involved in connected proceedings.

SECTION IV

PRECAUTIONARY MEASURES

Article 45

(Application of precautionary measures)

1. When there are serious grounds for believing the existence of the organization's liability for an administrative offence resulting from a crime and there are reasonable and specific elements that make a concrete belief that there is a risk of misconduct of the same nature as those for the case, the prosecutor may require the application of one of the disqualifications provided for in Article 9. Paragraph 2, as a precautionary measure, and submit to the court the evidence on which the request is based, including those in favour of the organization and any deductions and briefs already filed.

2. On request, the judge shall, by order, indicate the application of the measurement mode, observing the provisions of Article 292 of the Code of Criminal Procedure.

3. Should there be a precautionary disqualification, the court may appoint a judicial commissioner in accordance with Article 15 for a period equal to the duration of the measure that would have applied.

Article 46

(Criteria for the selection of measures)

1. In application of precautionary measures, the court shall take into account the specific suitability of each, in relation to the nature and degree of the need for precautionary measures in every case.

2. All precautionary measures must be proportionated to the size of the specific fact, and the sanction that can be applied to the organization.

3. The prohibition of the organization's business can be considered as a precautionary measure only when all others prove to be inadequate.

4. Precautionary measures may not be applied jointly.

Article 47

(Competent judge and application proceedings)

1. During proceedings the judge provides preliminary investigations and on the application and potential lifting of the precautionary measures as well as on changes in their operating procedures, the provisions of Article 28 of the Legislative Decree no.271 of 28 July 1989 will be applicable.

2. If the request for interim measures is presented outside the hearing, the judge sets a hearing date and ensures that the prosecutor, the organization and defenders are given due notice. The organization and the defenders are also advised that, they may examine the request by the prosecution and any evidence on which it is based, at the court clerk's office.

3. In the hearing laid down in paragraph 2, the forms of Article 127 are observed, paragraphs 1, 2, 3, 4, 5, 6 and 10, of the Code of Criminal Procedure; the terms stated in paragraphs 1 and 2 of the same Article shall be reduced respectively to five and to three days. More than fifteen days cannot elapse between the filing of the request and the hearing date.

Article 48

(Executive Obligations)

1. The ordinance that will require the application of a precautionary measure is made notified to the organization by the prosecutor.

Article 49

(Suspension of precautionary measures)

1. Provisional measures may be suspended if the organization asking to be allowed to invoke the obligations which the law regulates the exclusion of disqualifications in accordance with Article 17. In which case, the judge, after hearing the prosecutor, when he deems the request to be accepted, determines a sum of money as security, arranges for the suspension of the measure and indicates the deadline for the implementation of remedial conduct referred to in the aforementioned Article 17.

2. Bail is to be deposited with the Bank of fines of a sum of money which may not be less than half the minimum pecuniary damages prescribed for the offence for which the proceedings refer to. In place of the deposit, the provision of a guarantee by mortgage or joint or several guarantees is allowed.

3. In case of failure, incomplete or ineffective implementation of activities within the time allowed, the protective order is restored, and the amount deposited or for which it has been given a guarantee shall be donated to the fines bank.

4. If the conditions laid down in Article 17 are met, then the judge revokes the precautionary measures and can order the restitution of the deposited amount or the cancellation of the mortgage and the guarantee or surety is extinguished.

Article 50

(Revocation and replacement of precautionary measures)

1. Precautionary measures are also officially eliminated when missing, even as a result of supervening facts, as per applicable conditions set out in Article 45 or when the cases provided for in Article 17.

2. When the precautionary needs are attenuated or the applied measure no longer appears proportionate to the seriousness of the fact or sanction that can be applied permanently, the judge, at the request of the prosecutor or organization, replaces the measure with another less serious one or changes the application with a less severe modality or establishes a shorter duration.

Article 51

(Maximum duration of the precautionary measures)

1. In fixing the precautionary measures, the judge determines the duration, which cannot exceed one year.

2. Following a guilty verdict in the first grade, the duration of the precautionary measure may have the same duration as the corresponding penalty imposed by the judgement. In any case, the duration of the precautionary measure may not exceed one year and four months.

3. The term of duration of provisional measures shall run from the date of service of the order.

4. The duration of precautionary measures is calculated on the duration of the sanctions definitively.

Article 52

(Challenging rulings that apply precautionary measures)

1. The prosecutor and the organization, through its lawyer, can appeal against all measures relating to precautionary measures indicating the reasons. They observe the provisions of Article 322-bis, paragraphs 1 and 2-bis, of the Code of Criminal Procedure.

2. Against the order issued pursuant to paragraph 1, the prosecutor and the organization, through its lawyer, can appeal to the Supreme Court for violation of the law. They observe the provisions of Article 325 of the Code of Criminal Procedure.

Article 53

(Preventive seizure)

1. The court may order the seizure of items that the confiscation is permitted under Article 19. The provisions of Articles 321, paragraphs 3, 3-bis and 3-ter, 322, 322-bis and 323 of the Code of Criminal Procedure, as applicable.

1-bis. Where the seizure, carried out for the purposes of confiscation for the equivalent pursuant to paragraph 2 of Article 19, must relate to companies, businesses or assets, including stocks and shares or cash on deposit although, the judicial administrator custodian allows the use and management to corporate bodies only to ensure continuity and business development, exercising the powers of

monitoring and reporting back to the court. In case of breach of the aforesaid purpose the court shall take the consequent measures and can appoint an administrator in the exercise of shareholder powers. With the appointment means executed the obligations under Article 104 of the implementing, coordination and transitional provisions of the Code of Criminal Procedure, introduced by Legislative Decree 28 July 1989, no. 271. In the event of seizure to the detriment of companies operating establishments of national strategic interest and their subsidiaries, the provisions contained in the Decree-Law of 4 June 2013, no. 61, converted with amendments by Law August 3, 2013, no. 89.

Article 54

(Conservative seizure)

1. If there is good reason to believe that there is a lack of guarantees for the payment of the fine, the costs of the proceedings and any other amount due to tax authorities, the prosecutor, in any stage of the process of merit, may request the attachment of movable and immovable property of the organization or the amounts or goods due. They will observe the provisions of Articles 316, paragraph 4, 317, 318, 319 and 320 of the Code of Criminal Procedure, as applicable.

SECTION V
PRELIMINARY INVESTIGATIONS AND PRELIMINARY HEARING

Article 55

(Administrative offence Record)

1. The public prosecutor who collects the news of an administrative offence resulting from a crime committed by the body immediately makes a note in the register referred to in Article 335 of the Code of Criminal Procedure, the identifying elements of the entity together with, where possible, to the general of his legal representative and the crime related to the offence.

2. The record referred to in paragraph 1 shall be notified to the organization or its defender who requests the same extent in which it is permitted disclosure of the crime report entries to the person to whom the offence is attributed.

Article 56

(Deadline for administrative offences in preliminary investigations)

1. The public prosecutor carries out the administrative offence in the same time limits for preliminary investigations on the offense to which the offense itself.

2. The deadline for the administrative offences against the organization shall commence as per Article 55.

Article 57

(Warranty information)

1. The warranty information sent institution must contain the invitation to declare or elect domicile for service of documents as well as the warning that to participate in the proceeding must file a declaration under Article 39, paragraph 2.

Article 58

(Archiving)

1. If the offender does not proceed to an administrative offence in accordance with Article 59, the prosecutor issues a reasoned decree of the acts of storage, to the attorney general at the court of appeal. The Attorney General may carry out further verifications and, if it considers the circumstances so require, the institution objects to the administrative violations resulting from the offence within six months of the communication.

Article 59

(Contestation of an administrative offence)

1. When there is no storage space, the prosecutor institution contests the administrative offence resulting from the offence. The offence complaint is contained in one of the acts listed in Article 405, paragraph 1, of the Code of Criminal Procedure.

2. The complaint contains the identifying elements of the organization, the statement, written in clear and precise form, that can lead to the application of administrative sanctions, with the indication of the crime to the offence and the relevant articles of the law and sources of evidence.

Article 60

(Disqualification from contesting)

1. It is not possible to proceed with the complaint referred to in Article 59 when the crime related to the institution's administrative offense is extinguished by prescription.

Article 61

(Orders issued at the preliminary hearing)

1. The preliminary hearing judge pronounces judgement and does not proceed to sentence in cases of termination or admissibility of the administrative penalty, or when the offence itself does not exist or the evidence obtained is insufficient, contradictory or otherwise not suitable for making a judicial accountability to the organization and the provisions of Article 426 of the Code of Criminal Procedure are applied.

2. The decree that, following the preliminary hearing, the court proceedings against the institution, contain, under penalty of nullity, the administrative offense disputed dependent offense, with a statement, in a clear and precise form, the fact which can lead to the application of sanctions and the indication of the crime to the offence and the related articles of law and sources of evidence and the particulars of the organization.

SECTION VI SPECIAL PROCEDURES

Article 62

(Simplified or Shortened Proceedings)

1. For simplified proceedings the provisions of Title 1 of the sixth book of the Code of Criminal Procedure will be observed as applicable.

2. If there is no preliminary hearing, the provisions of Articles 555, paragraphs 2, 557, 558 and 8 shall apply, as appropriate.

3. The reduction referred to in Article 442, paragraph 2, of the Code of Criminal Procedure is applied to the duration of the disqualification sanctions and the financial penalty.

4. In any case, the summary proceedings are not allowed when the administrative offence is made to apply a restrictive penalty definitively.

Article 63

(Application of the sanction on request)

1. The application of the penalty at the request of the organization is permitted if the proceedings against the accused is defined or definable in accordance with Article 444 of the Code of Criminal Procedure as well as in all cases where the administrative offence is issued only monetary sanctions. They will observe the provisions of Title II of the sixth book of the Code of Criminal Procedure, as applicable.

2. In cases where the sanction is applicable on request, the reduction referred to in Article 444, paragraph 1, of the Code of Criminal Procedure is applied to the duration of the disqualification sanctions and the financial penalty.

3. If the court considers that a disqualification in the final is to be applied, it rejects the request.

Article 64

(Proceeding by decree)

1. When the prosecutor considers that it should only apply monetary sanctions, he/she may submit to the judge for preliminary investigations, within six months of the administrative offence in the register referred to in Article 55 and after transmission of the file, issuing reasoned request of the decree of application of the penalty, indicating the measure.

2. The prosecutor may request the application of the fine to be reduced by up to half the minimum amount applicable.

3. If the judge does not accept the request and does not pronounce the company's liability, he/she must return the documents to the public prosecutor.

4. The provisions of Title V of the sixth book and Article 557 of the Code of Criminal Procedure, where compatible.

SECTION VII JUDGEMENT

Article 65

(Limit for the repair of the consequences of the offence)

1. Before the opening of the trial of the first instance, the court may order the suspension of the trial if the organization asks to ensure for activities referred to in Article 17 and shows that they were unable to present them before that date. In that case, should the court consider accepting the request, it therefore determines a sum of money as security, observing the provisions of Article 49.

Article 66

(Exclusion judgement of the organization's liability)

1. If the administrative offence contested by the organization does not exist, the judge issues a sentence containing the cause in the device. Similarly, it proceeds when proof of the administrative offence is lacking, insufficient or contradictory.

Article 67

(Ruling not to proceed)

1. The judge pronounces judgement not to proceed in the cases provided for in Article 60 and when the penalty is extinguished by prescription.

Article 68

(Rulings on precautionary measures)

1. When a ruling of the judgement referred to in Articles 66 and 67, the court declares the cessation of the precautionary measures.

Article 69

(Conviction)

1. If the institution is responsible for the administrative offence disputed the court shall apply the sanctions provided for by law and ordered to pay court costs.

2. In case of application of the penalties disqualifying the judgment, the activity or the sanctions applied must always be indicated.

Article 70

(Judgement in the case of events that have been modified by the organization)

1. In the case of transformation, merger or division responsible entity, the judge acknowledges in the device that the judgement shall be delivered to institutions resulting from the transformation or merger that benefit from the division, indicating the institution originally responsible.

2. The judgement delivered against originally responsible for the offence also applies to organizations indicated in paragraph 1.

SECTION VIII APPEALS

Article 71

(Appeals of rulings relating to administrative liability)

1. Against the judgement applying administrative sanctions other than disqualifying the organization may bring an appeal in the cases and manner established for the accused in crimes related to the administrative offence.

2. For sentences that apply one or more disqualification sanctions, public bodies can always lodge an appeal even if this is not permissible for the accused in crimes related to the administrative offence.

3. Against sentences relating to administrative offences, the prosecutor can make the same challenge allowed for the crime related to the administrative offence.

Article 72

(Appeal extension)

1. The appeals brought by the accused crime related to the administrative offence and the organization, are liable respectively to the organization and the accused, provided they are not based on purely personal reasons.

Article 73

(Revision of judgements)

1. Judgements handed down against the organization shall apply, if they are compatible, the provisions of Title IV of the ninth book of the Code of Criminal Procedure with the exception of Articles 643, 644, 645, 646 and 647.

SECTION IX EXECUTION

Article 74

(Enforcement court)

1. Jurisdiction in the execution of administrative employees for criminal penalties is the court, indicated in article 665 of the Code of Criminal Procedure.

2. The court referred to in paragraph 1 is also responsible for related measures:
a) stopping the implementation of the sanctions in the cases provided for in Article 3;
b) stopping the implementation in cases of termination of the amnesty for the crime;
c) determination of administrative penalty to be applied in the cases provided for in Article 21, paragraphs 1 and 2;
d) the confiscation and return of seized items.

3. In enforcement proceedings, the provisions of Article 666 of the Code of Criminal Procedure, will be observed, as applicable. Where provided for in paragraph 2, letters b) and d) The provisions of Article 667, paragraph 4, of the Code of Criminal Procedure.

4. When applied the prohibition of the court, upon request, authorize the performance of acts of ordinary operations that do not involve prohibited business activity. They observe the provisions of Article 667, paragraph 4, of the Code of Criminal Procedure.

Article 75

(Enforcement of financial penalties)

(Repealed by Article 299 of the Decree of the President of the Republic May 30, 2002, no. 115)

Article 76

(Publication of the application of the sentence)

1. The publication of the sentence is carried out at the expense of the organization against whom the sanction has been applied. They observe the provisions of Article 694, paragraphs 2, 3 and 4 of the Code of Criminal Procedure.

Article 77

(Execution of disqualifications)

1. The extract of the judgement that ordered the application of a disqualification sanction is the institution notified by the prosecutor.

2. For the purposes of the expiry of the term of duration of the disqualification sanctions commence from the date of service.

Article 78

(The disqualification conversion)

1. The organization that has issued the conduct referred to in Article 17 late, within twenty days of the notification of the judgement, may request the conversion of the administrative penalty of disqualification into a fine.

2. The request is submitted to the enforcement court and must contain the documentation attesting to the implementation of the obligations referred to in Article 17.

3. Within ten days of the request, the court schedules a hearing in chambers and gives notice to the parties and to the defenders; if the request is manifestly unfounded, the court may suspend the execution of the sanction. Suspension shall be revocable with a motivated decree.

4. If the request to the court, an order converting the disqualification sanctions, determining the amount of the fine in a sum not less than the one already applied in the judgment and not greater than twice the same. In determining the amount of the amount, the judge takes into account the gravity considered in the judgment and the reasons that led to the late adoption of the conditions of Article 17.

Article 79

(Appointment of judicial and profit confiscation Commissioner)

1. When the judgement deciding that the continuation of the institution under Article 15 must be carried out, the appointment of the judicial commissioner is required by the prosecution to the Bailiff, who shall do no formalities.

2. The Commissioner shall report every three months to the enforcement court and the public prosecutor on operations and, after leaving the service, submit to the court an activity report in which accountable for the management, together with an indication of profit entities to be confiscated and the ways in which organizational models have been implemented.

3. The court decides on the confiscation with the shapes of Article 667, paragraph 4, of the Code of Criminal Procedure.

4. Expenses related to work carried out by the Commissioner and his/her compensation are to be borne by the organization.

Article 80

(National register of administrative sanctions)

(Repealed by Article 52, paragraph 1 of the Decree of the President of the Republic November 14, 2002, n. 313)

Article 81

(Registry certificates)

(Repealed by Article 52, paragraph 1 of the Decree of the President of the Republic November 14, 2002, n. 313)

Article 82

(Questions concerning registration and certificates)

(Repealed by Article 52, paragraph 1 of the Decree of the President of the Republic November 14, 2002, n. 313)

CHAPTER IV

IMPLEMENTATION ARRANGEMENTS AND COORDINATION

Article 83

(Sanction competitions)

1. Regarding the organization, only the disqualifications set out in this legislative decree will apply, even when otherwise required by law state that, as a result of conviction for the offence, the application of administrative sanctions against the organization of identical content or similar.

2. If, as a result of the offense, the organization was already an administrative penalty of content identical or analogous to that disqualification under this decree, the sentence already suffered is considered for the purposes of determining the duration of the dependent administrative sanction from crime.

Article 84

(Communications to the control and supervisory authorities)

1. The rulings that apply precautionary disqualification measures and final conviction shall be informed, by the clerk of the court that issued them, the authorities exercising control or its supervision.

Article 85

(Regulations)

1. A regulation issued under Article 17, paragraph 3, of law no. 400 of 23 August 1988, is to be issued within sixty days from the date of publication of this Decree and the Minister of Justice shall adopt the provisions relating to the administrative investigation proceedings concerning:
a) record keeping methods of the judge's offices;
b) repealed Article 52, paragraph 1 of the Decree of the President of the Republic November 14, 2002, no. 313;
c) other activities necessary for the implementation of this legislative decree.

2. The opinion of the State Council on the regulation referred to in paragraph 1 shall be made within thirty days of the request.