

LAW 20 February 2006, n.96

Agrotourism

The Chamber of Deputies and the Senate of the Republic have approved; ~~R~~
R

THE PRESIDENT OF THE REPUBLIC
promulgates the following law:

Art. 1. Purpose

1. The Republic, in harmony with the rural development programs of the European Union, the State and the regions, also supports agriculture by promoting suitable forms of tourism in the countryside, aimed at:

- a) protecting, qualifying and enhancing the resources specific to every territory;
- b) favoring the maintenance of human activities in rural areas;
- c) favoring multifunctionality in agriculture and the differentiation of agricultural incomes;
- d) encouraging agricultural entrepreneurs' initiatives to protect the soil, the territory and the environment through the increase of corporate incomes and the improvement of the quality of life;
- e) recovering the rural building heritage while preserving the landscape characteristics;
- f) supporting and encouraging typical products, quality products and related food and wine traditions;
- g) promoting rural culture and nutritional education;
- h) promoting agricultural and forestry development.

Warning:

The text of the notes published here was drawn up by the relevant competent administration, pursuant to Article 10, Paragraph 3, of the consolidated text of the provisions on the promulgation of laws, on the issue of the decrees of the President of the Republic and on the official publications of the Italian Republic, approved with the Presidential Decree of 28 December 1985, No. 1092, for the sole purpose of facilitating the reading of the provisions of the law to which the referral is made. The value and effectiveness of the legislative acts transcribed here remain unchanged.

Article 2.

Definition of agrotouristic activities

1. Agrotouristic activities mean reception and hospitality activities provided by agricultural entrepreneurs referred to in Article 2135 of the Civil Code, also in the form of companies of capital or persons, or associated with each other, through one's own company in connection with the activities of cultivation of the land, of forestry and of animal breeding.

2. The employees referred to in the previous period are considered agricultural workers for the purposes of the current social security, insurance and tax regulations. The use of external workers is allowed exclusively for the performance of complementary activities and services.

3. The following are considered as agritourism activities:

- a) Providing accommodation in lodgings or in open spaces intended for campers;

b) Providing meals and drinks consisting mainly of own products and products of farms in the area, including alcoholic and super-alcoholic products, with preference for typical products characterized by the DOP, IGP, IGT, DOC and DOCG brands or included in the national list of traditional agri-food products, according to the procedures indicated in Article 4, Paragraph 4;

c) Organizing farm products tasting, including wine pouring, to which the law of 27 July 1999, No. 268 applies;

d) Organizing recreational, cultural, educational, sporting activities, as well as hiking and horse-riding activities, even outside the land property of the company, also by means of agreements with local authorities, aimed at promoting the territory and the rural heritage.

4. Production, processing and transformation on the farm of food and beverages as well as those obtained from farm raw materials and obtained through external processing are considered to be self-produced.

5. For the purposes of recognizing various qualifications of agricultural entrepreneur, as well as the priority in the disbursement of contributions and, in any case, for any other purpose that is not of a fiscal nature, the income generated from agritourism activity is considered agricultural income.

Notes to Art. 2:

- The text of Articles 230-bis and 2135 of the Civil Code is transcribed:

«Art. 230-bis (Family business). - Unless a different relationship can be configured, the family member who continuously lends his work in the family or in the family business has the right to maintenance according to the assets of the family and participates in the profits of the family business, in the goods purchased as well as the increase of the business, also goodwill in order, in proportion to the quantity and quality of the work provided. Decisions concerning the use of profits and increases as well as those relating to extraordinary management, production guidelines and the termination of the company are adopted, by majority, by the family members who participate in the company itself. Family members participating in the company who do not have the full capacity to act are represented in the vote by those who exercise power over them.

The work of the woman is considered equivalent to that of the man.

For the purposes of the provision referred to in the first paragraph, family member refers to the spouse, relatives up to the third and affines up to the second degree of affinity; for a family business, family member refers to the spouse, relatives up to the third and affines up to the second degree of affinity.

The right of participation referred to in the first paragraph is non-transferable, unless the transfer takes place in favor of family members indicated in the previous paragraph with the consent of all the participants. It can be liquidated in cash upon termination, for any reason, of the performance of the work, and also in the event of alienation of the company. Payment can be made in several years, determined, in the absence of agreement, by the judge.

In the event of an inheritance or transfer of the company, the stakes referred to in the first paragraph have the right of pre-emption over the company. Article 732 applies to the extent that it is compatible.

The tacit family communions in agricultural business are regulated by customs that do not conflict with the previous rules.

«Art. 2135 (Agricultural entrepreneur). - Is an agricultural entrepreneur who exercises one of the following activities: cultivation of land, silviculture, animal breeding and related activities. By land cultivation, forestry and animal breeding, the activities aimed at the care and development of a biological cycle or a necessary phase of the cycle itself, of a vegetable or animal nature, which use or can use the land, the forest or fresh, brackish or marine waters is meant. However, the activities, exercised by the same agricultural entrepreneur, are intended to be directed towards the manipulation, conservation, transformation, marketing and valorization that have as their target products obtained mainly from the cultivation of the land or of the forest or from the breeding of animals, as well as 'directed towards the supply of goods or services through the prevalent use of equipment or resources of the company normally employed in the agricultural activity exercised, including the activities of enhancement of the territory and of the rural and forest heritage, or of reception and hospitality 'as defined by the law.'

- Law of 27 July 1999, No. 268, on: "Discipline of the wine routes".

Article 3.

Premises for agritourism activities

1. The buildings or part of them already existing in the fund can be used for agritourism activities.
2. The regions regulate the interventions for the recovery of the existing building patrimony for the use of the agricultural entrepreneur for the exercise of agritourism activities, in compliance with the specific typological and architectural characteristics, as well as the landscape-environmental characteristics of the places.
3. The premises used for agritourism use are comparable to all effects with rural homes.

Article 4.

Criteria and limits of the agritourism activity

The regions, taking into account the characteristics of the regional territory or parts of it, dictate criteria, limits and administrative obligations for carrying out agritourism activities.

1. In order that the organization of the agritourism activity does not have such dimensions as to lose the connection requirements with respect to the agricultural activity, the regions and the autonomous provinces define criteria for the evaluation of the connection ratio of the agritourism activities with respect to the agricultural activities that must remain prevalent, with particular reference to the working time necessary for the exercise of the same activities.
2. The agricultural activity is considered in any case prevalent when the reception and administration activities of meals and drinks involve a number not exceeding ten guests.
3. In order to contribute to the creation and qualification of agritourism activities and to the promotion of regional agri-food products, as well as to the regional characterization of the food and wine offer, the regions regulate the administration of meals and drinks referred to in article 2, paragraph 3, letter b), taking into account the following criteria:
 - a) the company that supplies meals and drinks must in any case make a significant portion of its own product. Particular exceptions may be

provided for in the case of the administration of meals and drinks only to the persons housed;

b) farms in the area are those located in the region or in homogeneous contiguous areas of neighboring regions, and for them an additional share of product input must be established;

c) the quotas referred to in letters a) and b) must represent the prevalence of the products used in the administration of meals and drinks;

d) the remaining part of the products used in the administration must preferably come from food artisans in the area and in any case refer to regional agricultural production or homogeneous contiguous areas of neighboring regions;

e) in the event of objective unavailability of some products in the region or in a homogeneous neighboring area and of their actual need for the purpose of completing the food and wine offer, a limited quota of products of other origin, able to satisfy the characteristics, is defined of quality and typicality;

f) if for reasons of force majeure, due in particular to atmospheric disasters, plant diseases or epizootic diseases, ascertained by the region, it is not possible to respect the limits referred to in the letter

g) communication must be given to the municipality in which the company has its headquarters which, having verified the fact, temporarily authorizes the exercise of the activity.

5. The recreational or cultural activities referred to in article 2, paragraph 3, letter d), may be carried out independently with respect to the hospitality and administration of meals and drinks referred to in letters a) and b) of the same paragraph, only to the extent that they carry out objectively the connection with the company's agricultural activities and resources, as well as with other activities aimed at learning about the historical, environmental and cultural heritage. Recreational and cultural activities for which this connection is not made can be carried out exclusively as supplementary and accessory services reserved for guests staying on the farm and participation, even optional, in such activities cannot therefore give rise to an independent fee.

Article 5.

Sanitation standards

1. The hygienic-sanitary requirements of buildings and equipment to be used for agritourism activities are established by the regions. In defining these requirements, the particular architectural and rural characteristics of the buildings are taken into account, especially as regards the height and volume of the premises in relation to the aero-illuminating surfaces, as well as the limited size of the activity carried out.

2. The production, preparation, packaging and administration of food and beverages are subject to the provisions of the law dated 30 April 1962, numbered 283, and subsequent amendments, as well as the provisions of Article 9 of the legislative decree dated 26 May 1997, numbered 155, and subsequent amendments.

3. The health authority, in assessing the requirements of the premises for the treatment and administration of food substances and the related hygienic-sanitary self-control business plan, takes into account the diversification and limited quantity of production, the adoption of traditional processing methods and the use of own agricultural products.

4. In the case of the administration of meals in a maximum number of ten, the use of the domestic kitchen can be authorized for their preparation.

5. For agritourism accommodation activities, within the limits of ten beds, the requirement of habitability is sufficient for the suitability of the premises.

6. For buildings and artifacts intended for the exercise of the agritourism activity, compliance with current regulations on accessibility and overcoming architectural barriers is ensured with provisional works.

Notes to article 5:

- The law dated 30 April 1962, numbered 283, states: «Modification of articles 242, 243, 247, 250 and 262 of the consolidated text of health laws approved by royal decree dated 27 July 1934, numbered 1265: hygiene regulations for production and sale of food and drink substances».

- The text of article 9 of the legislative decree dated 26 May 1997, numbered 155, is transcribed, containing: «Implementation of Directive 93/43 / CEE and Directive 96/3 / CE concerning the hygiene of food products»:

- Article 9 (Transitional and final provisions). -

1. Food industries must comply with the provisions of this decree within twelve months from the date of its entry into force, except for those that sell or administer food products in public areas, which must comply within eighteen months from the date of its publication.

2. In applying the provisions referred to in chapters I and II of the annex, to food processing carried out for direct sale pursuant to the law dated 9 February 1963, numbered 59, and for on-site administration pursuant to the law dated 5 December 1985, numbered 730, as well as for the production, preparation and packaging in laboratories attached to the administration and retail sale of food substances intended to be administered and sold in the aforementioned establishments, the competent health authority for the area takes into account the actual needs connected to the specific activity.

Article 6.
Administrative discipline

1. The exercise of the agritourism activity is not allowed, unless they have obtained rehabilitation, to:

a) Those who have reported in the last three years, with a final judgment, a sentence for one of the crimes provided for in articles 442, 444, 513, 515 and 517 of the criminal code or for one of the crimes relating to hygiene and health or fraud in the preparation of food provided for by special laws;

b) Those who are subjected to preventive measures under the law of 27 December 1956, numbered 1423, and subsequent amendments, or have been declared habitual offenders.

2. The communication of the start of the activity allows the immediate start of the agritourism activity. Once the necessary checks have been made, the municipality may, within sixty days, formulate motivated remarks providing for the related adjustment times without suspension of the activity in the event of minor deficiencies and irregularities, or, in the case of serious deficiencies and irregularities, it may order the immediate suspension of the activity until their removal by the interested party, duly verified, within the term established by the municipality itself.

3. The owner of the agritourism business is required, within fifteen days, to notify the municipality of any changes to the previously authorized activities, confirming, under his own responsibility, the existence of the requirements and obligations of the law.

Notes to article 6:

- The text of articles 442, 444, 513, 515 and 517 of the penal code is transcribed:

«Article 442 (Trade in counterfeit or adulterated foodstuffs). - Anyone who, without being involved in the offenses provided for in the three previous articles, holds for trade, places on the market, or distributes for consumption water, substances or things that have been poisoned, corrupted, adulterated or counterfeited by others, in a way dangerous to public health, is subject to the penalties respectively established in the said articles. ".

«Article 444 (Trade in harmful food substances). - Anyone who holds for trade, places on the market, or distributes for consumption substances intended for food, not counterfeit or adulterated, but dangerous to public health, is punished with imprisonment from six months to three years and a fine not less than one hundred thousand lire.

The penalty is reduced if the harmful quality of the substances is known to the person who buys or receives them. "

«Article 513 (Disturbed freedom of industry or trade). - Anyone who uses violence against things or fraudulent means to prevent or disturb the exercise of an industry or trade is punished, upon complaint by the injured person, if the fact does not constitute a more serious crime, with imprisonment for up to two years and with a fine of between two hundred thousand and two million lire.».

«Article 515 (Fraud in the exercise of trade). - Anyone who, in the exercise of a commercial activity, or in a shop open to the public, delivers to the buyer a movable thing for another, or a movable thing, by origin, provenance, quality or quantity, different from that declared or agreed, is punished, if the fact does not constitute a more serious crime, with imprisonment of up to two years or with a fine of up to four million lire.

In the case of precious objects, the penalty is imprisonment for up to three years or a fine of not less than two hundred thousand lire.».

«Article 517 (Sale of industrial products with misleading signs). - Anyone who sells or otherwise puts into circulation intellectual works or industrial products, with national or foreign names, trademarks or distinctive signs, capable of misleading the buyer as to the origin, provenance or quality of the work or product, is punished, if the fact is not foreseen as a crime by another provision of the law, with imprisonment of up to one year or with a fine of up to twenty thousand euros.».

- The law of December 27, 1956, numbered 1423, states: «Prevention measures against people who are dangerous to safety and public morality».

Article 7.

Tax licensing and discipline

1. The regions govern the procedures for issuing the certificate of qualification for the exercise of the agritourism business. To obtain the certificate, the regions can organize preparation courses through the training bodies of the agricultural sector and in collaboration with the most representative agritourism associations.

2. The conduct of the agritourism activity in compliance with the provisions of the regions on the subject, authorized pursuant to Article 6, entails the consequent application of the tax provisions referred to in Article 5 of the Law of 30 December 1991, numbered 413, as well as any other social security or sectorial legislation, attributable to the agritourism activity. In the absence of specific provisions, the rules envisaged for the agricultural sector apply.

Notes to article 7:

- The text of article 5 of the law dated 30 December 1991, numbered 413, is transcribed, bearing:

«Provisions to expand the tax bases, to rationalize, facilitate and enhance the assessment activity; provisions for the mandatory revaluation of corporate real estate, as well as' to reform the dispute and for the facilitated settlement of pending tax relations; delegation to the President of the Republic for the granting of amnesty for tax offenses; institutions of tax assistance centers and the tax account»:

«Article 5. - 1. The subjects, other than those indicated in letters a) and b) of paragraph 1 of article 87 of the consolidated income tax law, approved by decree of the President of the Republic 22 December 1986, numbered 917, and subsequent amendments, who carry out activities of farm holidays referred to in the law of 5 December 1985, numbered 730, determine the taxable income by applying the profitability coefficient of 25 percent to the amount of revenues obtained from the exercise of this activity, net of value added tax.

2. The subjects who carry out agritourism activities referred to in the law of 5 December 1985, numbered 730, determine the value added tax by reducing the tax relating to taxable operations by 50 per cent of its amount, by way of lump sum deduction of the tax relating to purchases and imports.

3. The taxpayer has the right not to make use of the provisions of this article, exercising the option in the annual declaration relating to the value added tax for the previous year; the option is also effective for the determination of income and must be communicated to the direct tax office in the annual income tax return for the previous year. The options are binding for three years.».

Article 8.

Opening periods and rates

1. The agritourism activity can be carried out all year round or, upon communication to the municipality, according to periods established by the farmer. However, if the need arises due to farm management needs, it is possible, without further communication to the municipality, to suspend the reception of guests for short periods.

2. By 31 October of each year, according to the procedure indicated by the region, the subjects who carry out the agritourism activity submit a declaration containing the indication of the maximum rates referring to periods of high and low season, which they undertake to practice for the following year.

Article 9.

Reserve of denomination. Classification

1. The use of the name "agritourism", and the derived terms of attribution, is reserved exclusively for farms that carry out agritourism activities pursuant to Article 6.

2. In order to achieve greater transparency and uniformity of the relationship between farm supply and demand, the Minister of Agricultural and Forestry Policies, having consulted the Minister of Productive Activities, after prior agreement at the Permanent Conference for Relations between the State, the regions and autonomous provinces of Trento and Bolzano, determines homogeneous classification criteria for the entire national territory and defines the methods for the use, by the regions, of evaluation parameters attributable to territorial peculiarities.

Article 10.
Transformation and sale of products

1. The provisions of the law apply to the sale of its own products, as they are or in any case transformed, as well as of the typical local products by the agritourism company.

February 9, 1963, numbered 59, and subsequent amendments, and to article 4 of the legislative decree of May 18, 2001, numbered 228.

Notes to article 10:

- The law of Saturday, February 9, 1963, numbered 59, states: «Rules for the permanent sale of agricultural products to the public by direct producers».

- The text of article 4 of the legislative decree of 18 May 2001, numbered 228, is transcribed, containing: «Orientation and modernization of the agricultural sector, pursuant to article 7 of the law of 5 March 2001, numbered 57»:

«Article 4 (Exercise of the sales activity). - 1. The agricultural entrepreneurs, single or associated, registered in the business register referred to in article 8 of the law dated 29 December 1993, numbered 580,

They can sell directly at retail, throughout the territory of the Republic, the products coming mainly from their respective companies, in compliance with the provisions in force regarding hygiene and health.

2. The direct sale of agricultural products in itinerant form is subject to prior communication to the municipality of the place where the production company is located and can be carried out after thirty days from receipt of the communication.

3. The communication referred to in paragraph 2, in addition to the particulars of the applicant, the registration in the register of companies and the details of the location of the company, must contain the specification of the products to be sold and the modalities with which it intends to carry out, including electronic commerce.

4. If it is intended to carry out retail sales not in itinerant form in public areas or in premises open to the public, the communication is addressed to the mayor of the municipality in which the sale is to be carried out. For retail sale in public areas through the use of a stand, the communication must contain the request for assignment of the stand itself, pursuant to article 28 of the legislative decree 31 March 1998, numbered 114.

5. This discipline also applies in the case of the sale of derivative products, obtained as a result of manipulation or transformation of agricultural and livestock products, aimed at the complete exploitation of the company's production cycle.

6. Agricultural entrepreneurs, individuals or partners in partnerships and legal persons whose directors have reported, in carrying out the functions related to the office held in the company, cannot carry out direct sales activities convictions with final judgment, for crimes relating to hygiene and health or fraud in the preparation of food in the five years preceding the start of the activity. The ban is effective for a period of five years from the final judgment of the conviction.

7. Direct sales governed by this legislative decree continue not to apply the provisions of the legislative decree 31 March 1998, number 114, in compliance with the provisions of article 4, paragraph 2, and letter d), of the same legislative decree n°114 of 1998.

8. If the amount of revenues deriving from the sale of products not coming from the respective companies in the previous calendar year is greater than Lire 80 million for individual entrepreneurs or Lire 2 billion for companies, the provisions of the aforementioned legislative decree numbered 114 of 1998 apply.».

Article 11.

Agritourism planning and development

1. The Minister of Agricultural and Forestry Policies, in agreement with the regions and autonomous provinces and after consulting the most representative national agritourism associations at the national level, prepares a three-year program, which can be updated annually, aimed at promoting Italian agritourism on national markets and international.
2. In order to promote equestrian tourism activities, the regions can encourage the purchase and breeding of saddle horses, in the context of agritourism companies, and the preparation of the relative shelter and exercise equipment. Equestrian tourism itineraries can also be encouraged, appropriately marked in collaboration with agritourism companies and horse-riding clubs.
3. The regions, in collaboration with the most representative associations of agritourism operators, also support the development of agritourism through study, research, experimentation, professional training and promotion activities.
4. The implementation of this article does not result in new or greater burdens on public finance.

Article 12. Similar activities

1. They are assimilated to agritourism activities and the rules of this law are applicable to them, those carried out by fishermen in relation to hospitality, the administration of meals consisting mainly of products deriving from fishing activity, as well as related activities pursuant to the legislative decree dated 18 May 2001, numbered 226, and subsequent amendments, including fishing-tourism.

Notes to article 12:

- The legislative decree of 18 May 2001, numbered 226, states:
«Orientation and modernization of the fisheries and aquaculture sector, pursuant to article 7 of the law of 5 March 2001, numbered 57.

Article 13.
National farm observatory

1. In order to provide useful information for carrying out the guidance and coordination activities under the responsibility of the Ministry of Agricultural and Forestry Policies, as well as in order to encourage communication and exchange of experiences on the national territory, the regions annually send to the same Ministry of Agriculture and Forestry a summary report on the state of the farm in the territory of their competence, integrated by data on the consistency of the sector and any provisions issued on the matter.
2. The National Agritourism Observatory is set up at the Ministry of Agricultural and Forestry Policies, in which the most representative associations of agritourism operators at national level participate.
3. The National Agritourism Observatory takes care of the collection and processing of information from the regions and associations referred to in paragraph 2, publishing an annual national report on the state of the agritourism and formulating with the contribution of foreign experiences, proposals for the development of the sector.
4. The implementation of this article does not result in new or greater burdens on public finance.

Article 14.
Transitional and final provisions

1. The law dated 5 December 1985, numbered 730, is repealed.
2. The regions conform to the fundamental principles contained in this law their regulations on agritourism within six months from the date of entry into force of the law.
3. The regions, for farms already authorized to carry out agritourism activities, issue regulations to adapt to the provisions of this law.

Notes to article 14:

- The law of 5 December 1985, numbered 730, repealed by this law, provided «Discipline of the agritourism».

Article 15.
Special provisions for the regions with special statutes and for the autonomous provinces of Trento and Bolzano

1. The competences of the regions with special statute and the autonomous provinces of Trento and Bolzano are reserved, which provide for the purposes referred to in this law in accordance with the statute of autonomy and the related implementation rules.

Article 16.
Financial coverage

1. The provisions referred to in Article 2, Paragraph 1, and Article 7, Paragraph 2, shall apply from 1 January 2006.

2. The lower revenues deriving from the implementation of article 2, paragraph 1, article 7, paragraph 2 and article 10, valued at € 0.9 million starting from 2006, are provided, as regards 0, 9 million euros for 2006, by means of a corresponding reduction in the appropriation entered,

for the purposes of the 2006-2008 three-year budget, as part of the basic forecast unit of the current part "Special Fund" of the budget of the Ministry of Economy and Finance for the year 2006, for this purpose partially using the provision relating to the Ministry of Agricultural and Forestry Policies, and for € 0.9 million starting from 2007, by means of a corresponding reduction in the expenditure authorization referred to in Article 5, paragraph 3-ter, of Decree-Law 1 October 2005, numbered 202, converted, with amendments, by law November 30, 2005, numbered 244.

3. The Minister of Economy and Finance monitors the lower income referred to in this law, also for the purposes of applying article 11-ter, paragraph 7, of the law dated 5 August 1978, numbered 468, and subsequent amendments.

4. The Minister of the Economy and Finance is authorized to make the necessary budget changes with his own decrees. This law, bearing the seal of the State, will be included in the Official Collection of Regulatory Acts of the Italian Republic. Anyone responsible is obliged to observe it and have it observed as state law.

Given in Rome, 20 February 2006 CIAMPI
Berlusconi, President of the Council of Ministers

Seen, the Keeper of Seals: Castelli PREPARATORY WORK

Chamber of Deputies (act numbered 817):

Presented by Giuseppe Molinari on June 13, 2001.

Assigned to commission XIII (Agriculture), in the referent session, on 14 December 2001 with opinions from commissions I, II, V, VI, VII, VIII, X, XI, XII, XIV and parliamentary commission for regional issues.

Examined by the XIII commission, in the referent session, on 7, 9, 15 May 2002; 22 January 2003; 26 February 2003;

13, 19 and 25 March 2003; 7 April 2004; 20 May 2004 and 23 September 2004.

Report presented on 23 September 2004 (document numbered 817 1085 -1198 - 2596 - 2635-A, rapporteur De Ghislanzoni Cardoli).

-

Examined in court on 17 May 2005 and approved in a single text with AC 1085 (on De Ghislanzoni Cardoli and others) AC 1198 (on Losurdo and others), AC 2596 (on Rossiello and others), AC 2635 (on Rocchi and others) on 18 May 2005.

Senate of the Republic (act numbered 3438):

Assigned to the 9th commission (Agriculture and agri-food production), in the referent session, on 25 May 2005 with the opinions of the 1st commissions; 5th; 6th; 7th; 8th; 10th; 11th; 12th; 13th; 14th and parliamentary commission for regional issues.

Examined by the 9th commission, in the referent session, on 5, 6, 7, 12, 19 and 26 July 2005; 14, 15, 22 September 2005; November 15, 2005; 11 and 31 January 2006, 1 and 2 February 2006.

Again assigned to the 9th commission (Agriculture and agri-food production), in the deliberating session, on 7 February 2006 with opinions of the 1st commissions; 5th; 6th; 7th; 8th; 10th; 11th; 12th; 13th; 14th and parliamentary commission for regional issues.

Examined by the 9th commission, in the deliberating session, and approved with amendments on 8 February 2006.

Chamber of Deputies (acts numbered 817 - 1085 - 1198 - 2596 - 2635-B):

Assigned to Commission XIII (Agriculture), in the legislative session, on 8 February 2006.

Examined by the XIII commission, in legislative session, and approved on 8 February 2006.

Notes to article 16:

- The text of article 5 of the decree-law of 1 October 2005, numbered 202, converted, with amendments, by the law of 30 November 2005, numbered 244, is transcribed, bearing: «Urgent measures for the prevention of avian influenza»:

«Article 5 (Urgent interventions in the poultry sector). - 1. AGEA is authorized to purchase frozen poultry meat and other fresh poultry products for a quantity not exceeding 17,000 tons for an amount of 20 million euros, to be used for food aid.

2. The Minister of Agricultural and Forestry Policies, with a non-regulatory decree, determines the methods of purchase, including the price, by AGEA of the meat referred to in paragraph 1.

3. The charge deriving from the implementation of paragraph 1, equal to 20 million euros for the year 2005, is provided, by means of a corresponding reduction in the appropriation entered, for the purposes of the 2005-2007 three-year budget, in the context of the basic forecast unit of the current part "Special Fund" of the budget of the Ministry of Economy and Finance for the year 2005, for this purpose partially using 5 million euros, the provision relating to the Ministry of the Interior, as regards 8 million euros, the provision relating to the Ministry of Foreign Affairs, and, as regards 7 million euros, the provision relating to the Ministry of Health. 3-bis. With effect from 1 January 2006, the Minister of Agricultural and Forestry Policies may, in agreement with the Minister of Economy and Finance, within the limits of the resources referred to in paragraph 3-ter, in favor of poultry farmers, poultry slaughter companies and poultry wholesale trade operators, the following interventions:

- a) Suspension or deferral of the terms relating to tax obligations and payments;
- b) Suspension of payments of any contributions or premiums for social security and social assistance, including the portion to be paid by employees, without increasing penalties, interest or other charges;
- c) Suspension of payments of installments of credit and financing transactions, including those put in place by the Institute of Services for the Agricultural Food Market (ISMEA), expiring on the date of entry into force of the law converting this decree.

3-ter. For the implementation of paragraph 3-bis, the expenditure of 2 million euros for the year 2006 and 8 million euros per year is authorized starting from the year 2007. The related charge is provided for, as far as 2 million euros per year starting from 2006, by means of a corresponding reduction in the expenditure authorization referred to in article 36 of the legislative decree dated 18 May 2001, numbered 228

for the purposes referred to in Article 1, paragraph 2, of the same legislative decree and, as for 6 million euros per year starting from 2007, by corresponding reduction of the projection for the same year of the allocated allocation, for the purposes of the budget 2005-2007, within the framework of the basic forecast unit of the current portion "Special Fund" of the budget of the Ministry of Economy and Finance for the year 2005, for this purpose partially using the provision relating to the Ministry of agricultural and forestry policies. 3-quater. The Minister of Economy and Finance, in agreement with the Minister of Agricultural and Forestry Policies, is authorized to grant grants for the opening of loans for the conversion and restructuring of companies involved in the emergency situation of the poultry sector, including poultry farms and companies that slaughter and process poultry meat or poultry meat products. For the purposes referred to in this paragraph, the expenditure of 10 million euros is authorized for each of the years 2006 and 2007. The related charge is provided by means of a corresponding reduction in the expenditure authorization referred to in article 15, paragraph 2, first sentence, of the legislative decree of 29 March 2004, numbered 102, relating to the national solidarity fund - insurance incentives.

4. The Minister of the Economy and Finance is authorized to make the necessary budget changes with his own." decrees.».

- The text of article 11-ter of the law is transcribed 5 August 1978, numbered 468, bearing:

«Reform of some general accounting rules of the State in the matter of budget».

«Article 11-ter (Financial coverage of the laws). - 1.

In implementation of article 81, fourth paragraph, of the Constitution, each law that involves new or greater expenses expressly indicates, for each year and for each intervention envisaged by it, the authorized expenditure, which is understood to be the maximum expenditure limit, or the related expenditure forecasts, defining a specific safeguard clause for offsetting the effects that exceed the forecasts themselves. The financial coverage of laws that import new or greater expenses, or lower revenues, is determined exclusively through the following methods:

a) By using the provisions recorded in the special funds provided for in Article 11-bis, the use of capital account provisions for current account initiatives and the use for different purposes of provisions for accounting regulations and for provisions in compliance are precluded of international obligations;

b) By reducing previous legislative spending authorizations; where such authorizations were flown into current accounts or special accounts at the State Treasury, the resources to be used as coverage are entered simultaneously in the estimate of the income;

c);

d) Through legislative changes that involve new or increased revenues; in any case, the coverage of new and higher current expenses with capital account receipts remains excluded.

2. Bills, draft legislative decrees and government initiative amendments that have financial consequences must be accompanied by a technical report, prepared by the competent administrations and verified by the Ministry of the Treasury, Budget and Economic Planning on the quantification of revenue and of the charges incurred by each provision, as well as the relative coverage, with the specification, for current expenditure and lower revenues, of the annual charges up to the complete implementation of the rules and, for capital expenditure, of the modulation relating to the years included in the multi-year budget and of the overall burden in relation to the expected physical objectives. The report indicates the data and methods used for the quantification, their sources and any useful element for the technical verification in the parliamentary seat according to the rules to be adopted with the parliamentary regulations.
3. The competent parliamentary committees may request the report referred to in paragraph 2 from the Government for all legislative proposals and amendments to be examined for the purpose of technical verification of the quantification of the charges they have incurred.
4. The draft laws of regional initiative and of the CNEL must be accompanied, by the proposers, by a technical report formulated in the manner provided for in paragraph 2.
5. For the legislative provisions on pensions, the report referred to in paragraphs 2 and 3 contains an analytical framework of financial projections at least for ten years, referring to the trend of the variables linked to the beneficiaries. For the legislative provisions on public employment, the report contains data on the number of recipients, on the unit cost, on the direct and indirect automatisms that follow up to their complete implementation, as well as on their correlations with the legal and economic status of categories or groups of approved public employees. For the legislative provisions bearing charges on the financial statements of entities belonging to the enlarged public sector, the report contains the assessment expressed by the entities concerned.
6. Every four months the Court of Auditors sends the Parliament a report on the type of coverage adopted in the laws approved in the period considered and on the techniques for quantifying the charges. The Court also reports, at the request of the competent parliamentary committees in the manner provided for by the parliamentary regulations, on the congruence between the financial consequences of the legislative decrees and the coverage rules laid down by the delegation law.
7. 6-bis. The provisions that involve new or greater expenses take effect within the limits of the expenditure expressly authorized in the relative legislative provisions. By executive decree of the Ministry of Economy and Finance - Department of State General Accounting, to be published in the Official Gazette, the achievement of the aforementioned spending limits is ascertained. The provisions containing express spending authorizations cease to be effective from the date of publication of the decree for the current year on the same date.
8. 6-ter. For the State Administrations, the Ministry of Economy and Finance - Department of State General Accounting through the central budget offices and the provincial State accounts offices, supervises

the correct application of the provisions referred to in paragraph 6-bis. For non-territorial public bodies and bodies, the internal auditing and control bodies carry out similar supervisory and reporting obligations to Parliament and the Ministry of Economy and Finance.

9. If, during the implementation of laws, deviations from the expenditure or revenue forecasts indicated by the same laws for the purpose of financial coverage occur or are about to occur, the competent Minister shall promptly notify the Minister of the Economy and Finance, who, even in the absence of the aforementioned notification, reports to Parliament with his own report and takes the consequent legislative initiatives. The report identifies the causes that led to the deviations, also for the purposes of reviewing the data and methods used to quantify the charges authorized by the aforementioned laws. The Minister of Economy and Finance may also promote the procedure referred to in this paragraph when it finds that the implementation of laws is prejudicial to the achievement of the public finance objectives indicated in the Economic-Financial Planning Document and any updates, such as approved by the relevant parliamentary resolutions. The same procedure is applied in the case of final judgments of judicial bodies and of the Constitutional Court containing interpretations of the current legislation which could lead to greater burdens.».