

REGULATIONS GOVERNING PUBLIC OWNERSHIP AND SALES PROCEDURES

<i>NAME, DATE, TITLE</i>	<i>TRANSPOSITION OF EUROPEAN DIRECTIVE?</i>	<i>AREA OF APPLICATION</i>	<i>LINK TO ORIGINAL TEXT</i>	<i>ABSTRACT</i>
Arts.822-956 Civil Code (Royal Decree 16 March 1942, n. 262)			http://www.altalex.com/index.php?idnot=36117	This section of the Civil Code incorporates the fundamental principles that regulate public and private ownership, controlling the means of acquisition, transfer, protection and cessation of ownership.
Arts. 1321-1469 bis Civil Code (Royal Decree 16 March 1942, n. 262)			http://www.altalex.com/index.php?idnot=36451	This section of the Civil Code regulates the contract, or the agreement between two or more parties (whether they be public or private individuals) to construct, regulate or dissolve a juridical rapport of state ownership.
Arts. 1470-1557 bis Civil Code (Royal Decree 16 March 1942, n. 262)			http://www.altalex.com/index.php?azione=Nuovo_documento&idnot=36452#capo1	This section of the Civil Code specifically regulates the contract of sale, or the transfer of ownership, followed by the determination of a price and payment. As a consequence, it regulates the rights and duties of both vendor and buyer.
Law 24 December 1908, n. 783 <i>Unification of the systems of sale and administration for State-owned property</i>		Regulates the sale of property and land owned by the State		This law contains the rules for the selling of State properties that are available for sale, requiring that these items must be evaluated according to community codes, and must be subject to an estimation and to sale at a public auction on the basis of the valued estimate. The participation in an auction normally requires a payment of a deposit, usually a tenth of the offering price. The judgement is pronounced in favour of the subject that presented the highest offer, who also reached the price indicated under the auction's announcement. After two

				<p>attempts of auctioning at the estimated price, additional auctions may be requested, with additional reductions at each auction up until one tenth of the estimate price. In the event that auctions are abandoned, the State Administration, if it is deemed appropriate, might sell the property or lots to private parties. In the case of a definitive judgement, the record of the auction holds the power of a contract of sale. The state administration is authorised to sell real estate through private negotiation and through private bid without prior attempts of public auction if the real estate's estimated value does not exceed a limit imposed by the law.</p>
<p>Royal Decree 17 June 1909, n. 454 <i>Regulations for the execution of Law 24 December 1908, n. 783 on the unification of systems of sale and admistration of State-owned property</i></p> <p>Royal Decree 23 May 1924, n. 827 <i>Regulation for the administration of State ownership and</i></p>		<p>Regulates the sale of property and land owned by the State</p>		<p>The two decrees determine the times and means for auction sale and the method of sale through private bid and private negotiation in cases which are admissible by law.</p>

<i>general accounts payable</i>				
<p>L. 23 December 1996, n. 662, art. 3, comma 86 f. and successive modificazioni <i>Measures of rationalisation of public financing</i></p>		<p>Arrangements for the conveyance of State property</p>	<p>http://www.camera.it/parlam/leggi/96662l.htm</p>	<p>This law authorises the Minister of the treasury to subscribe quotas to property funds and beneficial rights to real estate belonging to the State. The real estate and property rights of the State not awarded in funds can be sold according to programmes, means, and times defined by the Minister of the treasury, budget and economic planning, in concert with the Minister of finance, reserving the right of pre-emptive acquisition in favour of dealers, tenants, and subjects that are still utilising said property. The future sale occurs through public auction or private negotiation, within the limitations prescribed by the relevant law. The base sale price is to be set for public auction or eventual private bid where permissible following documented market research at the local level. The sales contracts are stipulated by competent officers of the ministers indicated in same law. The law establishes that the State seller is exempt from submitting documents related to ownership or to property rights, as well as from urban and fiscal regularity.</p>
<p>D.L. (Decree Law) 25 September 2001, n. 351, converted with modifications into Law 23 November 2001, n. 410, and successive modificazioni <i>Urgent regulations on the</i></p>		<p>Arrangements for the conveyance of State property</p>	<p>http://www.parlamento.it/parlam/leggi/decreti/01351d.htm</p>	<p>This law entrusts the government agency which manages state-owned land and property with the task of proceeding towards reorganisation, management, and development of property of the State, specifying with their own managerial decrees the single (properties, assets) and distinguishing between State property those assets which are available and unavailable for sale. The aforementioned arrangements among state property are also applied to the assets of regions, provinces and towns upon their request. The law regulates</p>

<p><i>privatisation and valorisation of public owned real estate and of town investment in real estate development</i></p>				<p>the procedures of securitisation of the proceeds deriving from the conveyance of state property by means of the constitution of the established society with limited responsibility. These individuated state properties can be transferred as title owner to the established society, that carry out operations of securitisation through emissions of titles or the assumption of financing.</p>
<p>Decree Law 24 December 2002, n. 282 Urgent regulations on compliance with community and tax law, of collection and conversion of accounting procedures with the modifications of <i>L. 21 February 2003, n. 27, art. 7 – Conveyance of State-owned property</i></p>		<p>Arrangements for the conveyance of State property</p>	<p>http://www.parlamento.it/parlam/leggi/030271.htm</p>	<p>This decree, an act having the power of the law, authorises the government agency which manages state-owned land and properties to sell through private negotiation determined property belonging to the State, properties which are specified in an addendum to the law itself.</p>
<p>D.P.R. (Decree of the President of the Republic) 13 September 2005, n. 296 <i>Regulation concerning the criteria and</i></p>		<p>Arrangements for the conveyance of State property</p>	<p>http://www.governo.it/Presidenza/USRI/confessioni/norme/DPR_296-2005.pdf</p>	<p>This regulation (a secondary source) governs the good faith proceeding in the granting, even with no fee, or the leasing, even with a reduced fee, of state owned property, managed by the responsible government agency and destined to a use other than habitation and unfit for use by the current and actual government and not appropriate in programmes of trading off of ownership and increasing value as in D.L. 25 September 2001, n. 351 (see above).</p>

<i>procedures of the granting of the use and leasing of State-owned property</i>				
Law 27 December 2002, n. 289, (finance law 2003), art. 84 <i>Privatisation of property owned by the region, local authorities, and other public authorities</i>		Assets owned by the regions, towns, and local authorities ¹	http://www.parlamento.it/parlam/leggi/02289103.htm#legge	This regulation authorises regions, provinces, towns, and other local authorities to build a limited liability company (SRL) having as their exclusive subject the realisation of one or more operations of the securitisation of the proceeds deriving from the trading off of the ownership of various State-owned property, based on the Decree of 25 September 200, n. 351, converted with modifications into law L. 23 November 2001, n. 410, and successive modifications, described above.
Law 7 August 1990, n. 241 and successive modifications <i>New codes on administrative procedures and right to access administrative</i>		Rules on administrative proceedings	http://www.normattiva.it/dispatcher?service=213&datagu=1990-08-18&annoatto=1990&numeroatto=241&task=ricercaatti&elementiperpagina=50&redaz=090G0294&aggatto=si&&afterrif=yes&newsearch=1&fromurn=yes&paginadamostrar	This law contains the general principles that must align all of the administrations of the state, regions, provinces and towns, defining: the time period within which they must conclude administrative proceedings; the right of private parties to receive notice about an administrative proceeding that regards them, be it favourable or unfavourable, and the right to participate in the proceeding examining relevant documents and presenting memoirs; the right to access to the public administration's documents. Each administration

¹ In correspondence with the transfer of administrative functions to the regions, provinces, and towns, realised in various periods within the history of the Republic of Italy, the State also transferred the ownership of real estate and structures necessary to carry out the functions conferred upon them to local authorities. For example, among the principle decrees regarding transfer, we note the Decree of the President of the Republic (D.P.R.) 24 July 1977, n. 616 and the Lgs. D. 31 marzo 1998, n. 112, Ordinance of State administrative functions and tasks to the regions and local authorities in accordance with section 1 L. 15 March 1997, n.59 (also known as the Bassanini Law).

<i>documents</i>			e=1&tmstp=1286204291508	adopts rules that govern these aspects in the proceedings under their own jurisdiction.
<p>Legislative Decree (LD) 22 January 2004, n. 42 Code on cultural heritage and territorial assets as modified by LD 24 March 2006, n. 156 and LD n. 24 March 2006, n. 157 as well as from LD 26 March 2008, n. 62 and LD 26 March 2008, n. 63</p>		Cultural Heritage	http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/MenuPrincipale/Normativa/Norme/index.html	<p>The Code on cultural heritage implements art. 9 of the Constitution and incorporates in one text the subject of cultural heritage. Cultural heritage is made up of cultural assets (Part II of the Code) and of territorial assets (Part III of the Code). The cultural assets are real properties of historical, artistic, ethnoanthropological, and bibliographic interest, either publically or privately owned.</p> <p>Territorial assets are properties that have a character of natural beauty or geological uniqueness; the villas, parks and gardens that are distinguished by their particular beauty; the territory in its entirety, for its particular aesthetic and traditional value, among which are archeological sites; beautiful panoramas, declared by regional authorities to be of notable interest and the landscape in which this cultural asset can be found. The following are considered cultural assets according to the law: coastal territories, lakes, rivers, streams and torrents; mountains, parks, and nature reserves; land covered by forests and woodlands, and volcanoes (art. 142).</p> <p>The functions of the protection of these owned cultural assets are in the hands of the State, and in particular the Minister of Cultural Heritage and Activities, who may apply them directly through central and external administration (Superintendent of Historical-artistic Heritage; Superintendent of Archivistic Heritage; Superintendent of Architecture and Landscapes; Superintendent of Archeological Heritage; and Regional Director Cultural Heritage and Landscapes) or assign them to the regions. In Part II, the code regulates the procedures for</p>

				<p>the sale, utilisation and transformation of held assets of historical-artistic interest, constraints on national and international circulation of assets and the pre-emption in favour of the State of assets of cultural interest that private owners intend to sell. For example, construction projects on property recognised having a cultural interest are subject to authorisation by the Superintendent (arts. 22 and f.) Also subject to authorisation are demolition and transfer projects – even if the project is of a temporary nature- of cultural assets, as well as the dismantling of collections and series, archives, libraries, and the development of works of any sort on the aforementioned assets.</p> <p>Part III of the code also regulates the authorisation for projects on territorial assets (art. 16 and f.). Finally, the code contains the penal and administrative sanctions for non-compliance with the regulations contained herein.</p>
<p>D.P.R. 6 June 2001, n. 380 <i>Law on the legislative proceeding and regulations on construction projects.</i></p>		<p>Construction</p>	<p>http://www.parlamento.it/parlam/leggi/deleghe/01378dla.htm</p>	<p>This law incorporates the legislative arrangements and regulations related to the use of the land, outlining the procedures and requirements for obtaining the authorisation for the construction of new structures, the restructuring and maintenance of existing structures, or the communications to send to the Administration for construction projects that are more contained (petition for the commencement of an activity), as well as the related taxes that correspond to such projects. The text also indicates the penal and administrative sanctions in case these projects are carried out without authorisation.</p> <p>The towns are authorised to adopt regulations for</p>

				<p>construction that prescribe the ways in which construction projects must be carried out on the territory, with particular reference to aesthetic aspects, hygiene, sanitation, security and living conditions. The towns are provided with an office which is designated as the service desk for construction activities. It handles all rapports between private owners and all of the administrations held to authorise construction projects.</p>
<p>LD 3 April 2006, n. 152 <i>Environmental codes</i></p>		<p>Environment</p>	<p>http://www.parlamento.it/parlam/leggi/deleghe/06152dl.htm</p>	<p>This code incorporates in a single text (having the power of the law) the preceding norms of the Italian system on the following issues:</p> <ul style="list-style-type: none"> a) in the second part, the procedures for Strategic Environmental Assessment (VAS), for the Environmental Impact Assessment (VIA), and for the Integrated Environmental Authorisation (IPPC); b) in the third part, the defence of the land and the fight against desertification, the safeguarding of water from pollution and the management of water resources; c) in the fourth part, the management of waste and the drainage of contaminated sites; d) in the fifth part, the protection of the air and the reduction of emissions into the atmosphere; e) in the sixth part, the claims against damage to the environment. <p>For that which pertains to the safeguarding of water, Part 3 foresees: the subdivision of the land into hydrographical districts, the institution of the authorities of basins, directors who are competent at the management and surveillance of the districts; the procedure for the approval of the projects for</p>

				<p>basins. The projects for basins are land projects that contain restrictive prescriptions both for the public administrations and the private subjects on the admissible actions and consented use for the conservation, defence, and development of the land as well as for the correct utilisation of water. For that which regards the safeguarding of water from pollution, Part III, Section III of the code contains the regulations of the authorisation for draining according to the use of the water.</p>
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TERRITORIAL ORGANISATION OF THE STATE

NUMERO, DATA, TITOLO	LINK AL TESTO ORIGINALE	ABSTRACT
<p>Art. 114 Constitution of the Republic of Italy</p>	<p>http://www.governo.it/Governo/Costituzione/2_titolo5.html</p>	<p>The Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution. Rome is the capital of the Republic. Its status is regulated by State Law.</p>
<p>Art. 117 Constitution of the Republic of Italy</p>	<p>http://www.governo.it/Governo/Costituzione/2_titolo5.html</p>	<p>State and Regions have legislative powers. Art. 117 of the Constitution states that legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations.</p> <p>The State has exclusive legislative powers in the following relevant subject matters:</p> <ul style="list-style-type: none"> e) the currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; equalisation of financial resources; (...) l) jurisdiction and procedural law; civil and criminal law; administrative judicial system; m) determination of the basic level of benefits relating to civil and social rights to be guaranteed throughout the national territory; (...) p) electoral legislation, governing bodies and fundamental functions of the Municipalities, Provinces and Metropolitan Cities; (...) s) protection of the environment, the ecosystem and cultural heritage. <p>The Regions have concurring legislative powers, respecting the fundamental principles laid down in the State legislation in the following relevant subject matters: health protection; sports; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; enhancement of cultural and environmental assets, including the promotion and organisation of cultural activities; the Regions have legislative powers in all subject matters that are not expressly covered by State legislation.</p> <p>Art. 117 also provides that - inter alia - regulatory powers shall be vested in the State with respect to the subject matters of exclusive legislation, subject to any delegations of such powers to the</p>

		Regions. Regulatory powers shall be vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities have regulatory powers as to the organisation and implementation of the functions attributed to them.
Art. 119 paragraph 6 Constitution of the Republic of Italy	http://www.governo.it/Governo/Costituzione/2_titolo5.html	Art- 119 establishes that towns, provinces, cities, and regions have their own right to ownership, attributed to the according to the general principles determined by State law.
LD n. 267 (18 August 2000) <i>consolidated laws on the jurisdiction of local authorities</i>	http://www.camera.it/parlam/leggi/deleghe/testi/00267dl.htm	This legal text contains the principles and rules relating to administrative bodies, jurisdictions, procedures, accounts payable and auditors of the towns and provinces. In particular, it contains arrangements on: statutes and regulations of both the towns and provinces, the competencies of the executives of local authorities (Mayor/President of the Province, Council, Committee); competences of managers of local authorities, local tax offices, budgets, and controllers.

LEVELS OF TERRITORIAL PLANNING - VENETO REGION

The governance of the territory is carried out through the urban and country planning of the town, province, and region. The different levels of planning are coordinated between them in accordance with the principles of subsidiary and coherence; in particular, each plan is indicative of the whole of the directive for the editing of the planning tools of the inferior level and determines the restrictive prescriptions automatically prevailing. The plan at the “sovracomunale” level (above-town level) establishes the means and times for compliance with the plans at the town level as well as the eventual transitional measures to apply up until compliance is achieved.

Every plan dictates the criteria and limits within which the plan at the inferior level can modify the plan of the superior level without the necessity of proceeding with a variant of said plan.

The planning is structured as follows:

- a) asset plan regulating land use for the town’s land (PAT) and a plan for town interventions (PI) which comprise the town’s regulatory plans, the intercity asset plan regulating land use (PATI) and enacted urban plans (PUA);
- b) the provincial coordination plan regulating land use (PTCP); the regional coordination plan regulating land use (PTRC).

NAME, DATE, TITLE	TRANSPOSITION OF EUROPEAN DIRECTIVE?	AREA OF APPLICATION	LINK TO ORIGINAL TEXT	ABSTRACT
Regional Law 27 June 1985, n. 61 <i>Law on the organisation and use of territory</i>		Organisation and utilisation of land- construction and town planning	http://www.consiglioveneto.it/crportal/leggi/1985/85lr0061.html http://www.consiglioveneto.it/crportal/leggi/1985/85lr0061.html	The regional law n. 71 of 27 June 1985 contained the traditional structuring for governing the territory of the Veneto Region, until the approval of L.R. n. 11 of 23 April 2004, which attributed new, substantial competences to the province and towns, with respect to the principle of subsidiarity, introduced by the new Title V of the Constitution in 2001.

<p>Regional Law 5 May 1998, n. 21 <i>Modifications to the Regional Law 27 June 1985, n. 61 «law on the organisation and use of territory» and informative procedures related to territory.</i></p>			<p>ortal/leggi/1998/ 98lr0021.html</p>	
<p>Regional Law 23 April 2004, n. 11 <i>law on the governing of territory</i></p> <p>Regional Law 2 December 2005, n. 23 <i>Procedures for the application of urban and regional legislation, and modifications to Regional Law 23 April 2004, n. 11.</i></p> <p>Regional Law 9 October 2009,</p>			<p>http://www.consi glioveneto.it/crvp ortal/leggi/2004/ 04lr0011.html</p> <p>http://www.consi glioveneto.it/crvp ortal/leggi/2005/ 05lr0023.html</p> <p>http://www.consi glioveneto.it/crvp ortal/leggi/2009/ 09lr0026.html</p>	<p>L.R. 11/2004 (and successive modifications) dictate the rules for the governing of the territory of Veneto, determining the competences of each local government and the rules for the use of the land.</p>

n. 26 <i>Modification to regional law related to urban planning and construction</i>				
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ADDITIONAL REGIONAL LEGISLATION ON CONSTRUCTION, THE ENVIRONMENT AND TOURISM

NAME, DATE, TITLE	TRANSPOSITION OF EUROPEAN DIRECTIVE?	AREA OF APPLICATION	LINK TO ORIGINAL TEXT	ABSTRACT
<p>Regional Law 4 February 1980, n. 6 <i>Regulates the services of procurement, maintenance, and conservation of regional assets</i></p>		<p>State property, (estate/assets), and contracts</p>	<p>http://www.consiglioveneto.it/crvportal/leggi/1980/80lr0006.html</p>	<p>L.R. 6/1980 regulates the periodical procurements, purchases, and subcontracts to third parties of an occasional character, the maintenance of the buildings in ownership or in use by the region, the purchase of real estate, and contracts. Title VIII in particular establishes that all contracts from which a cost or revenue is derived by the region are judged by the systems of public auctions, by private bidding, by outsourcing and by private negotiation, as regulated by the rules in the present law.</p>
<p>Regional Law 4 November 2002, n. 33 <i>Consolidated laws on tourism</i></p> <p>Regional Law 16 February 2010, n. 13 <i>Adaptation of the regional regulation of the leasing of maritime zones for touristic-recreational use to the EU codes. Modification of regional law 4</i></p>	<p>Yes</p>	<p>Tourism</p>	<p>http://www.consiglioveneto.it/crvportal/leggi/2002/02lr0033.html</p> <p>http://www.consiglioveneto.it/crvportal/leggi/2010/10lr0013.html</p>	<p>L.R. 33/2002 regulates the touristic organisation of the region, establishing functions and competences of the region itself and of the local authorities.</p>

November 2002, n. 33 and successive modifications Regional Law 16 February 2010, n. 13				
Regional Law 10 December 1973, n. 27 Modified and integrated into Regional Laws 21 January 1972, n. 7 and 1 September 1972, n. 12, on urban development and public works		Organisation and utilisation of land- construction and town planning	http://www.consiglioveneto.it/crvportal/leggi/1973/73lr0027.html	This L.R. determines the fundamental guidelines for the programming of the regional territorial plan for coordination as referred to in section 5 of Law n. 1150 17 August 1942, with particular reference to the areas to reserve to special destinations or to special restrictions or limitations of the law, to the locality/site and to the nature of the new land settlement, as well as to the network of principal channels of communication.
Regional Law 16 April 1985, n. 33 Environmental protection law Regional Law 31 October 1994, n. 62 modified and	Yes	Environmental protection	http://www.consiglioveneto.it/crvportal/leggi/1985/85lr0033.html http://www.consiglioveneto.it/crvportal/leggi/1994/94lr0062.html http://www.consiglioveneto.it/crvportal/leggi/199	This law (and successive modifications) regulates the safeguarding of the environment, specifically; - the emission of gas, dust, and odours into the atmosphere - the emission of vibrations, noise and electromagnetic radiation - the use of shallow and underground water sources - the direct and indirect drainage of waste of any type, public or private ²

² Waste disposal of any type is suspect and is governed instead by the new L.R. n. 3 of 3 January 2000 (see below).

<p>integrated into Regional Laws 16 April 1985, n. 33 e 23 April 1990, n. 28 on environmental protection Regional Law 30 March 1995, n. 15 Modified and integrated into Regional Law 16 April 1985, n. 33 on environmental protection</p>			<p>5/95lr0015.html</p>	
<p><i>Regional Law</i> 21 January 2000, n. 3 <i>New law on waste management</i></p>		<p>Environmental protection</p>	<p>http://www.consiglioveneto.it/crvportal/leggi/2000/00lr0003.html</p>	<p>This law dictates the regulations for waste management.</p>