

Decree Law- of 11 March 2020, No 16

Urgent provisions for the organisation and conduct of the Olympic and Paralympic Winter Games Milan Cortina 2026 and the ATP Torino 2021-2025 finals, as well as the ban on parasitic advertising. (20G00032)

(OJ No 66 of 13-3-2020)

In force at: 14-3-2020

Chapter I

URGENT PROVISIONS FOR THE ORGANISATION AND RUNNING OF THE XXV GAMES WINTER OLYMPICS AND THE 14TH WINTER PARALYMPIC GAMES {MILAN CORTINA 2026}

THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 77 and 87(5) of the Constitution;

Whereas the XXV Winter Olympics and XIV Winter Paralympic Games "Milan Cortina 2026" are of extraordinary international importance, involving the International Olympic Committee, the International Paralympic Committee, the Olympic Committee of the participating nations and a very high number of athletes, technicians, spectators and tourists;

Whereas during 2019 commitments were made with the International Olympic Committee, which gave rise to a complex series of activities, necessarily to be carried out within a predefined time frame and with fixed deadlines;

Whereas the exceptional influx of delegations of athletes, technicians, representatives of the International Olympic Committee, the International Paralympic Committee and their associated entities, as well as visitors, spectators and tourists in the territories affected by the Winter Games in Lombardy and Veneto, calls for the extraordinary and urgent launch of essential and related actions, programmes and interventions, including mobility, accessibility and environmental, financial and social sustainability;

Whereas similar extraordinary and urgent needs also arise for the city of Turin and the Piedmont Region for the purposes of organising and carrying out the 'Turin ATP 2021-2025', to be carried out on the basis of the international commitments made to ATP Tour, Inc.;

Noting, in particular, the extraordinary and urgent need to carry out the activities aimed at timely compliance with the commitments made and the actions aimed at adapting sports facilities, public infrastructure and private works in the territories affected by the above-mentioned sporting events;

Considering the importance of the potential impact of sporting events, not only in terms of the use of facilities and the improvement of results in grassroots and high-level sport, but also in the social and cultural fields;

Whereas the measures provided for in this Decree in relation to both sporting events meet the common objective of promoting economic growth in the current economic phase through measures and programmes for modernisation of infrastructure and sport, urban and territorial regeneration, thus necessitating a uniform and comprehensive strategic approach;

Whereas the employment and economic repercussions associated with the organisation and conduct of the above-mentioned sporting events are potentially likely to generate significant, long-lasting spill-over effects;

Considering the extraordinary need 'and urgency to ensure that the peculiar organisational complexity of the aforementioned sporting events does not preclude the possibility of 'safety, public order, mobility' on the territory, hospitality, hospitality and health care;

Given the extraordinary need and urgency to strengthen, also in relation to other national and international sporting events that will take place in Italy as early as 2020, the regulatory framework for parasitic advertising (ambush marketing) and protection of well-known signs in the sports field;

Whereas the above-mentioned strengthening of the regulatory framework is consistent with the existing European legislation, which national legislation must necessarily adapt, also in order to prevent any infringement proceedings against Italy from being launched;

Having regard to the deliberation of the Council of Ministers adopted at its meeting on 13 February 2020;

On the proposal of the President of the Council of Ministers and the Minister for Youth Policy and Sport, in agreement with the Minister for Economic Affairs and Finance;

the following decree-law:

Art. 1

Joint Olympic Council

1. The "Milan Cortina 2026 Joint Olympic Council" is hereby established at the Italian National Olympic Committee (CONI), composed of fifteen members, one representative of the International Olympic Committee (IOC), one of the International Paralympic Committee, one of the Italian National Olympic Committee, one of the Italian Paralympic Committee, one of the Organising Committee referred to in Article 2, one of the Society referred to in Article 3, two of the Presidency of the Council of Ministers – Office for Sport, one of the Ministry of Foreign Affairs and International Cooperation, one of the Lombardy Region, one of the Veneto Region, one of the Autonomous Province of Trento, one of the Autonomous Province of Bolzano, one of the Municipality of Milan and one of the Municipality of Cortina d'Ampezzo. The Council elects a President and two Vice-Presidents.

2. The Joint Olympic Council has general guidance and high oversight over the implementation of the programme for the realisation of the Games, ensuring that the institutions involved are compared with the main organisational issues. The Joint Olympic Council shall prepare an annual report on the activities carried out, which shall be forwarded to Parliament through the Governmental Authority responsible for sport.

3. By decree of the President of the Council of Ministers or the Minister responsible for sport, the rules of operation of the Joint Olympic Council are defined, in agreement with the regions and autonomous provinces concerned.

4. The establishment and functioning of the Joint Olympic Council do not result in new or increased burdens on public finances. The members of the Joint Olympic Council are not entitled to compensation, nor (attendance fee), however called.

Art. 2

Organising Committee

1. The "Milan-Cortina 2026" Foundation, established in Milan on 9 December 2019 by the Italian National Olympic Committee, the Italian Paralympic Committee, the Lombardy Region, the Veneto Region, the Municipality of Milan and the Municipality of Cortina d'Ampezzo, assumes the functions of the Organising Committee of the Games.

2. The Foundation referred to in paragraph 1, non-profit-making, carries out all the activities of management, organisation, promotion and communication of sporting events related to the Games, taking into account the general guidelines of the Joint Olympic Council, in accordance with Italy's international commitments, in compliance with the Olympic Charter.

3. The establishment and functioning of the Organising Committee do

not result in new or increased burdens on public finances.

Art. 3

“Infrastrutture Milano Cortina 2020-2026 S.p.A.”

1. The establishment of the Company “Infrastrutture Milano Cortina 2020-2026 S.p.A.”, with registered office in Rome, is authorised. The object of the company is to carry out the activities referred to in paragraph 2. The Company is owned by the Ministries of Economy, Finance, Infrastructure and Transport (35 per cent each), the Lombardy Region and the Veneto Region for a percentage of 10 % each, and the Autonomous Provinces of Trento and Bolzano for a percentage of 5 % each. The Company is supervised by the Ministry of Infrastructure and Transport, which, in agreement with the Regions of Lombardy and Veneto and the Autonomous Provinces of Trento and Bolzano, exercises similar joint control, in accordance with Article 5(5) of Legislative Decree No 50 of 18 April 2016. The Company is legally registered on the list referred to in Article 192(1) of Legislative Decree No 50 of 18 April 2016. The articles of association and the articles of association are drawn up in accordance with the rules on public limited liability companies and Legislative Decree No 175 of 19 August 2016 laying down the consolidated text on public-owned companies.

2. The statutory purpose is to carry out, as a central purchasing body and contracting authority, including by concluding agreements with other contracting authorities, the works identified by decree adopted pursuant to Article 1(20) of Law No 160 of 27 December 2019, establishing the State budget for the financial year 2020 and multiannual budget for the three-year period 2020-2022. To this end, the Company operates in accordance with the instructions of the Organising Committee and with the provisions of the Decree referred to in the first sentence, concerning the preparation of the plan of the interventions, compliance with the timetable, the location and the technical-functional and social characteristics of the works, the order of priority and the timing of their completion, as well as the quantification of the economic burden of each work and its financial coverage (collateral). For the same purpose and where the conditions are met, the President of the Council of Ministers, acting on a proposal from the Minister for Infrastructure and Transport, after consulting the Minister for Economic Affairs and Finance, may appoint one or more extraordinary Commissioners with the powers and functions referred to in Article 4(3) of Decree-Law No 32 of 18 April 2019, converted, with amendments, into Law No 55 of 14 June 2019. The same decree lays down the Commissioners’ remuneration not exceeding that indicated in Article 15(3) of Decree-Law No 98 of 6 July 2011, converted, with amendments, into Law No 111 of 15 July 2011, the costs of which are borne by the economic frameworks for the measures to be implemented or supplemented.

3. The Company lasts until 31 December 2026. The active and passive relationships outstanding on 31 December 2026 are governed by the provisions of the Civil Code.

4. The share capital is set at EUR 1 million. In 2020, the Ministry’s contribution to the Ministry’s share of EUR 350 000.00 is provided by means of a corresponding reduction in the allocation of the special capital account fund entered, for the purposes of the three-year budget 2020-2022, under the programme “Reserve and Special Funds” of the mission “Funds to be distributed” of the statement of estimates of the Ministry of Economy and Finance, for the purpose of

using the provision relating to the same Ministry, and, as regards the Ministry of Infrastructure and Transport's share of EUR 350 000.00, by means of a corresponding reduction in the expenditure authorisation (budget authorization) provided for in Article 145(33) of Law No 388 of 23 December 2000.

5. The management body of the Company is composed of five members, three of whom are appointed by the Minister of Infrastructure and Transport, in agreement with the Minister for Economic Affairs and Finance and the Government Authority responsible for sport, one with the role of Chairman and one with the function of Managing Director, and two appointed jointly by the Lombardy and Veneto Regions and the Autonomous Provinces of Trento and Bolzano. The managing director of the Foundation referred to in Article 2 may participate in the meetings of the management body, without the right to vote.

6. The Board of Statutory Auditors of the Company is composed of five members, three of whom are appointed by the Minister of Infrastructure and Transport, in agreement with the Minister for Economic Affairs and Finance and the Government Authority responsible for sport, one of which is President, and two appointed jointly by the Lombardy and Veneto Regions and the Autonomous Provinces of Trento and Bolzano.

7. Members of the management body and of the supervisory board may be removed only by the entities who have appointed them.

8. The Company monitors the progress of the activities referred to in paragraph 2, regularly informing the Organising Committee.

9. For its needs, the Company enters into contracts of self-employment and employment. Article 1(3) of Decree-Law No 87 of 12 July 2018, converted, with amendments, into Law No 96 of 9 August 2018 applies to fixed-term recruitment in the years 2020 and 2021. The Company may also use, on the basis of appropriate memoranda of understanding pursuant to Article 23-bis, paragraph 7, of Legislative Decree No 165 of 30 March 2001, with charges (costs) to be borne by the Company itself, of personnel coming from public administrations, even not participating in the Company.

10. The provisions of Legislative Decree No 33 of 14 March 2013, Legislative Decree No 39 of 8 April 2013 and Legislative Decree No 175 of 19 August 2016 apply to the Company, with the exception of Article 9(1).

11. For the performance of its functions, the sums provided for under the heading "investment charges" included in the economic framework of each project of the works referred to in paragraph 2 shall be allocated to the Company. This amount shall be commensurate up to a maximum of 3 % of the total gross amount of works and supplies and shall be derived from the actual economic framework included in the monitoring system referred to in paragraph 12.

12. The monitoring of the interventions referred to in this article is carried out in accordance with Legislative Decree No 229 of 29 December 2011 and the works are classified as 'Olympiadi Milano Cortina 2026'.

Art. 4

Guarantees

1. In order to fulfil the commitment given by the Organising Committee to reimburse the International Olympic Committee's advanced payment on television rights, if the sporting event is subject to restrictions, travel or cancellation, the State guarantee is granted to the International Olympic Committee up to a maximum total amount of EUR 58,123,325.71. The guarantee is listed in the annex to the estimates of the Ministry of Economy and Finance referred to in Article 31 of Law No 196 of 31 December 2009.

Art. 5

Tax provisions

1. Non-repayable income received by the Organising Committee for the pursuit of its institutional purposes does not contribute to forming taxable income for corporate income tax purposes (IRES).

2. The proceeds received by the Organising Committee, in the exercise of commercial activities, even occasional, carried out in accordance with institutional purposes, or ancillary activities, do not constitute taxable income for IRES purposes. Activities whose objective content directly accomplishes one or more of those purposes shall be considered to be carried out in accordance with institutional purposes. Activities carried out in direct connection with institutional activities or as a financing instrument shall be regarded as ancillary. Payments between the Organising Committee, on the one hand, and the International Olympic Committee, entities controlled by the International Olympic Committee, Official Chronometrist, International Paralympic Committee, and entities controlled by the International Paralympic Committee, on the other hand, do not contribute to forming taxable income for IRES purposes, in relation to fees for services rendered in the exercise of commercial activities directly related to the performance of games.

3. The emoluments received by athletes and other members of the Olympic family, as defined in Article 2 of Annex XI to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009, not resident for tax purposes in Italy, in relation to the services provided by the latter during the Games, do not form taxable income for the purposes of personal income tax (IRPEF) and are not subject to withholding tax or withholding tax on income.

4. In respect of the International Olympic Committee, the entities controlled by the International Olympic Committee, the Official Chronometrist, the International Paralympic Committee, the entities controlled by the International Paralympic Committee and other foreign entities which have members of the "Olympic family", the provisions on permanent establishment, as well as the fixed base or office referred to in Article 12(2) of Legislative Decree No 446 of 15 December 1997, shall not apply to the activities carried out for the purposes of organising the Games.

5. The importation into Italy of all the goods, materials and equipment necessary for the performance of the Winter Games and for their use in the course of the Winter Games may be carried out under temporary admission free of customs duties or duty-free, where applicable. In order to facilitate activities, the Customs and Monopolies Agency may adopt measures to simplify customs procedures.

6. The income referred to in Articles 49 and 50 of the Consolidated Law on Income Tax approved by Presidential Decree No 917 of 22 December 1986, arising from the emoluments paid by the Organising Committee, for the period from 1 January 2020 to 31 December 2026, shall contribute to the formation of the total income of up to 30 % of its amount.

7. The costs arising from paragraph 6 of this Article, estimated at EUR 0.527 million for 2020, EUR 1.444 million for 2021, EUR 2,379 million for 2022, EUR 6,361 million for 2023, EUR 10,603 million for 2024, EUR 16,429 million for 2025, EUR 11.816 million for 2026 and EUR 0.735 million for 2027, shall be made by means of a corresponding reduction of the Fund referred to in Article 1(200) of Law No 190 of 23 December 2014.

Chapter II

URGENT PROVISIONS FOR THE ORGANISATION AND CONDUCT OF THE {FINALS ATP TORINO 2021-2025}

Art. 6

ATP Finals Committee

1. For the purpose of carrying out the Turin ATP finals 2021-2025, a "Committee for the ATP Finals" chaired by the Mayor of Turin, or his delegate, is hereby established and composed of a representative of the President of the Piedmont Regional Council, acting as Vice-President, a representative of the Government Authority responsible for sport and a representative of the Italian Tennis Federation.

2. The Committee is responsible for coordinating and monitoring the promotion of the city and the territory, also promoting the development of local economic, social and cultural activities. The Committee is based in Turin and meets at least four times a year and whenever requested by a member. The sessions are valid with the presence of at least three components. In the case of equal voting, the President's vote shall prevail.

3. The Italian Tennis Federation takes care, also by entering into a special agreement with "Sport e Salute S.p.A.", every organizational and executive activity aimed at the conduct of the sporting event. To this end, a "Technical Management Commission" may be set up at the Italian Tennis Federation, composed of five members, one appointed by the Municipality of Turin, one by the Piedmont Region and three by the Federation itself.

4. The establishment and functioning of the Committee referred to in paragraph 1 and the Commission referred to in paragraph 3 shall not give rise to any new or increased burden on public finances.

5. The duties of a member of the Committee referred to in paragraph 1 and of the Commission referred to in paragraph 3 shall not provide for remuneration and shall not be cumulative, nor compatible with the exercise of functions within the framework of "Sport e Salute S.p.A.".

Art. 7

Works and infrastructure

1. The Municipality of Turin is authorised to draw up the plan of public works and infrastructures and private works intended for the reception, tourist, social and cultural activities, connected to the final ATP Torino 2021-2025, within the limits of the resources available for these purposes under current legislation. The provisions on the planning of public works laid down in Article 21 of Legislative Decree No 50 of 18 April 2016 shall not apply to that plan.

2. For the purposes of Article 14 of Presidential Decree No 380 of 6 June 2001, the adaptation of the facilities intended to host the major sporting event is considered to be of public interest, even without prior deliberation by the municipal council, and allows the issue of permits to derogate from the general urban planning instruments, in any case in accordance with the Code of Cultural Heritage and Landscape referred to in Legislative Decree No 42 of 22 January 2004 and other sectoral legislation affecting the rules on the construction activity.

3. The use of funds disbursed by public authorities shall be reported in the manner and within the time limits laid down in Article 158 of the Consolidated Text of the laws on the organisation of local authorities referred to in Legislative Decree No 267 of 18 August 2000.

4. The monitoring of the interventions referred to in this Article shall be carried out in accordance with Legislative Decree No 229 of 29 December 2011 and the works shall be classified as 'ATP Torino 2021-2025'.

Art. 8

Guarantees

1. Private individuals who, on the date of entry into force of this Decree, have provided a guarantee in favour of the Italian Tennis Federation for the fulfilment of the obligations contracted by the latter towards ATP Tour, Inc., may request the

State counter-guarantee granted under market conditions, for a total maximum amount of EUR 44 million until 31 December 2024, reduced by a maximum amount of EUR 28.6 million from 1 January 2025 to 30 January 2026. The counter-guarantee is listed in the annex to the estimates of the Ministry of Economy and Finance referred to in Article 31 of Law No 196 of 31 December 2009. The charges for the guarantees granted are paid to the revenue of the State budget for the subsequent reallocation to the statement of estimates of the expenditure of the Ministry of Economy and Finance.

2. By decree of the Minister for Economic Affairs and Finance, detailed rules, conditions and time limits for granting that counter-guarantee are laid down, in accordance with the rules of the European Union.

Art. 9

Financial and accounting requirements

1. The resources allocated to the Italian Tennis Federation for the organisation of the ATP Tennis Finals in the city of Turin are transferred annually by 15 January and are allocated, as a matter of priority, to the fulfilment of financial obligations.

2. For the year 2020, the Italian Tennis Federation is allocated 3 million euros to support the organizational activities of the Torino ATP Finals 2021-2025. These charges shall be paid from the resources allocated to 'Sport e salute S.p.A.', pursuant to Article 1(630) of Law No 145 of 30 December 2018, which are aimed at this purpose.

Chapter III

RULES GOVERNING THE PROHIBITION OF PARASITIC ADVERTISING

Art. 10

Ban on parasitic advertising

1. Parasitic advertising (ambush marketing) activities carried out in connection with sport or trade fair events of national or international importance which are not authorised by the organisers and which have the purpose of obtaining an economic or competitive advantage shall be prohibited.

2. Parasitic advertising activities prohibited pursuant to paragraph 1:

a) the creation of an indirect link between a trade mark or other distinctive signs and one of the events referred to in paragraph 1 liable to mislead the public with reference the identity of the official sponsors;

b) the false statement in its advertising that it is an official sponsor of an event referred to in paragraph 1;

c) the promotion of its own trade mark or other distinctive signs by any action, not authorised by the organiser, which is likely to attract the attention of the public, carried out at one of the events referred to in paragraph 1, and capable of generating the erroneous impression that the perpetrator of the conduct is sponsor of the sport or trade fair event;

d) the sale and advertising of goods or services abusively marked, even in part, with the logo of a sportor trade fair event referred to in paragraph 1 or with other distinctive signs liable to mislead the logo and to generate the incorrect perception of any connection with the event or its organiser.

3. Parasitic advertising activities shall not include conduct carried out under sponsorship contracts concluded with individual athletes, teams, artists or participants authorised to one of the events referred to in paragraph 1.

Art. 11

Temporal scope of application

1. The prohibitions referred to in Article 10 shall operate from the 90th day before the official date of the start (kick off) of the sport and fair events referred to in paragraph 1 of that article, until the 90th day following the official date of the end of those events.

Art. 12

Penalties and administrative and judicial protection

2. Unless the conduct constitutes a criminal offence or more serious administrative crime, any person who infringes the prohibitions laid down in Article 10 shall be punishable by an administrative fine of between EUR 100 000 and EUR 2.5 million.

3. The Competition and Market Authority, acting in the forms referred to in Article 8 of Legislative Decree No 145 of 2 August 2007, is responsible for establishing infringements and imposing penalties, in so far as they are compatible.

Art. 13

Direct protection of injured parties

1. The provisions of this Chapter shall not exclude the application of other legal provisions to protect persons who claim harm to their rights or interests as a result of the conduct referred to in Article 10.

Art. 14

Registration as a trademark of images that reproduce trophies

2. In Article 8(3) of Legislative Decree No 30 of 10 February 2005, the following shall be inserted after the words 'or sports': images that reproduce trophies,

Chapter IV FINAL PROVISIONS

Art. 15

Final provisions

3. For the purposes of implementing the provisions of Chapters I and II of this Decree, the competences of the Lombardy, Veneto and Piedmont regions shall be without prejudice to the powers of the Regions of Lombardy, Veneto and Piedmont. The Autonomous Provinces of Trento and Bolzano shall ensure the purposes of this Decree, including with regard to the provisions of Articles 1, 2 and 3, in accordance with the Statute and its implementing rules.

4. For the purposes of implementing Chapters I and II of this Decree, the President of the Council of Ministers or the Minister responsible for sport may lay down further implementing provisions, pursuant to Article 17(3) of Law No 400 of 23 August 1988.

5. The implementation of Chapter III does not result in new or increased burdens on public finances.

Art. 16

Entry into force

1. This Decree shall enter into force on the day following that of its publication in the Official Gazette of the Italian Republic and shall be submitted to the Chambers for conversion into law.

This decree, bearing the seal of the State, will be included in the Official Collection of Legislative Acts of the Italian Republic. It is an obligation for anyone to observe and observe it.

Given in Rome, 11 March 2020

MATTARELLA

Count, President of the Council of

Ministers

Spadafora, Minister for Youth Policy
and Sport

Gualtieri, Minister for Economic
Affairs and Finance

See, the Seal Guard: Bonafede