



ITALY

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IMPLEMENTATION AND LAW

Italy adheres to the economic sanctions imposed on countries and non-state entities by the United Nations ('UN') and the European Union ('EU'). Italy has set up a regulatory framework comprising administrative procedures and applicable penalties. It is worth noting that the Italian legal system lacks a clear-cutting distinction between export controls and economic sanctions, since the two notions are generally considered encompassed within the broader category of hurdles to export. Therefore, in Italy export controls and economic sanctions are generally regulated by a common set of rules.¹

UN sanctions

Resolutions adopted by the UN Security Council under Chapter VII of the UN Charter providing for the freezing of assets, funds and economic resources ('UN sanctions') are implemented in Italy, pending

the adoption of the relevant measures by the EU, through the procedure laid down in Article 4 of Legislative Decree No. 109 of 22 June 2007 ('L.D. 109/2007').² Measures taken by Italian authorities under L.D. 109/2007 in order to implement UN sanctions cease to have effect once the corresponding EU measures come into effect.

EU sanctions

With regard to EU sanctions, EU regulations adopted by the Council under Article 215 of the Treaty on the Functioning of the European Union ('TFEU') concerning restrictive measures with regard to third countries and non-state entities or individuals subject to arms or commercial embargoes, travel bans or asset freezes ('EU restrictive measures') are implemented in Italy by means of a comprehensive regulatory framework provided for in Legislative Decree No. 221 of 15 December 2017 ('L.D. 221/2017'),³ by which it is no longer necessary for the Italian legislature to pass *ad-hoc* legislation in order to implement each new EU regulation concerning restrictive measures.

Autonomous sanctions

With regard to autonomously imposed sanctions at the national level, Italian authorities may adopt measures concerning the freezing of funds and economic resources of natural or legal persons, groups or entities through the procedure laid down in Article 4-bis of L.D. 109/2007, provided that these national restrictive measures comply with both UN Security Council resolutions and the specific restrictive measures adopted by the EU pursuant to Article 215 TFEU.

Arms embargoes

With regard to arms embargoes, under the framework laid down in Law No. 185 of 9 July 1990 ('Law 185/1990'),⁴ Italian authorities may temporarily prohibit the export of weaponry to countries in relation to which the adoption of precautionary measures is deemed appropriate.



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POWERS AND PROVISIONS

The procedure prescribed in Article 4 of L.D. 109/2007 applies to the implementation of UN sanctions imposed to counter and suppress (i) the financing of terrorism, (ii) the financing of the proliferation of weapons of mass destruction, or (iii) the activities of countries that threaten international peace and security, pending the adoption of the relevant deliberations of the EU and without prejudice to the initiatives taken by judicial authorities in criminal proceedings.

In such circumstances, the Minister of Economy and Finance (*Ministro dell'Economia e delle Finanze*), acting upon the proposal of the Financial Security Committee (*Comitato di Sicurezza Finanziaria*), shall freeze by ministerial decree the funds and economic resources held, directly or through a third party, by natural or legal persons, groups or entities designated by the UN Security Council or by one of its committees, in accordance with the criteria and procedures established by the relevant resolutions. The same ministerial decree also identifies the exemptions from freezing, based on the provisions contained in the relevant UN sanctions. Ministerial decrees adopted pursuant to Article 4 of L.D. 109/2007, unless otherwise expressly stated therein, shall remain in effect for six months after their adoption and may be renewed following the same procedure. In any event, they shall cease to have effect upon publication in the *Official Journal of the EU* of the relevant deliberations adopted by EU institutions.⁵

Under Article 5 of L.D. 109/2007, assets subject to freezing may not be transferred, disposed of or used in any way. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the designated entities. The conscious and deliberate involvement in activities having the objective or the direct or indirect result of circumventing the freezing measures is prohibited. The freezing shall be without prejudice to the effects of any measures of seizure or confiscation adopted in the context of criminal or administrative proceedings and concerning the same funds or economic resources.

L.D. 221/2017 provides a comprehensive regulatory framework in order to implement EU restrictive measures into national law.⁶

Export, import, transfer, brokering, transit, technical assistance and other activities for which EU restrictive measures impose prohibitions or prior authorisations are subject to state control. Such operations must also comply with the principles that inspire foreign policy, the fundamental interests of state security and the fight against terrorism and organised crime, multilateral agreements and understandings on non-proliferation, respect for human rights and international humanitarian law and other international obligations undertaken by Italy.⁷

In relation to transit of products listed in EU restrictive measures, Article 7 of L.D. 221/2017 provides that the Customs and Monopolies Agency (*Agenzia delle Dogane e dei Monopoli*) shall suspend the transit operation and promptly notify the Ministry of Economic Development (*Ministero dello Sviluppo Economico*), the Ministry of Foreign Affairs (*Ministero degli Affari Esteri*), the Ministry of the Interior (*Ministero dell'Interno*) and the Ministry of Defence (*Ministero della Difesa*). Where the information provided does not allow an immediate decision to be taken on the matter and further investigation is necessary, the Ministry of Economic Development shall make the transit subject to prior authorisation and shall immediately inform the person legally responsible for the transit operation and the Customs and Monopolies Agency thereof. The person legally responsible for the transit operation shall provide any information requested. The costs of storing the goods in transit shall be borne by the person legally responsible for the transit operation. Authorisation or refusal of transit shall be granted by the Ministry

of Economic Development within the limits and under the conditions laid down in the relevant EU restrictive measures, after consulting the Advisory Committee (*Comitato Consultivo*) at the Ministry of Economic Development. Refusal shall prohibit the transit or prevent the continuation of the transit already undertaken.⁸

Licences for activities otherwise prohibited by sanctions/export controls

In order to export products listed in EU restrictive measures, or to provide technical assistance related to such products, Article 8(3) of L.D. 221/2017 provides that the Ministry of Economic Development shall issue a specific individual authorisation, within the limits and under the conditions set out in the relevant EU restrictive measures.

Pursuant to Article 10 of L.D. 221/2017, such individual specific authorisation is granted to a single exporter, broker or technical assistance provider, for one or more goods, whether in the form of physical goods or intangible goods – such as transmission operations of software and technology or technical assistance – and for a specific end-user, after consulting the Advisory Committee at the Ministry of Economic Development. The application for the authorisation, signed by a legal representative of the exporter, broker or technical assistance provider, shall be addressed to the Ministry of Economic Development, using, as appropriate, the forms prescribed by the relevant EU regulations.

In the event of incomplete or incorrect completion, this shall be without prejudice to the possibility of subsequent regularisation of the application. The information and data contained in the application and any annexes shall be deemed to be declared by the applicant under his/her own responsibility. Any changes which occur after the submission of the application shall be promptly communicated to the Ministry of Economic Development. The application must be accompanied by a copy of the relevant contract or, in any case, by sufficient documentation to prove the actual intention to purchase on the part of the end-user; the technical specifications of the products being exported or brokered; the profile of the end-user and a declaration duly dated, stamped and signed by a legal representative of the latter, the so-called 'end-user statement', which must contain the information prescribed in Article 10(3) of L.D. 221/2017.⁹

Once issued, the authorisation shall be valid for a period of six months to two years, unless otherwise provided for in the EU restrictive measures, with the possibility of an extension, which may only be granted once, upon application to be submitted no later than 30 days before the expiry of the authorisation.

The exporter, broker or technical assistance provider may also be required to fulfil additional specific obligations if requested by the Ministry of Economic Development and specified in the authorisation.¹⁰ Records of operations carried out under the individual specific authorisation regime must be kept in the records of the registered office of the exporter, broker or technical assistance provider for a period of not less than three years from the end of the year in which the operations took place; they must be produced at the request of the Ministry of Economic Development, which may arrange for appropriate inspection and control activities.¹¹

Furthermore, Article 6 of L.D. 221/2017 provides that projects, designs, formulae, software and technology, for any reason related to the design, development, production or use of products listed in

EU restrictive measures, may not under any circumstances be transmitted electronically, or by other means such as fax, email or telephone, to natural or legal persons outside the EU, including persons temporarily domiciled or located in the territory thereof, without prior authorisation.¹² Such a prohibition includes access to servers and sharing of information. In this regard, exporters, brokers and technical assistance providers, who intend to use this method of data transfer, must adopt secure and traceable access procedures, as well as an access reporting system, in order to allow for any inspections, both during the operation and afterwards, by the Ministry of Economic Development.

Under Article 8(6) of L.D. 221/2017, the Ministry of Economic Development has to conclude the administrative procedure for the issuance of an authorisation by adopting an express decision within 180 days from receipt of the application. Moreover, under Article 8(5) of L.D. 221/2017, the Ministry of Economic Development may, upon specific application by an undertaking, issue a specific declaration, called 'Zero Licence', certifying that export of a certain product is not subject to prior authorisation.

Article 14(7) of L.D. 221/2017 provides that an individual specific authorisation issued in relation to products listed in EU restrictive measures may be refused or, if already granted, may be revoked, suspended or amended, after consulting the Advisory Committee at the Ministry of Economic Development, where the Ministry of Economic Development is aware, or has reasonable grounds to establish, that the products are or may be intended, in whole or in part, for a use, country of destination, or end-user prohibited under the relevant EU restrictive measures.

Asset freeze

Article 4-bis of L.D. 109/2007 provides that freezing measures may be autonomously imposed in Italy, pending the adoption of UN designation measures, and in accordance with the obligations laid down in UN Security Council Resolution No. 1373 of 28 September 2001, and the specific restrictive measures laid down by the EU, as well as the initiatives taken by judicial authorities in criminal proceedings.

In such circumstances, the Minister of Economy and Finance (*Ministro dell'Economia e delle Finanze*), acting upon the proposal of the Financial Security Committee (*Comitato di Sicurezza Finanziaria*), shall freeze by ministerial decree the funds and economic resources held, directly or through a third party, by natural or legal persons, groups or entities which engage in or attempt to engage in (i) one or more actions for the purpose of terrorism as provided for by criminal law, (ii) one or more actions aimed at financing programmes for the proliferation of weapons of mass destruction, or (iii) one or more actions threatening international peace and security.

Ministerial decrees adopted pursuant to Article 4-bis of L.D. 109/2007, which are effective as of the date of their adoption, shall be published without delay in a special section of the website of the Ministry of

‘The consequences of freezing measures autonomously imposed at the domestic level are provided for in Article 5 of L.D. 109/2007.’

Economy and Finance and of the sectoral supervisory authorities, by reason of their respective attributions. They remain in effect for a period of six months thereafter and may be renewed for an equivalent duration, following the same procedure, for as long as the conditions remain unchanged.

The consequences of freezing measures autonomously imposed at the domestic level are provided for in Article 5 of L.D. 109/2007 and thus coincide with the ones referred to above.

Arms embargoes

With specific regard to arms embargoes, under Article 1 of Law 185/1990, the export, import, transit, intra-EU transfer and brokering of military goods, as well as the transfer of the relevant production licences and the production relocation, must comply with Italy's foreign and defence policy and are subject to state authorisation and control.

The operations referred to above are prohibited where they are in conflict with the Italian Constitution, with Italy's international commitments, with agreements concerning non-proliferation, and with the fundamental interests of state security, the fight against terrorism, and the maintenance of good relations with other countries, as well as where there are no adequate guarantees on the final destination of the military goods.

The same operations are also prohibited where they are directed: (i) towards countries in a state of armed conflict contrary to the principles of Article 51 of the UN Charter, without prejudice to the respect of Italy's international obligations or the different deliberations of the Council of Ministers, to be adopted after consulting parliament; (ii) towards countries whose policies conflict with the principles of Article 11 of the Constitution; (iii) to countries in respect of which a total or partial embargo on arms supplies has been declared by the UN, the EU or the Organisation for Security and Cooperation in Europe ('OSCE'); (iv) to countries whose governments are responsible for serious violations of international conventions on human rights, as ascertained by the competent bodies of the UN, the EU or the Council of Europe; and (v) to developing countries that receive aid from Italy in accordance with existing cooperation programmes who allocate to their military budgets resources in excess of the country's defence needs.

Additionally, articles 15(7) and (8) of Law 185/1990 provide that, in exceptional circumstances, the Interministerial Committee for Economic Planning (*Comitato Interministeriale per la Programmazione Economica* – 'CIPE'), acting upon proposal of the Minister of Foreign Affairs,¹³ may temporarily prohibit the export of weaponry to those countries for which it has deemed it appropriate to adopt precautionary measures. The prohibition shall be lifted by the CIPE itself only when the causes that determined it have ceased.

KEY AGENCIES

First and foremost, the Ministry of Foreign Affairs (*Ministero degli Affari Esteri*) and, precisely, Office I of the Directorate-General for Global Affairs (*Direzione Generale per la mondializzazione e le questioni globali* – 'DGMO') is the national focal point on sanctions matters as it holds key responsibility in implementing economic sanctions within the domestic legal system and takes part in the relevant negotiations both at

the international and European level. Further information on Office I of DGMO may be found on its official website and it may be contacted via its email address:

Web: www.esteri.it/mae/en/ministero/struttura/dgmondializzazionequestioniglobali

Email: dgmo-01@esteri.it

In relation to the implementation of UN sanctions, pending the adoption of relevant measures by the EU, the Italian authority responsible for implementing the asset-freeze measures provided for in L.D. 109/2007 is the Financial Security Committee (*Comitato di Sicurezza Finanziaria – ‘CSF’*) established within the Treasury Department (*Dipartimento del Tesoro*) of the Ministry of Economy and Finance (*Ministero dell’Economia e delle Finanze*), which also issues the authorisations for the relevant banking and financial transactions and authorises exemptions from the freezing. Additional information on the CSF may be obtained on its official website and it may be contacted via its email address:

Web: www.dt.tesoro.it/it/attivita_istituzionali/prevenzione_reati_finanziari/comitato_sicurezza_finanziaria

Email: csf@tesoro.it

Infringements of L.D. 109/2007 are ascertained and contested to the persons held liable by (i) the sectoral supervisory authorities, (ii) the Financial Intelligence Unit (*Unità di Informazione Finanziaria*) established within Bank of Italy, (iii) the Financial Police (*Guardia di Finanza*) or (iv) the Customs and Monopolies Agency (*Agenzia delle Dogane e dei Monopoli*).

The relevant enforcer informs the Ministry of Economy and Finance of the infringements it has ascertained and the latter shall determine, by decree, the amount due for the infringements and shall order to the persons held liable the payment of the administrative fines, as provided for in Article 13-quarter of L.D. 109/2007.

Under the regulatory framework provided for in L.D. 221/2017, the competent authority for the control of export, transfer, brokering and transit of products listed in EU restrictive measures is the Ministry of Economic Development (*Ministero dello Sviluppo Economico*), specifically Division IV of the Directorate-General for International Trade Policy (*Direzione generale per la politica commerciale internazionale*), which issues all the relevant export authorisations and import and export certifications.

The Advisory Committee on the export, transfer, brokering and transit of dual-use items, of goods subject to the Anti-Torture Regulation, of products listed as a result of EU restrictive measures, (*Comitato Consultivo*), is set up within the Ministry of Economic Development. Within 60 days of receipt of the request made by the ministry, the committee shall issue a mandatory, though non-binding, opinion for

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the purposes of issuing, refusing, cancelling, revoking, suspending or amending individual authorisations in the cases provided for in L.D. 221/2017. The aforesaid timeframe shall be extended by a further 90 days, where the Advisory Committee at the Ministry of Economic Development deems it necessary to carry out further enquiries.

Further information on the Directorate-General for International Trade may be found on the official website of the Ministry of Economic Development and it may be contacted via its email address:

Web: www.mise.gov.it/index.php/it/commercio-internazionale/import-export/embarghi (only in Italian)
Email: polcom4@mise.gov.it

The Customs and Monopolies Agency (*Agenzia delle Dogane e dei Monopoli*) is in charge of enforcing compliance with export controls and economic sanctions regimes, operating both by itself and in cooperation with police forces, among which the most active is the Financial Police (*Guardia di Finanza*). The relevant enforcer is also responsible for informing the judicial authority of breaches of the system enacted by L.D. 221/2017, in order to commence relevant criminal proceedings against the persons held liable of such infringements.

The authorities entrusted with freezing measures autonomously imposed at the domestic level pursuant to L.D. 109/2007 coincide with the ones referred to above.

Under Law 185/1990, the Unit for Authorisations of Military Goods (*Unità Autorizzazioni Materiali d'Armamento – 'UAMA'*) within the Ministry of Foreign Affairs (*Ministero degli Affari Esteri*) is responsible for authorisation for the export, import, transit, provision of technical assistance, and for brokering services related to military goods. More information on the UAMA is available on the official website of the Ministry of Foreign Affairs or via its email address:

Web: www.esteri.it/mae/en/ministero/struttura/uama
Email: segreteria.uama@esteri.it

The Secretariat-General of Defence – National Directorate for Military Goods (*Segretariato Generale della Difesa – Direzione Nazionale degli Armamenti*), instituted within the Ministry of Defence (*Ministero della Difesa*) is responsible for the management of the National Registry of Undertakings (*Registro Nazionale delle Imprese*) operating as exporters of military goods, further information on which may be found on the official website of the Ministry of Defence:

Web: www.difesa.it/EN/SGD-DNA/Pagine/default.aspx

‘The Customs and Monopolies Agency is in charge of enforcing compliance with export controls and economic sanctions regimes.

ENFORCEMENT AND PENALTIES

With reference to domestic enforcement of UN sanctions, pending the adoption of the relevant measures by the EU, Article 5(3) of L.D. 109/2007 provides that any act carried out in breach of the prohibition to transfer, dispose of or use in any way assets subject to freezing shall be null and void. Furthermore, under Article 13 of L.D. 109/2007, breach of the prohibition referred to above shall be punished with an administrative fine of between €5,000 and €500,000, unless such conduct amounts to a criminal offence.

In the event of serious or repeated or systematic or multiple breaches of such prohibition, having regard to the significance of the breach and the conduct of the person liable, the administrative fine referred to above shall be increased up to three times and the decree imposing the fine shall be promptly published by excerpt in a special section of the website of the Ministry of Economy and Finance or of the sectoral supervisory authorities, on account of the respective powers and procedures, and shall include the infringements ascertained, the provisions violated, the subjects sanctioned, the sanctions respectively applied and, in the event that the judicial authority is seized, the initiation of legal proceedings and the outcome thereof. The information published shall remain on the website for a period of five years.

Under the regulatory framework provided for in L.D. 221/2017, and specifically pursuant to Article 17 thereof, the export, import, transfer, brokering, transit, technical assistance and other activities in relation to which EU restrictive measures impose prohibitions or prior authorisations may be subject to inspection measures, relating both to the preliminary and subsequent stages of the operation, by means of document reviews and inspections at the premises of the exporter, broker or technical assistance provider, in order to ascertain the actual final destination and actual end-use of the products and technologies subject to authorisation. The exporter, broker or technical assistance provider may also be required to provide appropriate supporting documentation proving the actual arrival of the authorised products and technologies in the country of destination, as well as any other appropriate information regarding the place, type and state of use of the latter.

Furthermore, Article 20 of L.D. 221/2017 sets a series of criminal sanctions applicable to infringements of EU restrictive measures.

- (i) Any person who exports products listed in EU restrictive measures, or who provides brokering or technical assistance services concerning such products, in breach of the prohibitions contained in the relevant EU restrictive measures, shall be punished with imprisonment from two to six years.
- (ii) Any person who carries out the operations referred to above without the prescribed authorisation, or with an authorisation obtained by providing false declarations or documentation, shall be punished with imprisonment of from two to six years or with a fine criminal in nature from €25,000 to €250,000.
- (iii) Any person who carries out the operations referred to above in breach of the obligations prescribed by an existing authorisation shall be punished with imprisonment from one to four years or with a fine criminal in nature from €15,000 to €150,000.

Mandatory seizure of the property that served, or was intended to serve, to commit the criminal offences referred to above is also provided for, and, where the seizure of such property is not possible, seizure of property which the offender has at their disposal is ordered for a value corresponding to the price or profit of the criminal offence.

Moreover, under Article 22 of L.D. 221/2017, the judicial authority that proceeds with the abovementioned criminal offences shall immediately notify the Ministry of Economic Development, in order for it to adopt any administrative measure deemed appropriate.

With regard to freezing measures autonomously imposed at the domestic level, their enforcement and applicable sanctions are governed by the provisions of L.D. 109/2007 and thus coincide with the ones referred to above.

In order to verify compliance with regulatory prohibitions and administrative requirements provided for in Law 185/1990 with respect to arms embargoes, under Article 20-ter thereof, the Ministry of Foreign Affairs may (i) carry out inspections at the premises of the undertakings dealing with military goods and (ii) obtain copies of records, data, internal regulations and other materials relating to military goods exported, transferred or received.

As to applicable sanctions,

- (i) Article 24 of Law 185/1990 provides that any person who carries out exports, intra-EU transfers, transit, brokering, transfer of production licences, productive relocation of, or intangible

Links and Notes

- ¹ See M. Padovan, M. Zinzani and A. Guaiana, 'Export control and international economic sanctions law in Italy', *WorldECR*, Issue 60, June 2017, p. 27.
- ² L.D. 109/2007 is entitled 'Measures to prevent, combat and suppress the financing of terrorism and the activities of countries that threaten international peace and security, implementing Directive 2005/60/EC' (author's translation).
- ³ L.D. 221/2017 also provides the regulatory framework for export of (i) 'dual-use' items and (ii) goods that may be used for torture or capital punishment.
- ⁴ Law 185/1990 establishes the Italian regulatory framework on export, import and transit of military goods.
- ⁵ Despite the vagueness of the wording used, the provision refers to EU regulations concerning restrictive measures adopted by the Council pursuant to Art. 215 TFEU.
- ⁶ See Art. 1(1) of L.D. 221/2017, which further stipulates that the mechanism therein also apply to (i) Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, and (ii) Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Moreover, under Art. 1(2), L.D. 221/2017 does not apply to military goods, which remain subject to the regime of Law 185/1990.
- ⁷ See Art. 3(1) of L.D. 221/2017. Under Art. 3(3) thereof, technical assistance related to technologies or software in the public domain or provided for the purpose of basic scientific research shall not be under state control.
- ⁸ Under Art. 7(3) of L.D. 221/2017, the person legally responsible for the transit operation is considered to be the national party involved in the operation, freight forwarder, the shipping agent, the representative in Italy of the third-country company which owns the goods or which has arranged for them to be sent in transit, the legal representative of any Italian branch of the third-country company which owns the goods or which has arranged for them to be sent.
- ⁹ Under Art. 10(3) of L.D. 221/2017, the 'end-user statement' must contain, with limited reference to applications concerning EU restrictive measures, the following information: (a) the exact name or company name, registered office and activity carried out; (b) a description of the imported products, their quantity and value, any classification of secrecy and its level, and the references of the relevant contract; (c) an indication of the specific use, civil or military, of the imported products, as well as their exact destination and use; in the case of brokering services, an indication of the location of the goods in the third country of origin and of the third parties involved in the transaction; (d) an express undertaking not to re-export, transfer or divert imported products during the journey; (e) any other commitments required to comply with the relevant EU restrictive measures. The Ministry of Economic Development may require the exporter, broker or technical assistance provider to submit also an international import certificate or end-use certificate issued by the competent administrative authority of the country of origin of the end-user.

transfers of software and technology relating to, military goods in breach of the delivery requirements laid down in the authorisation issued pursuant to the provisions of Law 185/1990, shall be punished with imprisonment of up to five years or with a fine criminal in nature of between two- and five-tenths of the value of the relevant contracts, unless such conduct amounts to a more serious criminal offence.

- (ii) Under Article 25 of Law 185/1990, any person who carries out the operations referred to above without the authorisation issued pursuant to the provisions of Law 185/1990, shall be punished with imprisonment from three to 12 years or with a fine criminal in nature of between €25,822 and €258,228, unless such conduct amounts to a more serious criminal offence. Those military goods that, despite being destined for export or intra-EU transfer, are not accompanied by the prescribed authorisations shall be subject to mandatory seizure.

Moreover, under Article 26 of Law 185/1990, the judicial authority that proceeds with the abovementioned criminal offences shall immediately notify the Ministry of Foreign Affairs and the Ministry of Defence, in order for them to adopt the administrative measures falling within their respective areas of competence.

¹⁰ Under Art. 10(7) of L.D. 221/2017, the following additional obligations may be specified in the authorisation: the obligation to provide the competent authority with a declaration of taking charge of the products subject to authorisation, drawn up and signed by the end-user; the obligation to carry out, at intervals indicated by the Ministry of Economic Development, inspections at the final destination of the same products indicated in the authorisation, in order to ascertain that they remain there and that their actual use is consistent with that indicated in the authorisation; the obligation to provide the Ministry of Economic Development with appropriate written and photographic reports on such inspections.

¹¹ Beside the specific individual authorisation, L.D. 221/2017 also provides for three other types of export regimes which only apply to 'dual-use' products and goods that may be used for torture or capital punishment: the global individual authorisation (Art. 11), the EU general authorisation (Art. 12), and the national general authorisation (Art. 13).

¹² Under Art. 6(3) of L.D. 221/2017, no prior authorisation shall be required for the mere commercial advertising of the products referred to in para. 1, which does not include the disclosure of the inherent technical characteristics of the material.

¹³ The body originally empowered with such a competence under Art. 15 of Law 185/1990, the Interministerial Committee on Trade in Defense-related Military Goods (*Comitato Interministeriale per gli Scambi di materiali di armamento per la Difesa* – 'CISD'), was suppressed by Art. 1(21) of Law No. 537 of 24 December 1993. Art. 6(1) of Decree of the President of the Republic No. 373 of 20 April 1994 provides that 'The CIPE, acting upon proposal of the Minister of Foreign Affairs, shall be entrusted with the steering functions of the abolished CISD' (author's translation).

¹⁴ www.esteri.it/mae/en/politica_estera/politica_europea/misure_deroghe (only in Italian).

¹⁵ www.dt.tesoro.it/export/sites/sitodt/modules/documenti_it/prevenzione_reati_finanziari/prevenzione_reati_finanziari/linee_guida_CSF.pdf (only in Italian).

¹⁶ www.dt.tesoro.it/it/attivita_istituzionali/prevenzione_reati_finanziari/embarghi_finanziari.html (only in Italian).

¹⁷ www.mise.gov.it/index.php/en/2014-06-27-15-07-23/2022513-dual-use-english-version.

¹⁸ www.mise.gov.it/index.php/it/commercio-internazionale/import-export/embarghi (only in Italian).

¹⁹ www.mise.gov.it/index.php/it/commercio-internazionale/import-export/dual-use (only in Italian).

²⁰ www.esteri.it/mae/en/ministero/struttura/uama/legislazione.html (only in Italian).

²¹ See www.reuters.com/article/us-russia-sanctions-italy-salvini/sanctions-against-russia-an-absurdity-italy-deputy-pm-idUSKCN1MP0Z4; www.ansa.it/english/news/politics/2018/06/08/russian-sanctions-damage-us-di-maio-2_f4c90247-8d2f-4960-b522-74f45075dd0b.html

²² See www.ft.com/content/ffbe03c0-b976-11e7-8c12-5661783e5589; www.italy24.ilsole24ore.com/art/business-and-economy/2017-02-07/russian-sanctions-have-cost-italy-4-billion-135157.php?uud=AEjvD4P

OUTREACH

The website of the Ministry of Foreign Affairs reports the restrictive measures adopted within the Common Foreign and Security Policy framework and currently in force. It also contains a list of all countries, individuals, groups and bodies on which such restrictions are in effect.¹⁴

The Financial Security Committee has published on the website of the Ministry of Economy and Finance a set of guidelines on freezing procedures¹⁵ and a list of the countries currently subject to international financial sanctions.¹⁶

The Ministry of Economic Development makes available on its website the documents and application forms necessary to obtain the relevant export authorisations.¹⁷ It also publishes a regularly updated list of the EU restrictive measures, which is organised according to the country affected by the relevant measure at hand.¹⁸

Moreover, in recent years the ministry has organised, promoted and sponsored several seminars, workshops and conferences in order to raise undertakings' awareness of the existing export control regime and the sanctions applicable in cases of non-compliance. Several slides and other materials of these events are downloadable in the section 'Info/News' of the relevant ministerial webpage.¹⁹

The UAMA makes available through the website of the Ministry of Foreign Affairs its interpretative guidelines on Law 185/1990, the secondary sources thereof, and the application forms necessary to obtain the relevant export authorisations.²⁰

POLITICAL FACTORS

Leading members of the government currently in charge in Italy have denounced the sanctions imposed on Russia by the EU mainly because such sanctions are perceived as damaging the Italian economy.²¹

Italian industries and trade associations have expressed dissatisfaction with the restrictive measures imposed on Russia, on account of the fact that EU sanctions have significantly reduced the possibilities for commercial co-operation between the two countries, thereby negatively affecting Italian companies doing business with Russian counterparts, especially in the oil and gas industry.²²

This chapter is reprinted from the book **Sanctions in Europe**, published by WorldECR, the journal of export controls and sanctions, January 2020.
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