COMPARATIVE ANTIMAFIA LEGISLATION

ITALIAN LAWS

ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE - Art. 416 bis Criminal Code

Anyone who is part of a mafia-type association consisting of three or more persons shall be punished by imprisonment from 10 to 15 years. Those who promote, direct or organise the association are liable to imprisonment from 12 to 18 years.

The association is mafia-type when those who are part of it make use of the intimidating force of the association bond and the resulting condition of subjugation and silence to commit crimes, to directly or indirectly acquire the management or control of economic activities, concessions, authorisations, contracts and public services or to realise unfair profits or advantages for themselves or others, or in order to prevent or hinder the free exercise of voting or to procure votes for themselves or others during elections.

If the association is armed, the punishment is imprisonment from twelve to twenty years in the cases provided for in the 1st Par. and from 15 to 26 years in the cases provided for in the 2nd Par. The association shall be considered armed when the participants have the availability, for the achievement of the purpose of the association, of weapons or explosive materials, even if concealed or kept in storage.

If the economic activities of which the associates intend to take or maintain control are financed in whole or in part with the price, product, or profit of crimes, the penalties established in the previous Par.s shall be increased by one third to one half.

For the convicted person, the confiscation of the things that served or were intended to commit the offence and of the things that are the price, the product, the profit, or constitute the use thereof shall always be mandatory.

The provisions of this Art. shall also apply to the Camorra, the 'ndrangheta and other associations, however locally denominated, including foreign ones, which, making use of the intimidating force of the associative bond, pursue aims corresponding to those of mafia-type associations.

ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE - Art. 416 ter Criminal Code

Whoever accepts, directly or through intermediaries, the promise to procure votes from persons belonging to the associations referred to in Art. 416 bis or through the methods referred to in the third par. of Art. 416 bis in exchange for the disbursement or promise of disbursement of money or any other utility or in exchange for the willingness to satisfy the interests or needs of the mafia association shall be punished by the penalty established in the first par. of Art. 416 bis.

The same penalty shall apply to anyone who promises, directly or through intermediaries, to procure votes in the cases referred to in the first Par. If the person who has accepted the promise of votes, as a result of the agreement referred to in the first par., has been elected in the relevant election, the punishment provided for in the first par. of Art. 416 bis shall apply, increased by half.

In the event of conviction for the offences referred to in this Article, perpetual disqualification from public office shall always follow.

BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO PREVENTIVE MEASURES - Law N. 175/2010

Law N. 175 amended Art. 10 of Law N. 575 of 31 May 1965 concerning the prohibition of electoral propaganda for persons subject to preventive measures. In Art. 10 of Law N. 575 of 31 May 1965, as amended, the following par.s shall be inserted after par. 5 bis: "5 bis.1. From the deadline set for the presentation of the lists and candidates and until the closure of the voting operations, persons subject, by virtue of definitive measures, to the measure of special surveillance of public security, in accordance with the present law, are prohibited from carrying out electoral propaganda activities provided for by Law N. 212 of 4 April 1956, in favour of or to the detriment of candidates participating in any type of electoral competition. 5 bis.2. Unless the act constitutes a more serious offence, the violator of the prohibition set forth in par. 5 bis.1 shall be punished by imprisonment from one to five years. The same punishment shall apply to a candidate who, having direct knowledge of the condition of being definitively subjected to the measure of special surveillance of public security, requests the same to carry out the electoral propaganda activities provided for in the aforementioned subsection 5 bis.1 and actually makes use of them. The existence of the fact must also be proven by evidence other than the declarations of the person subjected to the measure of prevention".

ANTI-MAFIA LEGISLATION PERSONAL PREVENTION MEASURES - Law N. 575/1965

Provisions against mafia-type criminal organisations, including foreign ones: “Personal prevention measures are also extended to persons suspected of belonging to mafia associations”.

SPECIAL PUBLIC SECURITY SURVEILLANCE - Art. 6 of Legisl. Decree N. 159/2011

The preventive measure of special public security surveillance may be applied to the persons referred to in Art. 4, when they are a danger to public security.

SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE - Art. 6, par. 2 of Legisl. Decree N. 159/2011

Except in the cases referred to in Art. 4, par. 1, letters a) and b), a prohibition of residence in one or more municipalities, other than those of residence or habitual abode, or in one or more regions, may be added to the special surveillance where the circumstances of the case so require.

SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY - Art. 6 par. 3 of Legisl. Decree 159/2011

3 In cases where other preventive measures are deemed unsuitable for the protection of public safety, an obligation to reside in the municipality of residence or habitual abode may be imposed. 3 bis For the purposes of the protection of public security, the obligations and prescriptions inherent to the special surveillance can be arranged, with the consent of the interested party and ascertained also with the control modalities provided for by Art. 275 bis of Criminal Procedure Code.

ANTI-MAFIA LEGISLATION ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW - Art. 16 of Legisl. Decree 159/2011

1 The provisions contained in this Title shall apply: (a) to persons referred to in Art. 4; b) to natural and legal persons reported to the United Nations Sanctions Committee, or to any other competent international body to order the freezing of funds or economic resources, when there are reasonable grounds to believe that funds or resources may be dispersed, concealed or used for the financing of terrorist organisations or activities, including international ones. 2 With regard to the persons referred to in Art. 4, par. 1, letter i), the measure of patrimonial prevention of confiscation may be applied in relation to the assets, in the availability of the same persons, which may facilitate, in any way, the activities of those who actively take part in acts of violence on the occasion of or because of sports events. The confiscation carried out during police operations aimed at preventing the aforementioned acts of violence is validated in accordance with Art. 22, par. 2.

DECEASED PERSON - Art. 18 Legisl. Decree 159/2011

1 Personal and asset-related preventive measures can be requested and applied separately and, for asset-related preventive measures, independently of the social dangerousness of the subject proposed for their application at the moment of the request for the measure of prevention. 2 Asset-related preventive measures can be ordered also in the case of death of the subject proposed for their application. In this case, the procedure continues towards the heirs or, however, towards the successors in title. 3 Asset-related prevention procedure can be started also in the case of death of the subject against whom the confiscation could be decided; in this case the request for the application of the measure of prevention can be proposed towards the universal or particular heirs within the term of 5 years from the death. 4 Asset-related prevention procedure can be initiated or continued also in the case of absence, residence or abode abroad of the person to whom the measure of prevention could be applied, on the proposal of the subjects referred to in Art. 17, competent for the place of last abode of the person concerned, relative to the goods and properties which there is reason to believe are the fruit of illicit activities or constitute the re-investment. 5 For the same purposes, proceedings may be commenced or continued when the person is subject to a detention security measure or probation.

SEIZURE - Art. 20, Legisl. Decree 159/2011

1 The Court, also ex officio, with a grounded decree, shall order the seizure of the assets which the person against whom the proposal has been made appears to dispose of, directly or indirectly, when their value is disproportionate to the declared income or to the economic activity carried out or when, on the basis of sufficient evidence, there is reason to believe that such assets are the proceeds of unlawful activities or constitute the reuse thereof, or it shall order the measures provided for in Art. 34 and 34 bis where the conditions provided for therein are met. When the Court orders the seizure of 100% shareholdings, it shall order the seizure of the relevant assets constituting the company pursuant to Art. 2555 and following of the Civil Code, also in order to allow the fulfillments provided for by Art. 104 of the implementing, coordinating and transitional rules of the Code of Criminal Procedure, referred to in Legislative Decree N. 271 of 1989. In any case, the seizure of total shareholdings extends by right to all the assets constituted in the company pursuant to Art. 2555 et seq. of the Civil Code. In the seizure order concerning corporate participations, the Court shall specifically indicate the current accounts and assets constituted as a company within the meaning of Art. 2555 et seq. of the Civil Code to which the seizure extends.

SEIZURE - Art. 20, Legisl. Decree 159/2011

2 Before ordering the seizure or ordering the measures referred to in Art. 34 and 34 bis and setting the hearing, the Court shall return the documents to the proposing body when it considers that the investigations are not complete and shall indicate the further asset investigations indispensable to assess the existence of the conditions referred to in Par. 1 for the application of the seizure or of the measures referred to in Art. 34 and 34 bis. 3 The seizure is revoked by the Court when it turns out that it concerns goods and properties of legitimate origin or of which the suspect could not directly or indirectly dispose or in any other case in which the proposal for the application of the measure of patrimonial prevention is rejected. The Court orders the consequent transcriptions and annotations in public registers, company books and company register. 4 The withdrawal of the order shall not exclude the use for tax purposes of the elements acquired in the course of the investigations carried out pursuant to Art. 19. 5 The seizure decree and the order of withdrawal, also partial, of the seizure shall be communicated, also by electronic means, to the Agency referred to in Art. 110 immediately after their execution.

CONFISCATION - Art. 24, Legisl. Decree 159/2011

1 The Court orders the confiscation of seized assets whose legitimate origin cannot be justified by the person against whom the proceeding has been initiated and which, also through a third party, are found to be owned or to be available in any capacity whatsoever for a value disproportionate to his income, declared for income tax purposes, or to his economic activity, as well as of the assets which are found to be the proceeds of unlawful activities or to be the reuse thereof. In any case, the affected person cannot justify the legitimate origin of the assets on the grounds that the money used to purchase them is the proceeds or reuse of tax evasion. If the Court does not order the confiscation, it may also apply ex officio the measures provided for in Art.s 34 and 34 bis if the conditions provided for therein are met. 1 bis When the Court orders the confiscation of total shareholdings, it shall also order the confiscation of the relevant assets incorporated in the company pursuant to Art.s 2555 et seq. of the Italian Civil Code. In the confiscation order concerning shareholdings, the Court shall specifically indicate the current accounts and the assets incorporated in the company pursuant to Art.s 2555 et seq. of the Italian Civil Code to which the confiscation is extended.

CONFISCATION - Art. 24, Legisl. Decree 159/2011

2 The seizure order loses its effectiveness if the Court does not file the decree pronouncing the confiscation within one year and six months from the date of possession by the judicial administrator. In the case of complex investigations or significant assets, the time limit referred to in the first sentence may be extended by reasoned decree of the Court for six months. For the purposes of calculating the above-mentioned time limits, account shall be taken of the grounds for suspending the duration of pre-trial detention laid down in the Italian Criminal Procedure Code, in so far as they are compatible; the time limit shall remain suspended for a period not exceeding 90 days where it is necessary to carry out expert investigations on the assets which the person against whom the proceedings have been initiated appears to dispose of, directly or indirectly. The period is also suspended for the time necessary for the final decision on the request for refusal presented by the lawyer and for the time starting from the death of the affected person, intervened during the procedure, until the identification and summons of the subjects provided for in Art. 18, par. 2, as well as during the pendency of the terms provided for in par.s 10-sexies, 10-septies and 10-octies of Art. 7. 2 bis With the final revocation or annulment of the confiscation order, the cancellation of all transcripts and annotations is ordered. 3 Seizure and confiscation may be adopted, at the request of the subjects referred to in Art.17, par. 1 and 2, when the conditions are met, even after the application of a personal prevention measure. The same Court that ordered the personal prevention measure shall provide for the request, with the forms provided for the relative procedure and respecting the provisions of this title.

SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE - Art. 25, Legisl. Decree 159/2011

1 After the submission of the proposal, if it is not possible to proceed with the seizure of the assets referred to in Art. 20, par. 1, because the affected person does not have the direct or indirect availability, even if legitimately transferred at any time to third parties in good faith, the seizure and confiscation have as their object other assets of equivalent value and of legitimate origin of which the affected person has the availability, also through an intermediary. 2 In the cases referred to in Art. 18, par. 2 and 3, the procedures referred to in par. 1 of this Art. shall be followed with regard to the subjects in respect of whom the procedure continues or begins with reference to goods of legitimate origin received from the affected person.

KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE - Decree-Law N. 8/1991 converted into Law N. 82/91

1 When prosecuting the crime of kidnapping for the purpose of extortion, the prosecutor shall request and the judge shall order the seizure of property belonging to the person kidnapped, his or her spouse and to cohabiting relatives and in-laws. The public prosecutor may also request and the judge may order the seizure of property belonging to other persons when there are reasonable grounds to believe that such property can be used, directly or indirectly, to make the perpetrators of the crime obtain the price of the victim's release. 2 The provisions relating to preventive seizure are observed. The seizure has a maximum duration of one year, but, before the expiry, it may be renewed if the well-founded reasons referred to in par. 1 remain. In any case, the seizure shall be lifted, upon the application of an interested party or the prosecutor, when it appears that the permanence of the crime has ceased. 3 The seizure of assets does not entail limitations on the powers of administration and management, on the rights to enjoy the assets themselves and does not affect pre-existing legal relationships. In case of need or when requested for family, professional, economic or business reasons, the judge, after hearing the prosecutor, may authorize acts of disposition concerning seized assets. 4 The provisions of art. 379 of the Criminal Code apply to those who, outside the cases provided for in par. 1 and 2 of Art. 7 and of complicity in the crime of kidnapping for the purpose of extortion, make every effort, by any means, to obtain from the perpetrators of the crime the price of the victim's release. 4 bis A person who has engaged in the conduct indicated in par. 4 for the benefit of the next of kin shall not be punishable. 5 Legal transactions registered for the purpose of obtaining from the perpetrators of the crime of kidnapping for the purpose of extortion the price of the victim's release are null and void.

AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS - Art. 110, Legisl. Decree 159/2011

1 The National Agency for the Administration and Destination of Assets Seized and Confiscated from Organised Crime is supervised by the Minister of the Interior, has legal personality under public law and is endowed with organisational and accounting autonomy, has its head office in Rome and up to 4 secondary offices established in accordance with the modalities set out in Art. 112, within the limits of the ordinary resources entered in its budget. 2 The Agency shall be entrusted with the following tasks: a) acquisition, through its information system, of the information flows necessary for the performance of its institutional tasks: data, documents and information subject to exchange flow, in a two-way mode. This happens thanks to the information system of the Ministry of Justice, of the judicial authority, the databases and information systems of the Prefectures and territorial offices of the Government, of the territorial bodies, of Equitalia and Equitalia Giustizia, of tax agencies and judicial administrators, in the manner provided for in Art 1, 2 and 3 of the regulation referred to in Presidential Decree N. 23/201; acquisition, in particular, of data relating to assets seized and confiscated from organized crime during criminal and preventive proceeding; acquisition of information relating to the status of seizure and confiscation proceeding; verification of the status of the assets in the same proceedings, ascertainment of the consistency, destination and use of the assets; planning of the allocation and destination of confiscated assets; analysis of the acquired data, as well as critical issues relating to the allocation and destination phase. For the implementation of this letter, the expenditure of 850,000 € is authorized for each of the years 2017-2020 […].

AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS - Art. 110, Legisl. Decree 159/2011

The Minister of Economy and Finance is authorized to make the necessary budgetary changes by his own decrees; b) assistance to the judicial authority in the administration and custody of seized assets in the course of prevention proceedings referred to in book I, title III; assistance with the aim of making it possible, from the seizure stage, to temporarily assign real estate and firms for institutional or social purposes to the entities, associations and cooperatives referred to in Art. 48, par. 3, he prior clearance of the delegated judge on the method of assignment; c) assistance to the judicial authority in the administration and custody of seized assets in the course of criminal proceedings for the offences referred to in Art.s 51, par. 3 bis, of the Code of Criminal Procedure and 12-sexies of Decree-Law N. 306 of 1992, converted, with amendments, by Law N. 356 of 1992, as amended. Assistance carried out in order to make it possible, from the seizure stage, to temporarily assign real estate and firms for institutional or social purposes to the entities, associations and cooperatives referred to in Art. 48, par. 3, of this Decree, without prejudice to the evaluation of the delegated judge on the method of assignment; d) administration and destination, pursuant to Art. 38, of the confiscated assets, by the confiscation order issued by the Court of appeal, as a result of the prevention proceeding referred to in book I, title III; e) administration, by the measure of confiscation issued by the Court of appeal as well as seizure or confiscation issued by the enforcing judge of enforcement, and destination of the confiscated assets, for the crimes referred to in Art.s 51, par. 3 bis, of the code of criminal procedure and 12-sexies of the Decree-law of 1992, n. 306, converted, with amendments, by the law n. 356 of 1992, and subsequent amendments, as well as of the assets definitively confiscated by the enforcing judge; f) adoption of initiatives and measures necessary for the timely allocation and destination of confiscated property, including through the appointment, where necessary, of ad acta commissioner. The Agency is subject to the control of the Court of Auditors.

DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION - Art. 143 TUEL Consolidated Law for Local Authorities

1 With the exception of the cases provided for in Art. 141, municipal and provincial councils are dissolved when, also following investigations carried out pursuant to Art. 59, par. 7, concrete, unique and relevant elements emerge on direct or indirect links between mafia type or similar organized crime and administrators referred to in Art. 77, par. 2, or on forms of conditioning them, such as to determine an alteration of the process of forming the will of the elective and administrative bodies and to compromise the good performance or impartiality of the municipal and provincial administrations, as well as the regular functioning of the services entrusted to them, or which are such as to cause serious and lasting damage to the state of public security. 2 In order to verify the existence of the elements referred to in par. 1 also with reference to the municipal or provincial secretary, the general manager, the managers and employees of the local authority, the prefect with territorial jurisdiction shall order any appropriate investigation, normally by promoting access to the body concerned. In this case, the prefect appoints a commission of inquiry, composed of three public administration officials, through which he exercises the powers of access and inspection of which he is the holder by delegation of the Minister of the Interior pursuant to Art. 2, par. 2-quater, of Decree-Law N. 345 of 1991, converted by Law N. 410 of 1991. Within three months from the date of access, renewable once for a further maximum period of three months, the commission ends the investigations and reports its conclusions to the Prefect. 3 Within forty-five days from the conclusions of the inquiry commission or when it has otherwise acquired the elements referred to in par. 1 or regarding the conditioning of the administrative and elective bodies, the Prefect, after hearing the Provincial Committee for Order and Public Security integrated with the participation of the competent public prosecutor, sends a report to the Minister of the Interior on the possible existence of the elements referred to in par. 1 also with reference to the municipal or provincial secretary, the general director, the managers and employees of the local authority.

DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION - Art. 143 TUEL Consolidated Law for Local Authorities

The report shall, likewise, show the contracts and the services affected by interference of organized crime or that are conditioned or characterized by an unlawful conduct. In cases when criminal proceedings are pending for facts subject to the investigations referred to in this Art. or for related events, the Prefect may request information in advance from the competent public prosecutor, who, notwithstanding Art. 329 of the Code of Criminal Procedure, shall disclose all the information that he/she does not consider should remain secret for the needs of the proceedings. 4 The dissolution referred to in par. 1 shall be ordered by a Decree of the Italian President of the Republic, on the proposal of the Minister of the Interior, after a resolution of the Council of Ministers within three months of the transmission of the report referred to in par. 3 and shall be immediately transmitted to the Chambers. The dissolution proposal shall indicate in an analytical manner the anomalies found and the necessary measures to promptly remove the most serious and harmful effects on the public interest; the proposal shall also indicate the directors held responsible for the conduct that gave rise to the dissolution. The dissolution of the municipal or provincial council entails the termination of the office of councillor, mayor, president of the province, member of the respective council and any other position related to the offices held, even if otherwise provided for by the laws in force regarding the organization and functioning of the aforementioned bodies. 5 Even in cases where dissolution is not ordered, if the prefectural report detects the existence of the elements referred to in par. 1 with reference to the municipal or provincial secretary, the general director, the managers or employees in any capacity of the local authority, by decree of the Minister of the Interior, upon the proposal of the Prefect, every useful measure shall be adopted to immediately put an end to the ongoing prejudice and restore the administrative life of the entity back to normal, including the suspension from the employment of the employee, or his assignment to another office or another task with the obligation to initiate disciplinary proceedings by the competent authority.

6 Dissolution decree becomes effective from the date of publication, and the positions referred to in Art. 110, as well as the positions of auditors and consultancy and collaboration relationships that have not been renewed by the extraordinary commission referred to in Art. 144 within 45 days of its establishment shall be terminated as of right. 7 In the event that the conditions for the dissolution or adoption of other measures referred to in par. 5 do not exist, the Minister of the Interior, within 3 months of the transmission of the report referred to in par. 3, shall in any case issue a final decree with the results of the inspection. Publication of the measures issued in the event of non-existence of the conditions for the dissolution proposal is governed by the Minister of the Interior by his own decree. 7 bis In the case referred to in par. 7, if the report of the prefect reveals, with regard to one or more administrative sectors, situations of serious and repeated unlawful conducts, such as to determine an alteration of the proceedings and to compromise the good performance and impartiality of the municipal or provincial administrations, as well as the regular functioning of the services entrusted to them, the Prefect, in order to stop the situations found and to restore the administrative activity of the entity, identifies, without prejudice to the profiles of criminal relevance, the priority reorganization measures indicating the acts to be taken, with the setting of a deadline for their adoption, and provides all useful technical-administrative support through its offices. After the deadline has expired in vain, the Prefect assigns the body a further period, not exceeding 20 days, for their adoption, after which he replaces by means of a commissioner ad acta, the defaulting administration. Local governments shall provide for the related costs with the resources available under current legislation on their budgets. 8 If the prefectural report shows concrete, unambiguous and relevant elements on connections between individual administrators and mafia-type organised crime, the Minister of the Interior shall transmit the report referred to in par. 3 to the competent judicial authority, in order to apply the preventive measures envisaged against the subjects referred to in Art. 1 of Law N. 575 of 1965. 9 Attached to the decree are the proposal of the Minister of the Interior and the report of the Prefect, unless the Council of Ministers decides to maintain confidentiality of parts when strictly necessary.

DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION - Art. 143 TUEL Consolidated Law for Local Authorities

10 The dissolution decree is effective for 12-18 months exceptionally extendable up to 24 months, giving notice to the competent parliamentary committees, to ensure the smooth functioning of the services entrusted to the administrations, in compliance with the principles of impartiality and good performance of the administrative action. Elections of the dissolved bodies according to this Art. shall be held on the occasion of the ordinary annual round referred to in Art. 1 of Law N. 182 of 1991, and subsequent amendments. In the event that the expiry of the duration of the dissolution falls in the second half of the year, the elections shall be held in an extraordinary round to be held on a Sunday between 15 Oct. and 15 Dec. The date of the elections is fixed according to Art. 3 of the aforementioned Law N. 182 of 1991, and subsequent amendments. Any measure to extend the duration of the dissolution shall be adopted no later than the 50° day prior to the expiry date of the duration of the dissolution itself, observing the procedures and process established in par. 4. 11 Without prejudice to any other ban and ancillary measure that may be provided for, the directors responsible for the conducts that gave rise to the dissolution referred to in this Art. may not be candidates for the elections of the Chamber of Deputies, the Senate of the Republic and the European Parliament, as well as for regional, provincial, municipal and district elections, in relation to the two electoral rounds following the dissolution itself, if their ineligibility is declared by a definitive provision. For the purposes of the declaration of ineligibility, the Minister of the Interior shall send without delay the dissolution proposal referred to in par. 4 to the competent Court of the territory, which assesses the existence of the elements referred to in par. 1 with reference to the directors indicated in the proposal itself. The procedures referred to in Book IV, Title II, Chapter VI of the Code of Civil Procedure shall apply, when compatible. 12 In case of urgent need, the Prefect, pending the dissolution decree, suspends the bodies from the office held, as well as from any other office related to it, ensuring the temporary administration of the entity by sending commissioners. The suspension cannot exceed 60 days and the term of the decree referred to in par. 10 shall start from the date of the suspension measure.

COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION - Art. 84, Legisl. Decree N. 159/2011

1 The anti-mafia documentation consists of the anti-mafia communication and the anti-mafia information.2 The anti-mafia communication consists of the demonstration of the existence or non-existence of one of the causes of disqualification, suspension or prohibition referred to in Art. 67. 3 The anti-mafia information consists of the demonstration of the existence or non-existence of one of the causes of disqualification, suspension or prohibition referred to in Art. 67, as well as, without prejudice to the provisions of Art. 91, par. 6, the demonstration of the existence or non-existence of any attempts of mafia infiltration tending to condition the choices and addresses of the companies or enterprises concerned indicated in par. 4. 4 The situations related to the attempts of mafia infiltration that give rise to the adoption of the anti-mafia information reports referred to in par. 3 are deduced: a) by the measures that provide for a pre-trail detention measure or a judgment, that carry a sentence even if not definitive for some of the crimes referred to in Art.s 353, 353 bis, 603 bis, 629, 640 bis, 644, 648 bis, 648 ter of the Criminal Code, of the crimes referred to in Art. 51, par. 3 bis, of the Code of Criminal Procedure and referred to in Art. 12-quinquies of Decree-Law N. 306 of 1992, converted, with amendments, by Law N. 356 of 1992, as well as the crimes referred to in Art.s 2, 3 and 8 of Legislative Decree N. 74 of 2000; b) from the proposal or the provision of application of some of the prevention measures; c) unless the exemption referred to in Art. 4 of Law N. 689 of 1981 applies, by the failure to report to the judicial authority the offences referred to in Art.s 317 and 629 of the Criminal Code, aggravated according to Art. 7 of Decree-Law N. 152 of 1991, converted, with amendments, by Law N. 203 of 1991, by the subjects indicated in letter b) of Art. 38 of Legislative Decree N. 163 of 2006, even in the absence of a proceeding against them for the application of a preventive measure or a cause of impediment therein;

COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION - Art. 84, Legislative Decree N. 159 of 2011

d) by the assessments ordered by the prefect also making use of the powers of access and inspection delegated by the Minister of the Interior according to Decree-Law N. 629 of 1982, converted, with amendments, by Law N. 726 of 1982, or those referred to in Art. 93 of this Decree; e) from the inspections to be carried out in another province by the competent prefects upon request of the relevant prefect according to letter d); f) from the substitutions in the corporate bodies, legal representation of the company as well as in the ownership of sole proprietorships or company shares, carried out by anyone permanently cohabiting with the recipients of the measures referred to in letters a) and b), with methods that, due to the timing in which they are realised, the economic value of the transactions, the income of the subjects involved as well as the professional qualifications of the successors, indicate the intent to circumvent the regulations on anti-mafia documentation. 4 bis The circumstance referred to in par. 4, letter c), must emerge from the evidence underlying the request for indictment formulated against the defendant and must be communicated, together with the personal information of the person who has omitted the aforementioned report, by the public prosecutor to the prefecture of the province in which the applicants referred to in Art. 83, par. 1 and 2, have their headquarters or in which the natural persons, enterprises, associations, companies or consortia involved in the contracts and subcontracts referred to in Art. 91, par. 1 a) and c) or who are beneficiary of the acts of concession or disbursement referred to in par. 1 b), have their residence or headquarters.