

## LAWS AND OTHER INSTRUMENTS

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LAW 30 June 2009, n. 85

**Accession of the Italian Republic to the Treaty concluded May 27, 2005 between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on deepening of cross-border cooperation, particularly in order to counter terrorism, crime 'across borders and illegal migration (Prüm Treaty). Establishment of national database of DNA and the Central Laboratory for the national DNA database. Delegation to the Government for the establishment of the technical roles of the Corps of Prison Wardens. Changes to the Code of Criminal Procedure relating to investigations which may affect the technical freedom 'staff. (09G0092)(OJ No. 160, 13.7.2009 - Suppl. No Ordinary. 108)**

**The Chamber of Deputies and the Senate have approved;**

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THE PRESIDENT OF THE REPUBLIC  
Promulgates  
the following law:

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1**

##### **(Authorization for Membership)**

1. The President is authorized to accede to the Treaty concluded May 27, 2005 between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of 'Austria concerning the deepening of cross-border cooperation, in particular to combat terrorism, transnational crime and illegal migration (Prüm Treaty), follows: "the Treaty".

#### **Article 2**

##### **(Order of Execution)**

1. Full and complete implementation is given in Article 1 of the Treaty, as from the ninetieth day following the deposit of its instrument of accession in accordance with Article 51, paragraph 3, of that Treaty.

#### **Article 3**

##### **(Reference authority for the activities envisaged by the Treaty)**

1. The reference authority for the activities envisaged by the Treaty are identified with one or more decrees of the Minister and the Minister of Justice.

#### **Article 4**

##### **(Compensation for damages)**

1. Without prejudice to Article 30 of the Treaty, when agents of a Contracting Party are operating in the country, the Italian state pays compensation for damage caused by foreign personnel limited to those arising in the course of activities pursuant to that Treaty.

## **CHAPTER II**

### **ESTABLISHMENT OF THE NATIONAL DNA DATA BANK AND THE CENTRAL LABORATORY FOR THE NATIONAL DATABASE OF DNA**

#### **Article 5**

##### **(Establishment of national database of DNA and the Central Laboratory for the national DNA database)**

1. In order to facilitate the identification of the perpetrators of crimes, at the Ministry of the Interior, Department of Public Safety, has established a national database of DNA.
2. Ministry of Justice, Department of Prison Administration, has established the central laboratory for the national DNA database.

#### **Article 6**

##### **(Definitions)**

1. For the purposes of this Act are to:
  - a) 'DNA': deoxyribonucleic acid, the repository of genetic information in the form of a linear sequence of nucleotides, the bearer of the hereditary information;
  - b) "DNA profile": alpha-numeric sequence derived from DNA that is individual and distinctive;
  - c) "biological sample" means a quantity of organic substance taken on the person subjected to DNA typing profile;
  - d) 'biological specimen' biological material acquired at the scene of a crime or other things relevant to the offense;
  - e) 'treatment' means any operation or set of operations carried out without the help of electronic means, concerning the collection, recording, organization, storage, consulting, development, modification, selection, typing, comparison, use, interconnection, blocking, communication, dissemination, erasure and destruction of data;
  - f) 'access': consultation, including information technology, data and information in the database;
  - g) "identification": personal data that allow direct identification;
  - h) "typing": all the laboratory transactions techniques that lead to the production of DNA profiling.

#### **Article 7**

##### **(Activities of the national database of DNA)**

1. The national database of DNA provides for the following activities:
  - a) collection of the DNA profile of the entities referred to in Article 9, paragraphs 1 and 2;
  - b) collection of DNA profiles relating to biological samples obtained during the course of criminal proceedings;
  - c) collection of DNA profiles of missing persons or their relatives, the remains of corpses and unidentified corpse;
  - d) comparison of DNA profiles for identification purposes.

#### **Article 8**

##### **(Activities of the Central Laboratory for the national DNA database)**

1. The central laboratory for the national database of DNA Provides for the following activities:
  - a) typing of the DNA profile of the entities referred to in Article 9, Paragraphs 1 and 2;
  - b) conservation of biological samples from which DNA profiles are typed.

#### **Article 9**

##### **(Collection of biological samples and typing of DNA profiling)**

1. For inclusion of DNA profiles in the national database of DNA, are subject to biological sampling:
  - a) the persons to whom it is applied to the measure of remand in custody or that of house arrest;

- b) the persons arrested committing a crime or subject to custody suspected of crime;
- c) the detained or interned as a result of a final judgment for a crime of intent,
- d) persons in case they have applied an alternative measure to detention following final judgment for a crime of intent,
- e) the persons to whom it is applied, temporarily or permanently, a detention sentence.

2. The levy may be made only if you proceed against the persons referred to in paragraph 1 for crimes, not culpable, for which arrest is permitted optional *in flagrante delicto*. The levy cannot be done if you proceed to the following offenses:

- a) the offenses referred to in Book II, Title II, Title III, Chapter I, except those referred to in Articles 368, 371-bis, 371-ter, 372, 378 and 379, Chapter II, except as in Article 390, Penal Code;
- b) the offenses referred to in Book II, Title VII, Chapter I and Chapter II of the Criminal Code;
- c) the offenses referred to in Book II, Title VIII, Chapter I and Chapter II, except as in Article 513-bis of the Penal Code;
- d) the offenses referred to in Book II, Title XI, Chapter I of the Criminal Code;
- e) the offenses referred to RD March 16, 1942, n. 267
- f) offenses under the Civil Code;
- g) offenses relating to tax matters.
- h) offenses covered by the consolidated text of the provisions on financial intermediation, in the decree of February 24, 1998. 58

3. In case of arrest in flagrante delicto or arrest of a suspect in the murder of sampling times after validation by the court.

4. Persons referred to in paragraph 1 shall be subject to sampling the oral mucosa by staff specially trained police forces or police auxiliary health personnel.

5. The operations are carried out while respecting the dignity and privacy of those who are subjected. For these operations a levy shall be written up.

6. The sample is immediately sent, by the prosecuting staff, to the central laboratory in Article 5, paragraph 2, for the typing of your profile and subsequent transmission to the DNA database.

#### **Article 10**

##### **(Typed DNA profiles from biological samples obtained during the course of criminal proceedings)**

- 1. If, during the criminal proceedings are typified by the laboratories of the Police Force or other institutions of higher specialization profiles of DNA from biological samples by means of technical assessment, technical advice or expertise, the court proceeding has the transmission of data to the national database of DNA, for the collection and comparisons.
- 2. If there were no analyzes referred to in paragraph 1, after the passage of the judgment become final, a public prosecutor under Article 655, paragraph 1, of the Code of Criminal Procedure, may ask the court to order execution transmission of findings to a laboratory of the Police Force or other highly specialized institutions for the typing of the profiles and the subsequent transmission of data to the national database of DNA.

#### **Article 11**

##### **(Methodology for analysis of biological specimens and samples for the typing of the profile to be included in the national DNA database)**

- 1. The analysis of the sample and the biological specimen for the typing of the DNA profile for inclusion in the national database of DNA is performed on the basis of internationally recognized parameters and indicated by 'ENFSI (European Network of Forensic Science Institutes), so as to ensure the uniformity of the same.
- 2. DNA profiles can be entered in the national database of DNA only if typed in laboratories certified under ISO / IEC.
- 3. The systems of analysis are only applied to DNA sequences that do not allow the identification of diseases from which the person concerned can be affected.

## **Article 12**

### **(Treatment of data, access, and traceability of samples)**

1. The DNA profiles and the corresponding samples do not contain sufficient information to enable the direct identification of the subject which they refer.
2. The data contained in the national database of DNA has enabled the police and the courts solely for purposes of personal identification, and for the purposes of international police cooperation. The data contained in the central laboratory for the national DNA database is permitted to the same subjects and for the same purposes, prior judicial authorization.
3. The treatment and access to data contained in the national database of DNA and in the central laboratory for the national DNA database must be done in ways that ensure the identification and registration of each operator's activities. It must also be ensured the recording of all activity on the samples.
4. The treatment and access to data contained in the national database of DNA and in the central laboratory for the national database of DNA are reserved to authorized staff.
5. The staff of the national DNA database and the central laboratory for the national database of DNA bound to secrecy for the acts, the data and information coming to his knowledge by reason or in the exercise of their functions.

## **Article 13**

### **(Data erasure and destruction of biological samples)**

1. Following a final judgment of acquittal because the fact does not exist or because the accused has committed it is prepared ex officio cancellation of the DNA profiles obtained in accordance with Article 9 and the destruction of relevant biological samples.
2. Following identification of a corpse or cadaverous remains and the discovery of the missing person is located, also ex officio cancellation of the DNA profiles obtained in accordance with Article 7, paragraph 1, letter c), and the destruction of relevant samples biological.
3. When the sampling operations were carried out in violation of the provisions of Article 9, it shall ex officio delete your DNA profile and the destruction of the biological sample.
4. In any other case, the DNA profile is entered into the national database of DNA for the times established in the implementing Regulation, in consultation with the Authority for the protection of personal data, but not later than forty years since the last occasion that determined the placement and the biological sample is kept for the times established in the implementing regulation, in agreement with the Guarantor for the protection of personal data, but no later than twenty years since the fact that it has determined the withdrawal.

## **Article 14**

### **(Penalties)**

1. The public official who communicates or makes use of data and information in violation of the provisions of Chapter II of this Act, or outside of the purposes referred to in that Chapter II, shall be punished, unless the fact constitutes a more serious offense, imprisonment from one to three years.
2. If the offense is committed for negligence, the penalty is imprisonment up to six months.

## **Article 15**

### **(Guaranteeing institutions)**

1. The control over the national DNA data bank is exercised by the Authority for the protection of personal data in the manner prescribed by law and regulations.
2. The national committee for bio-safety and biotechnology ensures that the criteria and technical standards for operation of the central laboratory for the national DNA database, and performs, after the Guarantor for the protection of personal data, assessments at the same central laboratory and the laboratories that support it, with suggestions about the tasks performed, the procedures, security policies and guarantees provided, and any other aspect considered useful for improving the service.
3. The Guarantor for the protection of personal data and the national committee for bio-safety and biotechnology shall perform the tasks referred to in paragraphs 1 and 2 in human resources, financial and instrumental already supplied to them.

**Article 16**  
**(Implementing regulations)**

1. With one or more regulations adopted pursuant to Article 17, paragraph 2, of 23 August 1988, n. 400, proposed by the Minister of Justice and Interior Minister, in consultation with the Minister of Defense, the Ministry of Economy and Finance and the Minister of Agriculture and Forestry, heard the Guarantor for the protection of personal data and the President of the National Committee for Biosafety and biotechnology, are governed in accordance with the guiding principles and criteria of this Act:

- a) the operation and organization of the national database of DNA and the Central Laboratory for the national DNA database, the methods of treatment and access via computer and telematics data they collected, and the procedures for reporting and information requests;
- b) the techniques and methods of analysis and storage of biological samples, and, in accordance with the provisions of Article 13, paragraph 4, the storage times of biological samples and profiles;
- c) the functions of the head of the national database of DNA and the head of the central laboratory for the national DNA database, as well as technical and professional skills of personnel assigned to it;
- d) the manner and terms of exercise of the powers conferred by Article 15 of this Act to the National Committee for Biosafety and Biotechnology;
- e) the arrangements for clearing and destruction of DNA profiles of biological samples in cases provided for in Article 13;
- f) the criteria and procedures to be followed for the cancellation of the profiles of the DNA and the destruction of its biological samples, including in response to positive feedback between the profiles of the DNA object of verification, in order to avoid the conservation, in the database and in the central laboratory, more and more DNA profiles of biological samples on the same subject.

2. Diagrams of the regulations referred to in paragraph 1 shall be transmitted to both Houses, for the expression of opinions by the commission responsible for the field. The opinions shall be made within fifteen days from the date, after which the regulations are also adopted in the absence of advice. If this period is to expire within fifteen days prior to the expiration of the deadline in the introduction of paragraph 1 or later, it has extended the expiration of thirty days.

**Article 17**  
**(Transitional rules)**

1. The DNA profiles obtained from specimens collected during criminal proceedings before the date of entry into force of this Act, no prior-authorization of the judicial, police forces are transferred from the national database within one year after its entry into function.

2. The collection of biological samples with respect to persons referred to in Article 9, already detained or interned at the date of entry into force of this Act, shall be made by the prison service within one year.

3. Until the establishment and proper functioning of the central laboratory for the national DNA database, and no later than one year from the date of entry into force of this Act, the Department of Prison Administration may enter into, within the resources allocated in article 25, non-renewable agreements, and a duration not to exceed a period of three years from the date of entry into force of this Act, with:

- a) highly specialized institutions, to run, even in external laboratories that meet the requirements of Article 11 of the activities referred to in Article 8, paragraph 1, letter a),
- b) the individual police forces for the completion of specific training programs and training.

**Article 18**  
**(Establishment of technical roles in the body of the prison service)**

1. The Government has delegated the power to adopt, within one year from the date of entry into force of this law, one or more legislative decrees to ensure the integration of personnel the order of the prison service through the establishment of technical roles in which frame the staff in the activities of the central Laboratory of Article 5, paragraph 2. The decrees provided for in this subparagraph shall be adopted on the proposal of Minister of Justice, in consultation with the Minister of Economy and Finance and the Minister for reforms and innovations in public administration and forwarded to Parliament for the purposes of 'expression of opinions by the competent committees of subject matter and the consequences of a financial nature that are made within thirty days from the

date, after which the decrees were issued in the absence of advice. If this period is to expire within thirty days prior to the expiration date specified in the first sentence of this paragraph, or after the expiry of that period is extended for sixty days.

2. In the exercise of the delegation referred to in paragraph 1, the Government observes the following principles and criteria:

- a) division of personnel performing activities including technical and scientific or technical character of the Executive, relating to the police prison, in the roles to be determined in relation to the functions assigned to the content and skills required; determining the qualifications and the corresponding functions;
- b) the distribution of staff who performs duties of a professional nature, the pursuit of which requires enrollment in special registers, in roles to be determined in relation to the functions assigned to the content and skills required; determining the qualifications and the corresponding functions;
- c) prediction that access to the initial qualifications of each role and their career progression occurs through the same procedures as those for the corresponding or similar technical roles of the State Police;
- d) governs the legal status of staff, and in particular the command from another government, the expectation, the placement available, incompatibilities, information reports and leave, according to criteria that take into account the specific needs of police services and need for this legislation does not provide treatments was lower than those of other civilian employees of the State;
- e) allocation, if necessary, and only for duties performed, the agent and police officer and public safety personnel performing scientific and technical activities that performs tasks of a professional in relation to the role of belonging.

#### **Article 19**

##### **(Information to Parliament on the activities of the national database of DNA and the central laboratory for the same database)**

1. The interior and justice ministers to inform the Parliament on an annual basis, in order to activities in the reporting period, respectively, from the national database of DNA and the central laboratory for the same database, as well as concerning the state of implementation of rules in this Chapter in parts of their competence.

### **CHAPTER III**

#### **EXCHANGE OF INFORMATION AND OTHER FORMS OF COOPERATION**

#### **Article 20**

##### **(Information exchange of DNA data and personal information)**

1. The provisions of Articles 2 through 7 of the Treaty, concerning the information exchange of DNA profiles, and those relating to information exchange of fingerprint data, to those contained in the records of registration of vehicles, as well as those relating to sporting events, referred to in Articles 8, 9, 12 and 15 of the Treaty are applied in accordance with legislative Decree 30 June 2003, n. 196.

#### **Article 21**

##### **(Use of armed guards on aircraft)**

1. For the purposes of applying Article 17 of the Treaty, within sixty days from the date of entry into force of this Act, the competent national authorities propose to the competent authorities of the Contracting Parties and other States which have acceded to the Treaty to sign a separate agreement under the same Article 17, paragraph 5, in order to integrate the information in Appendix 1 of the Treaty.

2. The general authorization of a firearms and ammunition referred to in Article 18, paragraph 1, of the Treaty allows the national transport of weapons on the exit from the aircraft to the place of deposit in safety zones, referred to in that Article 18, paragraph 2.

#### **Article 22**

##### **(Status and powers of the components of common operations)**

1. In implementation of Article 24 of the Treaty, the members of law enforcement agencies of other States Parties participating in the national territory for common tasks, seconded by the competent authorities, respectively, can

perform the duties imposed by the memorandum of mixed units, subscribed by the public security identified pursuant to Article 3, to the extent permitted by law or regulation in force in the State. At the same subjects, the same limits are assigned as agent of public security and judicial police officer.

2. Unless otherwise stated in the Constitutive Act, the port in the State of the weapons and equipment referred to in Article 28 of the Treaty must be authorized under Article 9 of Law February 21, 1990, n. 36, as amended.

### **Article 23**

#### **(Powers in case of emergency measures on the national territory)**

1. For the purposes of implementing Article 25 of the Treaty:

a) the right of action therein is meant to refer to situations of emergency where a delay may facilitate the occurrence of a harmful event;

b) the members of law enforcement agencies of the State borders may only use the same weapons in self-defense provided for members of mixed units referred to in Article 21 of this Law.

2. In the event that the provisional measure of detention of a person is willing, under Article 25, paragraph 1, of the Treaty, by belonging to the police of the neighboring State Party, the provisions of Article 5 of the law of 30 September 1993, n. 388.

## **CHAPTER IV**

### **AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE IN RESPECT OF TECHNICAL INQUIRIES TO AFFECT THE APPROPRIATE PERSONAL FREEDOM**

### **Article 24**

#### **(Introduction to Article 224-bis of the Criminal Procedure Code)**

1. After Article 224 of the Criminal Procedure Code shall be inserted the following:

"Art 224-bis. - (Powers of court for appraisals that require the performance of acts which may affect the personal freedom). - 1. In proceedings for willful murder, or attempted, for which the law provides for life imprisonment or imprisonment exceed a maximum of three years and as otherwise expressly provided by law, if the execution of the expert opinion is needed perform acts which may affect the personal freedom, such as the removal of hair, hair or oral mucosa of persons living in the determination of the DNA profile or medical testing, and there is the consent of the person to be subjected to ' examination of the expert, the judge, even ex officio, by reasoned order shall have the enforcement, if it is absolutely essential for the proof of the facts.

2. In addition to the provisions of Article 224, the order referred to in paragraph 1 shall contain, under penalty of nullity:

a) the identity of the person subject to examination and anything else worth to identify it;

b) particulars of the offense for which proceeds with a brief description of the event;

c) the specific indication of the assessment or levy to be made and the reasons that make it absolutely essential for the proof of the facts;

d) the notice of right to be assisted by counsel or by any person appointed;

e) the opinion that in case of failure to appear not due to such failure can be ordered on the accompanying coercive, pursuant to paragraph 6;

f) state the place, day and time set for the performance of the act and the manner of fulfillment.

3. The order referred to in paragraph 1 shall be notified, the defendant and his counsel as well as the victim at least three days before the date set for the execution of surveying operations.

4. In no case be arranged transactions that conflict with express limitations established by law or that may endanger the life, physical integrity or health of the person or the unborn child, or that, according to medical science, can cause suffering not minor.

5. Their inquiries are still made in respect of the dignity and modesty of those who are subjected. In any case, with the same result, are chosen the less invasive techniques.

6. If the person invited to appear for the purposes referred to in subsection 1 does not appear without giving cause for such failure, the judge may decide that it is accompanied, even compulsively, in place, the day and time. If, despite appearing, refuses to give his consent to the investigation, the judge has to be carried out compulsively. The use of physical coercion is allowed only for the time strictly necessary to perform the sampling or the investigation. The provisions of Article 132, paragraph 2.

7. The act is invalid if the person subject to the levy or the investigation is not assisted by counsel appointed. "

#### **Article 25**

##### **(Introduction to Article 359-bis of the Criminal Procedure Code)**

1. After Article 359 of the Code of Criminal Procedure has included the following:

"Art 359-bis. - (Withdrawal of enforcement of biological samples of living persons). - 1. Subject to the provisions of Article 349, paragraph 2-bis, should be performed when the transactions referred to in Article 224-bis and there is the data subject's consent, the prosecutor must submit a request to the judge for preliminary investigations that authorizations by order when the conditions specified therein.

2. In cases of urgency, when there is reason to believe that the delay may result serious or irreparable harm to the investigation, the prosecutor has the conduct of operations by reasoned decree containing the same elements specified in paragraph 2 of Article 224-bis, arranging to have the accompanying coercive, if the person submitting the transactions will not occur without giving cause for such failure, or the mandatory execution of operations, if the person refuses to undergo appearance. Within forty-eight hours after the prosecutor asks the judge for preliminary validation of the decree and any accompanying coercive measure. The judge shall issue an order as soon as possible and not later than forty-eight hours later, immediately giving notice to the public prosecutor and the defender.3. In the cases referred to in paragraphs 1 and 2, the provisions of Articles 132, paragraph 2, and 224-bis, paragraphs 2, 4 and 5, apply to void transactions and usability of the information thus acquired. The provisions of paragraph 2 of Article 191. "

#### **Article 26**

##### **(Amendment to Article 133 of the Code of Criminal Procedure)**

1. In paragraph 1 of Article 133 of the Criminal Procedure Code, after the words, "the expert" shall be inserted the following: "a person other than the accused submitted to the expert,".

#### **Article 27**

##### **(Amendment to Article 354 of the Code of Criminal Procedure)**

1. Article 354, paragraph 3, of the Code of Criminal Procedure, the second sentence is deleted.

#### **Article 28**

##### **(Amendment to Article 392 of the Code of Criminal Procedure)**

1. Article 392, paragraph 2, of the Code of Criminal Procedure, are added at the end, the following words: "or leading to the execution of assessments or levies of a living person under Article 224-bis."

#### **Article 29**

##### **(Introduction to Articles 72-a, 72-72-b and c of the rules for implementation, coordination and transitional provisions of the Code of Criminal Procedure)**

1. After Article 72 of the rules for implementation, coordination and transitional provisions of the Code of Criminal Procedure, referred to in Legislative Decree 28 July 1989, n. 271, the following is inserted:

"Art 72-bis. - (Collection of biological samples and medical testing of minors and persons unable or forbidden). -

1. In the cases provided for in Articles 224-bis and 359-bis of the Code, if the person to be subjected to sampling biological or medical testing is less, unable or forbidden to infirmity of mind, the consensus is provided by the parent or guardian, which may be present during operations.

2. For the purposes of paragraph 1, if the parent or guardian are missing or not available, or are in conflict of interest with the person to be subjected to sampling biological or medical testing, consent is provided by a special trustee appointed by the judge, who may be present during operations.



3. We observe, as applicable, the provisions of Articles 224-bis and 359-bis of the Code.

Article 72-ter. - (Drafting the minutes of the operations). - 1. In the report on biological sampling operations or performance of a medical examination is made express mention of any consent given by the person under examination.

Article 72-c. - (Destruction of biological samples). - 1. Upon completion of the report on biological samples, under Article 224-bis of the Code, the judge has the immediate destruction of the sample, unless it considers the conservation imperative. The destruction is performed by the expert who performed the analyzes on which they draw up a statement to be attached to the file. 2. After the definition of the proceedings by order of filing or after judgment was rendered no longer subject to appeal, the Court shall in all cases and without delay, to the destruction of biological samples taken in accordance with Articles 224-bis and 359-bis the Code. "

## **CHAPTER IV FINAL PROVISIONS**

### **Article 30**

#### **(Information to Parliament on police cooperation)**

1. The Minister shall report annually to the Parliamentary Committee under Article 18 of Law 30 September 1993, n. 388, on the implementation of the provisions of the Treaty, any action taken and the agreements, with specific reference to those implementation of Article 44.

### **Article 31**

#### **(International agreements)**

1. The implementation of the standards referred to in this Act shall be in accordance with international agreements signed and ratified by Italy.

### **Article 32**

#### **(financial coverage)**

1. For the establishment and operation of the national database of DNA and the Central Laboratory for the national DNA database, the conventions referred to in Article 17, paragraph 3, and for the exchange of DNA data information and data personal, is authorized spending of EUR 11,184,200 for the year 2008 of EUR 6,210,000 for the year 2009 of EUR 4,910,000 for the year 2010 and EUR 4,110,000 in the scheme, which provides :

a) as to 5,892,100 euros for the year 2008, EUR 3,205,000 for the year 2009, EUR 2,555,000 for the year 2010 and EUR 2,155,000 in the scheme, by a corresponding reduction in appropriations of projections, for 2008-2010 in the context of the triennial budget forecast unit basis of the current "special Fund" of the state budget of the Ministry of Economy and Finance for the year 2008, making partial use of the provision for the Ministry of the Interior;

b) as to 5,292,100 euros for the year 2008, EUR 3,005,000 for the year 2009, EUR 2,355,000 for the year 2010 and EUR 1,955,000 in the scheme, by a corresponding reduction in appropriations of projections, for 2008-2010 in the context of the triennial budget forecast unit basis of the current "special fund" of the state budget of the Ministry of Economy and Finance for the year 2008, making partial use of the provision for the Ministry of Justice.

2. For expenses relating to personnel, evaluated 1,627,420 euros from the year 2008, for by a corresponding reduction projections in appropriations for the 2008-2010 three-year budget forecast unit based in part current "special Fund" of the state budget of the Ministry of Economy and Finance for the year 2008, making partial use of the provision for the Ministry of Justice.

3. The Minister of Economy and Finance will monitor the implementation of the preceding paragraph, including for purposes of Article 11-ter, paragraph 7 of the Law of August 5, 1978, n. 468, as amended, and transmits to the chambers, accompanied by relevant reports, any decrees issued pursuant to Article 7, paragraph 2, number 2) of Law no. 468 of 1978.

4. The Minister of Economy and Finance is authorized to issue, by decree, the necessary budget changes.

**Article 33**  
**(Entry into force)**

1. This Act comes into force on the day following its publication in the Official Gazette of the Italian Republic.

This Law, bearing the seal of the State, shall be included in their official acts of the Italian Republic. It is mandatory for anyone up to observe and enforce it as law of the State.

Given in Rome, this day of 30 June 2009

NAPOLITANO

**BERLUSCONI**, President of the Council of Ministers

**FRATTINI**, Minister of Foreign Affairs

**MARONI**, Minister of the Interior

**ALFANO**, Minister of Justice

Seen, The Keeper: ALFANO