

courtesy translation – only the Italian text is authentic

Decree Law No 109 (28 September 2018)

Urgent measures concerning the city of Genoa, the safety of the national network of infrastructure and transport, the 2016 and 2017 seismic events, employment and other emergencies.

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Article 16 *Responsibilities of the Transport Regulation Authority and provisions on charging and motorway safety*

1. Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011 shall be amended as follows:

(a) in Article 37 (2) (g) the following words are inserted after the words ‘new concessions’: “as well as for those referred to in Article 43 (1) and, for matters falling within its jurisdiction, (2)”;⁽⁵¹⁾

(a-bis) in Article 37 (6), introductory wording, the words: “The activities referred to in paragraph 3 of this Article” shall be replaced by the following: “The responsibilities referred to under (2) and the activities referred to under (3), as well as any other statutory responsibilities and activities, are exercised as follows”;⁽⁵²⁾

(a-ter) in Article 37 (6) (b), the first sentence shall be replaced as follows: “by means of a contribution paid by economic operators operating in the transport sector and for which the Authority has actually started, in the market in which they operate, to exercise the responsibilities or perform the activities provided for by the law, up to a maximum of 1 per thousand of the turnover derived from the exercise of the activities carried out in the last financial year, including the provision of exemption thresholds which take account of the size of the turnover. The turnover shall be calculated in such a way as to avoid any duplication of contributions”;⁽⁵²⁾

(b) in Article 43 (1), the words “shall be submitted to the opinion of the Inter-ministerial Committee for Economic Planning (CIPE) which, having consulted NARS¹, shall be replaced as follows: “shall be transmitted, having consulted with the Transport Regulation Authority for the matters falling within its remit referred to in Article 37 (2) (g) as regards the identification of tariff systems, from the Ministry of Infrastructure and Transport to CIPE that, after consulting the NARS,”;

(c) The following shall be inserted after Article 43 (2): “2-bis. In the cases referred to in (1) and (2), the awarding entity, having consulted the Transport Regulation Authority, shall verify the

¹ Advisory team for implementation of the guidelines for the regulation of public utilities services (TN).

application of the charging criteria, including with reference to the actual state of implementation of the investments that are already included in the charge.”.

1-bis. Thirty staff members are additionally assigned to the Transport Regulation Authority. The Authority shall recruit the staff referred to in this paragraph pursuant to Article 22 (4) of Decree-law No 90 of 24 June 2014, converted, with amendments, into Law No 114 of 11 August 2014, including by scrolling the still valid ranking lists of the Authority’s public competitions, in compliance with the law provisions and with regard to the matters of interest identified by the Authority as part of its organisational autonomy, by recruiting the necessary resources pursuant to Article 37 (6) (b) of Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011, as amended by (1) (a-ter) of this Article. [\(53\)](#)

2. For the purpose of pursuing the remedial and safety measures on A24 and A25 motorway sections, as referred to in Article 16-bis (1) of Decree-Law No 91 of 20 June 2017, converted, with amendments, into Law No 123 of 3 August 2017, Article 1 (725) of Law No 205 of 27 December 2017 shall be amended as follows:

(a) in the first sentence the following words are inserted after the words “for the year 2018”: “and EUR 142 million for the year 2019” and the words “year 2021 and EUR 8 million for the year 2022” are replaced by the following: “each of the years 2021, 2022, 2023, 2024 and 2025”;

(b) in the second sentence, after the words “for the year 2018” the following is inserted: “and EUR 142 million for the year 2019” and after the words: “Law No 147 of 27 December 2013” the following is added: “, in the context of the uncommitted resources of the Fund”; [\(51\)](#)

(c) the words ‘EUR 58 million’, wherever they are used, shall be replaced by the following: “EUR 108 million”;

(d) the third sentence shall be replaced by the following: “The Development and Cohesion Fund, Programming period 2014-2020, is increased by EUR 50 million for each of the years 2021 through 2025” [\(54\)](#).

[\(51\)](#) Letter as amended by *Conversion Law No 130 of 16 November 2018*.

[\(52\)](#) Letter inserted by *Conversion Law No 130 of 16 November 2018*.

[\(53\)](#) Paragraph inserted by *Conversion Law No 130 of 16 November 2018*.

[\(54\)](#) Letter replaced by *Conversion Law No 130 of 16 November 2018*.