ORGANISATION, MANAGEMENT AND CONTROL MODEL PURSUANT TO LEG. DEC. 231/2001

ALITALIA - SOCIETÀ AEREA ITALIANA S.p.A.

ATTACHMENT 1 - OFFENCES LIST

1 Adopted by resolution of 25/03/2016
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Relevant types of offences pursuant to Legislative Decree no. 231/2001

A. Offences committed in relation to the Public Administration (articles 24 and 25):
- Article 316-bis c.p. - “Misuse of public funds causing prejudice to the State or European Union”
- Article 640-bis c.p. - “Aggravated fraud to obtain public funds”
- Article 316-ter c.p. - “Fraudulent appropriation of public funds causing prejudice to the State or European Union”
- Article 640 c.p. - “Fraud”
- Article 640-ter c.p. - “Computer fraud”
- Art 317 c.p. - “Extortion by individuals performing public service”
- Artt. 318, 319 c.p. - “Corruption for the performance of acts included in or against official duties”
- Article 319-bis c.p. - “Aggravating Circumstances”
- Article 319-ter c.p. - “Corruption in legal proceedings”
- Article 319-quater c.p. - “Illegal inducement to give or promise benefits”
- Article 320 - “Bribery of individual performing a public service”
- Article 321 c.p. - “Punishments for the briber”
- Article 322 c.p. - “Incitement to corruption”
- Article 322-bis c.p. – “Embezzlement, extortion by public official, illegal inducement to give or promise benefits, bribery, and incitement to the corruption of members of the European Community institutions, officers of the European Community or foreign States”

B. Offences regarding “Computer Crime and unlawful processing of data” (article 24-bis):
- Article 615-ter c.p. - “Unauthorised Access to a Computer or Remote System”
- Article 617-quater c.p. - “Interception, Obstruction or Illegal Interruption of Computer or Remote Systems Communications”
- Article 617-quinquies c.p. - “Installation of Devices for the Interception, Obstruction or Interruption of Information or Computer Systems Communications”
- Article 635-bis c.p.– “Damaging of Computer information, data and programs”
- Article 635-ter c.p. - “Damaging computer information, data and programs used by the State, other public sector body or public service”
- Article 635-quater c.p. - “Damaging Computer or Remote Systems”
- Article 635-quinquies c.p. - “Damaging Public Service Computer or Remote Systems”
- Article 615-quater c.p. - “Possession or Disclosure of Access Codes to programs capable of causing computer damage”
- Article 615-quinquies c.p. - “Propagation of Equipment, Devices or Computer Programs Designed to Damage or Interrupt a Computer or Remote System”
- Article 491-bis c.p. - “Computer Documents”
- Article 640-quinquies c.p. - “Computer Fraud by a Provider of Digital Signatures Authentication Services”
C. **Crimes committed by criminal organisations (article 24-ter):**

- Article 416 c.p. - “Criminal Association”
- Article 416-6 c.p. - “Conspiracy to reduce to or hold in slavery, to traffic human beings, to trade slaves and to commit offences through the violation of the rules on illegal immigration under article 12 of Legislative Decree 286/1998”
- Article 416-bis c.p. - “Criminal association of a mafia type”
- Article 416-ter c.p. - “Exchange of political favours with mafia-type organizations”
- Article 630 c.p. - “Kidnapping for robbery or extortion purposes”
- Article 74 DPR 309/90 - “Criminal Association for the Purposes of Trafficking in Narcotics or Psychotropic Substances”
- Article 407, para. 2, (a), (5), c.p. - “Illegal fabrication, smuggling into the Italian territory, marketing, sale, possession and carrying of weapons of war or war-type weapons or part of the same, explosives, unregistered weapons and more than one ordinary firearms”

D. **Offences regarding forgery of money, credit and debit cards, revenue stamps and marks or instruments of identification (article 25-bis):**

- Article 453 c.p. - “Counterfeiting of Money, spending and introduction into Italy, in cooperation with intermediaries, of counterfeit money”
- Article 454 c.p. - “Alteration of money”
- Article 455 c.p. - “Spending and introduction into Italy, without intermediaries, of counterfeit money”
- Article 457 c.p. - “Spending of counterfeit money received in good faith”
- Art 459 c.p. - “Counterfeiting of revenue stamps, introduction into Italy, purchase, retention or putting into circulation of counterfeit revenue stamps”
- Article 460 c.p. - “Counterfeiting of watermarked paper utilised for the fabrication of government securities or revenue stamps”
- Article 461 c.p. - “Fabrication or retention of watermarks or instruments for the counterfeiting of money, revenue stamps or watermarked paper”
- Article 464, cc. 1 e 2, c.p. - “Utilisation of counterfeit or altered revenue stamps”
- Article 473 c.p. - “Counterfeiting, alteration or use of distinctive signs of intellectual or industrial products”
- Article 474 c.p. - “Introduction in Italy and marketing of products with false signs”

E. **Crimes against industry and commerce (article 25-bis.1):**

- Article 513 c.p. - "Interference with the freedom of industry and trade"
- Article 515 c.p. - “Commercial fraud”
- Article 516 c.p. - “Sale of non-genuine foodstuff as genuine”
- Article 517c.p. - “Sales of industrial products with misleading signs”
- Article 517-ter c.p. - “Manufacture and sale of goods by usurping industrial property rights”
- Article 517quater c.p. - “Counterfeiting of geographical indications or names of food products”
- Article 513 bis c.p. - “Unfair competition with threats or violence”
- Article 514 c.p. - “Fraud against domestic industries”
F. **Corporate offences** *(article 25-ter)*:
- Artt. 2621, 2622 c.c. - “False Company communications and false communications causing damage to the Company, Shareholders or Creditors”
- Article 2621-bis c.c. - “Immaterial facts”
- Article 2625 c.c. - “Hindering auditing activities”
- Article 2626 c.c. - “Illegal reimbursement of contributions”
- Article 2627 c.c. - “Fraudulent return of contributions”
- Article 2628 c.c. - “Unlawful transactions on the shares or quota of the company or the parent company”
- Article 2629 c.c. - “Transactions to the Detriment of the Creditors”
- Article 2629-bis - “Failure to disclose a conflict of interest”
- Article 2632 c.c. - “Fictitious formation of capital”
- Article 2633 c.c. - “Fraudulent distribution of Company assets by liquidators”
- Article 2635 c.c. - “Bribery between individuals”
- Article 2636 c.c. - “Unlawful influence over the shareholders’ meeting”
- Article 2637 c.c. - “Market manipulation”
- Article 2638 c.c. - “Obstructing of Public Regulatory Authorities in the performance of their duties”

G. **Terrorist offences and offences aimed at subverting the democratic order** *(article 25-quater)*:
- Article 270-bis c.p. - “Associations for acts of terrorism and subversion of democratic order”

H. **The Practice of Mutilation of the Female Genitals** *(article 25-quater.1)*:
- Article 583-bis c.p. - “Female genital mutilation practices”

I. **Offences Against the Individual** *(article 25-quinquies)*:
- Article 600 c.p. - “Enslavement or maintenance in a state of slavery or bondage”
- Article 600-bis c.p. - “Juvenile Prostitution”
- Article 600-ter c.p. - “Juvenile Pornography”
- Article 600-quater c.p. - “Possession of Child Pornographic Material”.
- Article 600-quater 1 c.p. - “Virtual Pornography”
- Article 600-quinquies c.p. - “Tourism Aimed at Exploiting Juvenile Prostitution”
- Article 601 c.p. – “Trade of human beings”
- Article 602 c.p. - “Purchase or sale of Slaves”
- Article 609-undecies c. p. - “Solicitation of minors”

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2 The Article 12 of law 69/2015 changed the Article 25-ter of the Legislative Decree 231/01.
J. Market abuse (article 25-sexies):
- Article 184 TUF - “Insider trading”
- Article 185 TUF - “Market Manipulation”
- Article 187-bis TUF - “Administrative offence of abuse of privileged information”
- Article 187-ter TUF - “Administrative offence of market manipulation”

K. Manslaughter and serious or very serious personal injuries in breach of workplace health and safety regulations (article 25-septies):
- Article 589 c.p. - “Manslaughter”
- Article 590 c.p. - “Unintentional personal injury”

L. Handling of stolen properties, money laundering and investing the proceeds of crime 3 (article 25-octies):
- Article 648 - “Handling of stolen properties”
- Article 648-bis - “Money-laundering”
- Article 648-ter c.p. - “Investing proceeds of crime”
- Article 648-ter.1 c.p. - “Self money laundering”

M. Offences related to breach of copyright (article 25-novies):
- Article 171, Law 633/41 – [first paragraph, sub-paragraph a-bis, third paragraph] Introduction into electronic networks open to the public, through any kind of link, works protected by intellectual property or parts thereof; Offences under the previous item perpetrated on third-party works not intended for publication, in case of insult to honour and reputation
- Article 171-bis, Law 633/41 – [paragraphs 1, 2] Unauthorised duplication, to obtain a gain, of software; import, distribution, sale, holding for commercial or business purposes or lease of software contained in devices with the mark of SIAE (Italian copyright protection society); preparation of equipment to remove or avoid software protection devices; Reproduction, transfer to another device, distribution, communication, presentation or public demonstration of the contents of a database; extraction or re-use of database; distribution, sale or lease of database
- Article 171-ter, Law 633/41 - Unauthorised duplication, reproduction, transmission or dissemination in public, through any process, in whole or in part, of intellectual property works intended for television, cinema, sale, rent, records, tapes and similar devices or any other device containing sound or video recording of musical or cinema works or similar audiovisual devices or sequences of moving images; literary, dramatic, scientific, educational, musical or dramatic-musical, multimedia works, even though included in collective oeuvres or databases; unauthorised reproduction, duplication, transmission or dissemination, sale, assignment or import of over 50 copies or samples of work protected by copyright or related rights; introduction in an electronic network, through connections of any kind, of copyrighted works
- Article 171-septies, Law 633/41 - Failure to notify to SIAE the details of the devices that are not subject to trademarks or false statements
- Article 171-octies, Law 633/41 - Fraudulent production, sale, import, promotion, installation, modification, utilisation for public and private use of equipment or parts thereof intended to decode restricted access analog or digital audiovisual transmissions through the air, by satellite, by cable

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4 The art. 3 of Law 186/2014 changed the 25-octies of the Legislative Decree 231/01.
N. Inducement not to make statements or to provide false statements to the judicial authority (article 25-decies):

- Article 377-bis c.p. - “Inducement not to make statements or to provide false statements to the Judicial Authorities”

O. Environmental crimes (article 25-decies):

- Article 452-bis c.p. - “Environmental pollution”
- Article 452-quater c.p. - “Environmental disaster”
- Article 452-quinquies c.p. - “Unintentional crimes against the environment”
- Article 452-sexies c.p. - “Trafficking and dumping of highly-radioactive material”
- Article 452-octies c.p. - “aggravating circumstances”
- Article 727-bis c.p. - “Killing, destruction, capture, taking of specimens of protected wild fauna or flora species”
- Article 733-bis c.p. - “Destruction or degradation of habitat within a protected site”
- Article 137 Legislative Decree 152/06 - “Criminal penalties” - new unauthorized dumping of industrial waste water, c. 2, 3, 5, 11, 13
- Article 256 Legislative Decree 152/06 - “Unauthorised waste management activity”, paragraphs 1, 3, 5, 6
- Article 257 Legislative Decree 152/06 - “Decontamination of sites”, paragraphs 1 e 2
- Article 258 Legislative Decree 152/06 - “Violation of the disclosure obligations, the keeping of statutory registers and forms”, c. 4
- Article 259 Legislative Decree 152/06 - “Illegal trafficking in waste”, paragraph 1
- Article 260 Legislative Decree 152/06 - “Organised business for illegal trafficking waste”, paragraphs 1, 2, 6
- Article 260-bis Legislative Decree 152/06 - “Information control system for the traceability of waste”, paragraphs 7, 8
- Article 279 Legislative Decree 152/06 - “Penalties” - installations and activities emissions into the atmosphere, paragraph 5
- Article 1, Law 150/1992 (“Unauthorized traffic of animal and plant specimens”), paragraphs 1, 2
- Article 2, Law 150/1992 (“Safety of specimens”), paragraphs 1, 2
- Article 3-bis, Law 150/1992 (“International trade of animal and plant species threatened with extinction”), paragraph 1
- Article 6, Law 150/1992 (“International trade of animal and plant species threatened with extinction”), paragraph 4
- Article 8, Legislative Decree 202/2007 - “Intentional pollution”, paragraphs 1, 2
- Article 9, Legislative Decree 202/2007 - “Pollution liability”, paragraphs 1, 2

P. Employment of illegally staying foreign citizens (article 25-duodecies):


3 The Article 1, L 68/2015 changed the Article 25-undecies of the Legislative Decree 231/01.
Q. Transnational Crimes (article 10, Law 16 Marzo 2006, n. 146):

- Article 416 c.p. - “Criminal association”
- Article 416 bis c.p. - “Criminal Association of a mafia-type”
- Article 74, Decree of the President of the Republic 309/1990 - “Criminal Association for the Purpose of Trafficking in Narcotics or Psychotropic Substances”
- Article 291-quater, Decree of the President of the Republic 43/1973 - “Criminal Association for the purpose of smuggling foreign processed tobacco”
- Article 377-bis c.p. - “Inducement not to make statements or to make false statements to judicial authorities”
- Article 378 c.p. - “Aiding and abetting”