



**ORGANISATION, MANAGEMENT AND CONTROL MODEL PURSUANT TO ITALIAN LEGISLATIVE DECREE N°.
231/01¹**

ALITALIA SOCIETÀ AEREA ITALIANA S.p.A.
under extraordinary administration

ATTACHMENT 1 - OFFENCES LIST

¹ Adopted by resolution of September 11th, 2018

ALITALIA – Società Aerea Italiana S.p.A. under extraordinary administration
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Relevant types of offences pursuant to Legislative Decree no. 231/2001

1. *Offences in relations with public authorities (articles 24 and 25):*

- Article 316-bis (Criminal Code) - "Misuse of public funds causing prejudice to the State or European Union"
- Article 316-ter (Criminal Code) - "Fraudulent appropriation of public funds causing prejudice to the State or European Union"
- Art 317 (Criminal Code) - "Extortion by individuals performing public service"
- Art. 318 (Criminal Code) - "Corruption for exercising a function"
- Art. 319 (Criminal Code) – "Corruption for performing actions contrary to an official's duties"
- Article 319-bis (Criminal Code) - "Aggravating Circumstances"
- Article 319-ter (Criminal Code) - "Corruption in legal proceedings"
- Article 319-quater (Criminal Code) - "Illegal inducement to give or promise benefits"
- Article 320 - "Bribery of individual performing a public service"
- Article 321 (Criminal Code) - "Sanctions for the briber"
- Article 322 (Criminal Code) - "Incitement to corruption"
- Article 322-bis (Criminal Code) – "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"
- Article 640 (Criminal Code) - "Fraud"
- Article 640-bis (Criminal Code) - "Aggravated fraud to obtain public funds"
- Article 640-ter (Criminal Code) - "Computer fraud"

2. *Cyber crime and illegal data processing offences (article 24-bis):*

- Article 491-bis (Criminal Code) - "Computer Documents"
- Article 615-ter (Criminal Code) - "Unauthorised Access to a Computer or Remote System"
- Article 615-quater (Criminal Code) - "Possession or Disclosure of Access Codes to programs capable of causing computer damage"
- Article 615-quinquies (Criminal Code) - "Propagation of Equipment, Devices or Computer Programs Designed to Damage or Interrupt a Computer or Remote System"
- Article 617-quater (Criminal Code) - "Interception, Obstruction or Illegal Interruption of Computer or Remote Systems Communications"
- Article 617-quinquies (Criminal Code) - "Installation of Devices for the Interception, Obstruction or Interruption of Information or Computer Systems Communications"
- Article 635-bis (Criminal Code)– "Damaging of Computer information, data and programs"
- Article 635-ter (Criminal Code) - "Damaging computer information, data and programs used by the State, other public sector body or public service"
- Article 635-quater (Criminal Code) - "Damaging Computer or Remote Systems"
- Article 635-quinquies (Criminal Code) - "Damaging Public Service Computer or Remote Systems"
- Article 640-quinquies (Criminal Code) - "Computer Fraud by a Provider of Digital Signatures Authentication Services"

3. *Crimes committed by criminal organizations (article 24-ter):*

- Article 416 (Criminal Code) - "Criminal Association"
- Article 416-bis (Criminal Code) - "Criminal association of a mafia type"

- Article 416-ter (Criminal Code) - "Exchange of political favours with mafia-type organizations"
- Article 630 (Criminal Code) - "Abduction 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), (Criminal Code) - "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, excluding those provided in article 2, paragraph 3, of Law 110/1975"

4. Offences regarding counterfeiting of money, instruments of public credit, tax stamps and any means of identification (article 25-bis):

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

5. Offences against industry and trade (article 25-bis.1):

- Article 513 (Criminal Code) - "Interference with the freedom of industry and trade"
- Article 513 bis (Criminal Code) - "Unfair competition with threats or violence"
- Article 514 (Criminal Code) - "Fraud against domestic industries"
- Article 515 (Criminal Code) - "Commercial fraud"
- Article 516 (Criminal Code) - "Sale of non-genuine foodstuffs as genuine"
- Article 517(Criminal Code) - "Sales of industrial products with misleading signs"
- Article 517-ter (Criminal Code) - "Manufacture and sale of goods by usurping industrial property rights"
- Article 517quater (Criminal Code) - "Counterfeiting of geographical indications or names of food products"

6. Corporate offences ² (article 25-ter):

² Article 12 of **law 69/2015** has amended Article 25-ter of the Legislative Decree 231/01 as follows: a) the paragraph is replaced by the following "Regarding corporate offences envisaged by the Civil Code, the following fines shall apply to business entities"; b) letter a) is replaced by the following: "a) regarding the offence of false financial reporting envisaged by article 2621 of the Civil Code, the fine shall increase from two hundred to four hundred quotas"; c) after letter a) the following paragraph is introduced: "a-bis) in the event of false financial reporting, as envisaged by article 2621-bis of the Civil Code, the fine shall increase from one hundred to two hundred quotas"; d) letter b) is replaced by the following: "b) regarding the offence of false financial reporting as envisaged by article 2622 of the Civil Code, the fine shall increase from four hundred to six hundred quotas";

- Article 2621 (Civil Code) - "False Company communications"
- Article 2621 bis (Civil Code) – "Immaterial facts"
- Article 2622 (Civil Code) – "False communications by listed companies"
- Article 2625, paragraph 2 (Civil Code) - "Hindering auditing activities"
- Article 2626 (Civil Code) - "Illegal reimbursement of contributions"
- Article 2627 (Civil Code) - "Fraudulent return of contributions"
- Article 2628 (Civil Code) - "Unlawful transactions on the shares or quota of the company or the parent company"
- Article 2629 (Civil Code) - "Transactions to the Detriment of the Creditors"
- Article 2629-bis - "Failure to disclose a conflict of interest"
- Article 2632 (Civil Code) - "Fictitious formation of capital"
- Article 2633 (Civil Code) - "Fraudulent distribution of Company assets by liquidators"
- Article 2635, paragraph 3 (Civil Code) - "Bribery between individuals"
- Article 2635 bis, paragraph 1 (Civil Code) – "Incitement to commit bribery between individuals"
- Article 2636 (Civil Code) - "Unlawful influence over the shareholders' meeting"
- Article 2637 (Civil Code) - "Market manipulation"
- Article 2638, paragraphs 1 and 2 (Civil Code) - "Obstructing of Public Regulatory Authorities in the performance of their duties"

7. Offences of terrorism and subversion of the democratic system (article 25-quater):

- Article 270-bis (Criminal Code) - "Associations for acts of domestic and international terrorism or subversion of democratic system"
- Article 2 of the International Convention for the Suppression of the Financing of Terrorism - New York December 9, 1999

8. Offences of female genital mutilation (article 25-quater.1):

- Article 583 bis (Criminal Code) - "Practices for female genital mutilation"

9. Crimes against human beings (article 25-quinquies)³:

- Article 600 (Criminal Code) - "Enslavement or maintenance in a state of slavery or bondage"
- Article 600-bis (Criminal Code) - "Child prostitution"
- Article 600-ter (Criminal Code) - "Child pornography"
- Article 600-quater (Criminal Code) - "Possession of child pornography"
- Article 600-quater 1 (Criminal Code) - "Virtual pornography"
- Article 600-quinquies (Criminal Code) - "Tourism aimed at exploiting child prostitution"
- Article 601 (Criminal Code) – "Human trafficking"
- Article 602 (Criminal Code) - "Purchase or sale of slaves"
- Article 603 bis (Criminal Code) – "Illegal intermediation and exploitation of labour"
- Article 609-undecies c. p.- "Solicitation of minors"

10. Market manipulation and abuse (article 25-sexies):

- Article 184 TUF - "Insider trading"

e) letter c) is repealed.

³ Law 199/2016 (article 6) has amended article 25-quinquies of Legislative Decree 231/2001 by introducing in paragraph 1, letter a), to reference to article 603 bis of the Criminal Code.

- 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”

11. Manslaughter and serious or grievous bodily harm committed in breach of the occupational health and safety regulations (article 25-septies):

- Article 589 (Criminal Code) - “Manslaughter”
- Article 590, paragraph 3 (Criminal Code) - “Unintentional personal injury”

12. Handling stolen goods, money laundering and investing the proceeds of crime (article 25-octies)⁴:

- Article 648 - “Handling of stolen goods”
- Article 648-bis - “Money-laundering”
- Article 648-ter (Criminal Code) - “Investing monies, goods or benefits of illegal origin”
- Article 648-ter.1 (Criminal Code) - “Self money laundering”

13. Offences related to copyright violations (article 25-novies):

- Article 171, paragraph 1, letter a bis), 3, Law 633/41 – Copyright violations
- Article 171-bis, Law 633/41 – Copyright violations
- Article 171-ter, Law 633/41 – Copyright violations
- Article 171-septies, Law 633/41 – Copyright violations
- Article 171-octies, Law 633/41 – Copyright violations

14. Incitement not to make statements or to provide false statements to the Judicial Authorities (article 25-decies):

- Article 377-bis (Criminal Code) - “Inducement not to make statements or to provide false statements to the Judicial Authorities”

15. Environmental offences⁵ (article 25-decies):

- Article 452-bis (Criminal Code) - “Environmental pollution”
- Article 452-quater (Criminal Code) - “Environmental disaster”
- Article 452-quinquies (Criminal Code) - “Unintentional crimes against the environment”
- Article 452-sexies (Criminal Code) - “Trafficking and dumping of highly-radioactive material”
- Article 452-octies (Criminal Code) - “Aggravating circumstances”

⁴ Article 3 of Law 186/2014 has amended article 25-octies of Legislative Decree 231/01 as follows: a) at paragraph 1, the words: “and 648 ter” are replaced by the following: “648 ter and 648 ter 1”; b) at the rubric, the following words have been added, at the end: “as well as self-money laundering”.

⁵ Article 1 of Law 68/2015 has amended article 25-undecies of Legislative Decree 231/2001 as follows: a) at paragraph 1, letters a) and b) are replaced by the following: «a) for violation of article 452-bis, the fine from two hundred and fifty to six hundred quotas; b) for violation of article 452-quater, the fine from four hundred to eight hundred quotas; c) for violation of article 452-quinquies, the fine from two hundred to five hundred quotas; d) per i delitti associativi aggravati ai sensi dell'articolo 452-octies, the fine from three hundred to one thousand quotas; e) for the offence of trafficking and dumping highly radioactive materials, pursuant to article 452-sexies, the fine from two hundred and fifty to six hundred quotas; f) for violation of article 727-bis, the fine up to two hundred and fifty quotas; g) for violation of article 733-bis, the fine from one hundred and fifty to two hundred and fifty quotas»; b) after paragraph 1 the following has been introduced: «1-bis. In the event the company is found guilty for the offences indicated at paragraph 1, letters a) and b) hereof, besides the already envisaged fines, the disqualifying penalties envisaged in article 9 shall also apply, for a period of no more than one year for the offence referred to in the said letter a)». This law has been amended by Legislative Decree 21/2018 which has repealed article 260 of Legislative Decree 252/2006 and is now intended to be referred to the new article 452-quaterdecies of the Criminal Code (Organized activities for the purpose of illegal waste trafficking).

- Article 727-bis (Criminal Code) - "Slaughter, destruction, capture, removal and possession of specimens of protected wild fauna or flora species"
- Article 733-bis (Criminal Code) - "Destruction or deterioration of habitat within a protected site"
- Article 137 Legislative Decree 152/06 - "Criminal penalties" (for unauthorized discharging of industrial wastewater), paragraphs 2, 3, 5
- Article 137 Legislative Decree 152/06 - "Criminal penalties" (for discharging and dumping into the soil, the subsoil and underground water tables), paragraph 11
- Article 137 Legislative Decree 152/06 - "Criminal penalties" (for discharging into the sea of prohibited substances and materials by ships or aircraft), paragraph 13
- Article 256 Legislative Decree 152/06 - "Unauthorised waste management activity", paragraphs 1, letters a) and b), 3 first and second sub-paragraphs, 4, 5, 6 first sub-paragraph
- Article 257 Legislative Decree 152/06 - "Remediation of sites", paragraphs 1 e 2
- Article 258 Legislative Decree 152/06 - "Violation of the disclosure obligations, the keeping of statutory registers and forms", paragraph 4, sub-paragraph 2
- 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 and 2
- Article 260-bis Legislative Decree 152/06 - "Information control system for the traceability of waste", paragraphs 6, 7 second and third sub-paragraph, and 8 first and second sub-paragraph
- Article 279 Legislative Decree 152/06 - "Penalties" (for exceeding the emissions limit values and limit values of air quality), paragraph 5
- Article 1, Law 150/1992 ("International trafficking of endangered animal and plant specimens"), paragraphs 1, 2
- Article 2, Law 150/1992 ("International trafficking of endangered animal and plant specimens"), paragraphs 1, 2
- Article 3-bis, Law 150/1992 ("International trafficking of endangered animal and plant specimens"), paragraph 1
- Article 6, Law 150/1992 ("International trafficking of endangered animal and plant specimens"), paragraph 4
- Article 3, Law 549/1993 – [paragraph 6] ("Elimination and reduction in the use of ozone depleting substances")
- Article 8, Legislative Decree 202/2007 - "Intentional pollution", paragraphs 1, 2
- Article 9, Legislative Decree 202/2007 - "Unintentional pollution", paragraphs 1, 2

16. Employment of irregular citizens of other countries (article 25-duodecies)⁶:

- Article 22, paragraph 12 bis, Legislative Decree 286/1998 - "Temporary or permanent employment"
- Article 12, paragraphs 3, 3 bis, 3 ter and 5 of Legislative Decree 286/1998 – "Temporary or permanent employment"

17. Racism and xenophobia (article 25-terdecies)⁷:

- Article 3, paragraph 3 bis of Law 654/1975 – Ratification and implementation of the international convention on the elimination of all forms of racial discrimination, opened for signing in New York on 7 March 1966, as amended (Law 115/2016, amendments to article 3 of Law 654/1975 on the struggle

⁶ Article 30, paragraph 4, of Law 161/2017 has amended article 25-duodecies of Legislative Decree 231/2001 by introducing paragraphs 1 bis, 1 ter and 1 quater.

⁷ Law 16772017 containing "Provisions for the implementation of the obligations arising out of Italy's membership of the European Union – European Law 2017" has amended Legislative Decree 231/2001 by introducing a new offence in article 25-terdecies ("Racism and xenophobia"). The reference contained in article 25-terdecies of Legislative Decree 231/2001 to the repealed article 3, paragraph 3 bis of Law 654/75 must now be intended as referring to article 604 bis, paragraph 3 of the Criminal Code (Propaganda and incitement to commit crimes for the purposes of racial, ethnic and religious discrimination).

against and repression of the crimes of genocide, crimes against humanity and war crimes, within the meaning of articles 6, 7 and 8 of the Charter of the International Criminal Court).

18. Transnational Crimes (article 10, Law 16 March 2006, n. 146):

- Article 416 (Criminal Code) - "Criminal association"
- Article 416 bis (Criminal Code) - "Mafia-type criminal association"
- 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 (Criminal Code) - "Incitement not to make statements or to make false statements to the judicial authorities"
- Article 378 (Criminal Code) - "Aiding and abetting"
- Article 12, Legislative Decree 286/1998 [paragraphs 3, 3-bis, 3-ter, 5] - "Provisions against trafficking in migrants"