

ITALY

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Italy in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*)next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Italy
Article	
5	
6(1)	X
6(2)	
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	
8(1 and 2)	X.(8.1)
9(2)	X
9(5)	X
9(6)	X
10	
11(1 and 3)	
12(1)	X
12(2)	X
13(1-5)	
14(1 and 2)	X
14(6 and 7)	X
17	X
18	X
19(1 and 2)	
20(2)	
21	X
22(1 and 2)	X
24(2)	X
25(1)	X
26(1)	X
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1-2-3-8-9)	X
31(5 and 6)	X
31(7)	X
32	X
33	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	
37(3)	X
37(4)	X
37(5 and 6)	X

Country	Italy
Article	
37(7)	X
38(2)	X
38(3)	X
38(4)	X
39	X
40(4)	
41(4)	
46(2)	X
49	X
49(b)	X
50(2-3)	X
50(4)	X
53(1) to (3)	
53(4)	
55	
56	X
56(2)	X
60(8)	
60(10)	X
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67	X
113(1)	X
113(3)	X
116	X

2. Types of offences related to REACH in Italy

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Greece. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	<ul style="list-style-type: none"> - Failure to submit a registration to the Agency (Article 6(1), 6(3); Article 7(1), 7(2)). - Failure to provide the relevant information or to present information. (Article 12(1)). - Failure to submit of inadequate submitted registration to the Agency. (Article 17, Article 18). - Fulfilling the obligation on importers without designation as only representative.(Article 8(1)). - Failure of notification and compliance with Agency's conditions (Article 9(2), 9(5), 9(6)). - Failure of compliance or inadequate compliance without informing the Agency (Article 12(2)). - Failure to comply of untimely/inadequate compliance with obligation. (Article 22(1), (2)). - Failure to submit or submit inadequately required information (Article 24(2)). - Non compliance (Article 14(1), (2), (6), (7)). - Breach of Article 21 (prohibition to start, 	For all infringements, an administrative fine must be imposed unless the violation constitutes a criminal offence.

	manufacture or import of a substance) - Carrying out tests on vertebrate animals if unnecessary (Article 25(1)) - Failure to comply with the obligation to inquire (Article 26(1)). - Failure to comply with obligation set in Article 30(3), 30 (4)	
Offences related to authorisation and restrictions requirements	- Placing on the market substance included in Annex XIV except for cases referred in Article 56. - Failure to comply with obligation set in Article 60(10). - Failure to comply with obligation set in Article 65. - Failure to comply with obligation set in Article 66. - Non compliance with restriction set in Annex XVII except for the cases set in Article 67.	Failure to comply with the obligation set under article 67, article 56(1-2) of REACH
Offences related to the supply chain requirements	- Non compliance with obligation (Article 31(1), (2), (3), (8), (9)). - Failure to supply data in Italian/Incomplete or inaccurate data, (Art. 31(5))/(31(6)). - Failure to comply with obligation set in Article 31(7). - Failure to comply with obligations set in Article 32, 33, 34, 35, 36.	For all infringements, an administrative fine must be imposed unless the violation constitutes a criminal offence.
Offences related to the downstream user requirements	- Failure to comply with obligations set in Article 37 (3), (4), (5), (6) and (7). - Failure or inaccuracy in reports (Article 38(1), (2)). - Failure to comply with obligations (Article 38(3), 38(4)). - Non compliance with deadlines set in Article 39.	For all infringements, an administrative fine must be imposed unless the violation constitutes a criminal offence.

3. Sanctions applicable to legal persons in Italy

This table mentions whether or not Italy applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Italy	Y	Identical to natural persons	N

4. REACH related administrative and criminal penalties in Italy

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Italy. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to	<ul style="list-style-type: none"> • From 15 000 EUR to 90 000 EUR fine (breach of Article 6 par.1, 3, Article 7 par.1, 2, Article 	On a case-by-case basis, depending on the qualification of the criminal offence and the severity

infringement of registration requirements	<ul style="list-style-type: none"> 12. par 2, Article 24 par 2) From 10 000 EUR to 60 000 EUR fine (breach of article 8 par.1, Article 12 par.1, Article 17, Article 18, Article 22 par.1, 2) From 3 000 EUR to 18 000 EUR (breach of article 9 par. 2,5,6 - request for exemption) 	of the offence.
Penalties related to infringement of authorisation requirements	<ul style="list-style-type: none"> From 10 000 EUR to 60 000 EUR. Violation of Articles 60, 65: From 5 000 EUR to 30 000 EUR (breach of Article 66 par.1,) 	<ul style="list-style-type: none"> Up to 3 months prison or a penalty from 40 000 EUR to 150 000 EUR (breach of article 67) Up to 3 months prison or a penalty from 40 000 EUR to 150 000 EUR (breach of Article 56 and 56(2))
Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> From 10 000 EUR to 60 000 EUR (breach of Article 7 par.3, Article 31 par. 1, 2, 3, 7, 8, 9 and Article 32) From 3 000 EUR to 18 000 EUR (breach of Article 31 par. 5, 6 and 34 and 36 par.1, 2) From 5 000 EUR to 30 000 EUR (breach of Article 33) From 15 000 EUR to 90 000 EUR (breach of Article 35) 	On a case-by-case basis, depending on the qualification of the criminal offence and the severity of the offence.
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> From 10 000 EUR to 60 000 EUR (breach of Article 37 par. 3, 4, 5, 6) From 5 000 EUR to 30 000 EUR (breach of article 37 par. 7, Article 38 par 2, 3, 4, Article 39) From 3 000 EUR to 18 000 EUR (breach of article 38 par.3) 	On a case-by-case basis, depending on the qualification of the criminal offence and the severity of the offence.

5. Short description of REACH sanctions and related issues in Italy

The *Decreto Legislativo* n. 133/2009 encompasses the sanctions related to REACH in Italy. This *Decreto Legislativo* establishes a system of administrative sanctions.

Most of the REACH sanctions are administrative fines that can amount up to 90 000 EUR. The *Decreto Legislativo* also provides for criminal sanctions for the infringement of article 67 and article 56(1)-2) of REACH relating to the authorisation requirements which can result in a fine up to 150 000 EUR or/ and imprisonment up to 3 months.

The approach adopted in the *Decreto* results in the fact that the administrative sanctions do not apply if the infringement leads to the violation of the criminal legislation. In the latter case, the criminal sanctions applicable to the specific criminal behaviour identified under the criminal legislation will apply instead.

The competent authority identified in the *Decreto* is the Ministry of Labour, Health and Welfare.