

Article 36 of Law decree 76/2020 Simplified text - for more info, please refer to the law in its original form and to the dedicated page on the website of the Department for Digital transformation

START-UPS, COMPANIES, RESEARCH INSTITUTIONS, UNIVERSITIES HAVE MORE OPPORTUNITIES TO LAUNCH AND EXPERIMENT INNOVATIVE PROJECTS IN ITALY

WHY?



To promote and accelerate the experimentation, in real conditions, of innovative tools, products, and services benefiting companies, Public Administrations and citizens.

Article 36 of Law decree 76/2020 introduces the possibility of requesting authorisation to experiment in derogation of the Italian laws.

WHO DOES IT ADDRESS?



Companies, universities, research institutions, spin-offs and university start-ups.

HOW DOES IT WORK?



- The applicant **submits an application** to the Department for Digital transformation and, at the same time, to the Ministry of Economic development, requesting authorisation **to experiment an innovative project overcoming** the regulatory limitations with a derogation
- The request **must include the application form and the technical annex**, clearly indicating the law for which the derogation is being requested
- If the application is accepted, **the applicant begin the experimentation following the indicated modalities**
- Once the experimentation has ended, the applicant submits a **final report** illustrating the results and the social and economic benefits achieved
- the Department for Digital transformation certifies whether **the initiative has been successfully completed** and **submits an opinion** to the President of the Council of Ministers and the Minister responsible for the matter on whether it is appropriate to amend the provisions of the law in force
- within 90 days, the President, or the delegated Minister, in agreement with the Minister responsible for the matter, **promote the regulatory initiatives** necessary to allow the experimentation activity to be carried out

CLEAR TIMELINE



The procedure is facilitated by a clear timeline: 30 days for the assessment phase, 30 days for the authorisation phase and 90 days to promote the necessary amendments to the laws.

EXCLUDED AREAS

To protect the rights of all parties, **the derogation is not applicable in the following application areas:** the protection of health, the environment, cultural heritage, and the landscape. The same applies to criminal provisions or the anti-mafia laws, binding obligations arising from Italy's membership with the European Union or international obligations.

In addition, it is not possible to perform experimentation in the following fields:



National security



FinTech, collection of savings, credit, finance, currency, electronic currency, payment systems, insurance, and any other financial services subject to authorisation pursuant to European Union provisions or national provisions implementing European Union provisions



Personal data, marital status, electronic identity card



Proceedings within the competence of the **provincial public security authorities concerning** public demonstrations, personal and patrimonial prevention measures, authorisations and other measures with an enabling content, residence, expulsion, and expulsion from the national territory of foreigners and citizens of the European Union, or in any case, any other procedure of a preventive nature **in matters of public security**



Electoral and referendum