

Full title of law or regulation:

Legislative Decree No. 163 of 12 April 2006

DECRETO LEGISLATIVO 12 aprile 2006, n. 163. Codice dei contratti pubblici relativi a lavori, servizi e forniture in attuazione delle direttive 2004/17/CE e 2004/18/CE. (GU n.100 del 2-5-2006 - Suppl. Ordinario n. 107 )

Entrata in vigore (entered into force) del decreto: 1-7-2006

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Title of relevant section:

Article 199-bis of Law 163/2006, introduced by Law Decree n. 5 of 9 February 2012.

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Counsel commentary

If the alcohol billboards relate to public goods belonging to Italian cultural heritage, the sponsorship is regulated by Law No. 163 of 12 April 2006 that defines sponsorship and the procedure that allows public entities to be sponsored by private ones:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2006-04-12;163>

There are special regulations allowing public entities to accept offers of sponsorship from private individuals, or select a private sponsor through a public process (*Article 199-bis of Law 163/2006, introduced by Law Decree n. 5 of 9 February 2012*). Under the current legislation:

- "Pure sponsorship" allows the sponsor to meet part of the costs for the public project.
- "Technical sponsorship" means that the sponsor is permitted to design or perform all or part of the project
- "Mixed sponsorship" means that the sponsor may, for example, provide the design and limiting itself to provide the financing for the workings planned.

The case law of the Council of State, the highest administrative court in Italy, has held that if the recipient of the sponsorship is a public entity, the sponsorship must:

- Not be against public interest, or give rise to conflicts of interest between public and private activities.
- Reduce public spending, having taken into account the amount of funding required for that specific event.

Furthermore, Legislative Decree 42/2004 (Italian Code for the Arts and Environment) identifies as a sponsorship of the arts "any contribution, in terms of goods or services, lent by private subjects for the planning or the enacting of Ministerial, Regional, other public territorial entities, or any private bodies undertakings, within the sphere of the protection and development the whole Arts, with the aim to promote the name, the brand, the image, the activity or the product of such subjects" (section No. 120).

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2004-01-22;42>

This broad definition shows a positive attitude towards sponsorship of the arts. The general aim is to provide financial incentives for initiatives beneficial to the community, within the framework of existing promotional activities carried out by public entities.

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