



CONSIGLIO NAZIONALE
DEI GEOLOGI

**Draft consolidated text of laws and regulations on the profession
of geologist under article 17-*bis*, Law no. 400 of 23 August 1988**

**DRAFT
CONSOLIDATED TEXT
(February 2013 version)**

Definitions

Authorisation to practise the profession (*abilitazione*)

authorisation granted after passing the relevant State examination; after authorisation, enrolment into the Professional Register is mandatory

Council or Board (*Consiglio*)

governing body of an entity or association; in this context, governing body of a regulated Professional Association

Council of the National Association of Geologists or Italian National Council of Geologists

abbreviated "National Council" (*Consiglio dell'Ordine Nazionale dei Geologi* or *Consiglio Nazionale dei Geologi*)

Council of the Regional Association of Geologists

abbreviated "Regional Council" (*Consiglio dell'Ordine Regionale dei Geologi*)

Economically dependent workers (*parasubordinati*)

workers not corresponding to the traditional definition of employee, because they do not have an employment contract as dependent employees. However, although formally 'self-employed', they are economically dependent on a single employer for their source of income

<http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/ECONOMICALLYDEPENDENTWORKER.htm>

National Association of Geologists (*Ordine Nazionale dei Geologi*)

abbreviated "National Association" - regulated National Association of Geologists

Professional Association (*Ordine*)

also abbreviated "Association" - in this context, regulated Professional Association

Professional Register (*Albo*)

abbreviated "Register" - list of members registered with a regulated Professional Association

Public Prosecutor (*Pubblico Ministero*)

magistrates who play the role of the public prosecutors in the trials are:

- chief prosecutors of first instance (*Procuratore della Repubblica presso il Tribunale*) and their deputies (*sostituti procuratori*)
- chief prosecutors of second instance (*Procuratore Generale presso la Corte d'appello*) and their deputies (*sostituti procuratori generali*)
- attorney general for the Supreme Court (*Procuratore Generale presso la Corte di Cassazione*) and his or her deputies (*sostituti procuratori generali*)

https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-it-en.do?member=1

Regional Association of Geologists (*Ordine Regionale dei Geologi*)

abbreviated "Regional Association" - regulated Regional Association of Geologists

Regulated Profession - *a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification shall constitute a mode of pursuit. Where the first sentence of this definition does not apply, a profession referred to in paragraph 2 shall be treated as a regulated profession*

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications

1. Title I – General provisions

Section I – Title and profession of geologist

Article 1

Title of geologist and mandatory enrolment into the Professional Register

(Articles 1 and 2, Law no. 112 of 3 February 1963)

2. The title of geologist shall be awarded to those who, holding the academic title required for and having passed the relevant State examination, have obtained the authorisation (*abilitazione*) for the practice of the profession under the provisions hereof.
3. The provisions hereof shall apply to all the geologists enrolled into the professional Register (*albo dei geologi*), unless otherwise specified herein.
The provisions hereof shall be without prejudice to the applicable legislation on activities falling within the scope of or reserved to each profession on an exclusive or non-exclusive basis.
4. All applied and non-applied geologists pursuing the profession on a self-employed (or free-lance), employed and/or economically dependent basis shall enrol into the Register.
Registered geologists may practise the profession throughout Italy and the European Union (EU), unless otherwise provided in EU legislation and regulations.

Article 2

National Association and Regional Associations of Geologists

(Article 8, Law no. 112 of 3 February 1963; Article 1, Law no. 626 of 25 July 1966)

1. Registered geologists shall constitute the regulated National Association of Geologists (*Ordine Nazionale dei Geologi*), headquartered in Rome and, on the basis of the Regional Sections (*sezioni regionali*) of the Register mentioned in art. 5 below, the regulated Regional Associations of Geologists (*Ordini Regionali dei Geologi*). They shall elect the related Councils in accordance herewith.
2. The Regional Associations are those already established in each Region by a Decree of the Minister of Justice issued at the proposal of the Council of the National Association of Geologists (*Consiglio dell'Ordine Nazionale dei Geologi*).

Article 3

Oversight

(Article 13, Law no. 112 of 3 February 1963)

1. The Minister of Justice shall exercise high-level oversight over the Council of the National Association of Geologists (hereafter “National Council”) and the Councils of the Regional Associations of Geologists (hereafter “Regional Councils”).

2. The Minister of Justice shall enforce compliance with the applicable legislative and regulatory provisions, by making appropriate requests to the National and Regional Associations and their bodies.

Section II – Establishment of a Single National Register

Article 4

Single National Register

(Article 4, Law no. 112 of 3 February 1963; Article 1, Law no. 339 of 12 November 1990; Article 3, Decree of the President of the Republic no. 137 of 7 August 2012)

1. The National Council shall keep the Single National Register and revise it least every three years.
2. The Regional Council, based in the capital of the Region, shall establish and keep the Regional Sections of the Register.
Regional Associations shall timely provide the National Council with all the data - in digital form - required for updating the Single National Register.
If Regional Councils fail to provide the National Council with the data falling under their responsibility and to be used for the two-year update of the Single National Register, the National Council shall - with the consent of the overseeing Minister - update the Register through a special commissioner.

Article 5

Sections of the Register

(Article 40, Decree of the President of the Republic no. 328 of 5 June 2001)

1. The Single National Register and its Regional Sections shall be divided into Section A and Section B.
2. The title of professional geologist shall be awarded to the members of section A.
3. The title of junior professional geologist shall be awarded to the members of section B.
4. Enrolment into the Register shall be accompanied by the specification: "Section of professional geologists" (*sezione dei geologi*) or Section of junior professional geologists" (*sezione dei geologi iuniores*).

Article 6

Data reported in the Register

(Article 3, Decree of the President of the Republic no. 137 of 7 August 2012)

1. For each registered member, the Single National Register shall report: surname and name; date and place of birth; place of residence or professional address; date and type of title authorising the practice of the profession and, where possible, the issuing authority, if any; date of enrolment into the Register; disciplinary measures applied, if any; details of the professional liability insurance; fulfilment of the Continuing Professional Development (hereafter CPD) obligation mentioned herein; Section of the Register to which the member belongs; any other data as may be prescribed by the regulations adopted by the National Council in accordance herewith.

2. A registered member may ask the National Council to integrate the data referred to in para. 1 with additional data pertaining to his/her professional activity.
A registered member may also ask the Regional Council to provide third parties with data about his/her special professional qualifications not reported in the Register or his/her willingness to take up assignments or receive scientific informational material concerning, among others, conferences or seminars.
3. A Special Section of the Register shall report the identification data - specified by a regulation adopted by the National Council with the prior approval of the overseeing Ministry - of professional geological services firms and any other forms of organisations carrying out geological activities as defined in art. 10, para. 7 of Law no. 183 of 12 November 2011.
4. A Special Section of the Register shall - under art. 13 of Legislative Decree no. 206 of 9 November 2007 - list professionals from EU Member States who practise the profession of geologist on a temporary and occasional basis.

Article 7

Publication of the Register

(Article 8, Decree of the President of the Republic no. 1403 of 18 November 1965;

Article 3, Decree of the President of the Republic no. 137 of 7 August 2012)

1. The Single National Register shall be of public domain.
2. The Regional Association shall be responsible, at its own expense, for transmitting the Regional Section of the Register - in hard copy or digital form - to Presidents of Courts and of Courts of Appeals, Chief Prosecutors of first and second instance (*Procuratori della Repubblica* at the same Courts), Provincial Governments (*Prefecture*) and Boards of Trade based in the Region.
Copies of the Regional Section of the Register shall also be transmitted to the Ministries of Justice, Interior, Infrastructure, Economy and Finance, Education, University and Research, as well as to the National Council and to the other Regional Associations of Geologists.
Copies of the Regional Section of the Register may also be transmitted to any public and private entities as decided by the Regional Association and provided on request, on a payment basis, to any other interested party.
3. Individual and final resolutions of registration, cancellation, suspension and expulsion of members shall, in accordance with the previous paragraph, be notified to the offices and entities to which the Register is to be mandatorily transmitted.

Section III – Access to and practice of the profession of geologist

Article 8

Access to and practice of the professional activity

(Article 3, Decree of the President of Republic no. 137 of 7 August 2012)

1. Without prejudice to the provisions on the State examination (implementing the principles enshrined in art. 33 of the Italian Constitution) and unless otherwise provided herein, access to the profession of geologist shall be free.
Limitations to enrolment into the Professional Register shall be prohibited, unless they are founded on explicit provisions concerning the possession or recognition of titles or

qualifications prescribed by the applicable legislation for the practice of the profession or on the requirement that the applicant shall not have been convicted for criminal offences with a final judgement or not have been subjected to disciplinary measures with a final decision, or based on other reasons of public interest.

2. The practice of the profession shall be free and founded on autonomy and independence of intellectual and technical judgment. The creation of special registers authorising specific forms of practice of the professional activity, based on further specialisations, titles or exams, shall be permitted only by explicit legislative provisions.
3. Any limitation in whatever form, including through provisions of the Code of Ethics, to the number of persons authorised to pursue the professional activity, including on a regular and prevailing basis, over all or part of the territory of the State, shall be prohibited, except in case of explicit derogations based on reasons of public interest.
4. At any rate, any direct or indirect discriminatory limitation to access to and practice of the profession of geologist, based on the nationality of the professional or on the registered office of the professional association or of the professional services firm referred to in Title VIII hereof shall be prohibited.

Article 9

Free competition and informational advertising

(Article 4, Decree of the President of the Republic no. 137 of 7 August 2012)

1. Informational advertising - with whatever means - about professional activities, specialisations, professional titles, structures of professional offices and professional fees shall be permitted.
2. The informational advertising referred to in para. 1 above shall be relevant, truthful and fair; it shall not violate the professional secrecy obligation and not be misleading, deceptive or denigrating.
3. Any breach of the provision of para. 2 above shall constitute a disciplinary wrongdoing and a breach of the provisions of Legislative Decrees no. 206 of 6 September 2005 and no. 145 of 2 August 2007.

Art. 10

Insurance obligation

(Article 5, Decree of the President of the Republic no. 137 of 7 August 2012)

1. A registered member pursuing the profession of geologist, even on an occasional basis, shall subscribe an appropriate insurance policy against damage caused to clients within the scope of his/her professional activities, including the safekeeping of documents and valuables received from the client. The policy may be subscribed also through collective agreements negotiated by the National Council and, possibly, by EPAP (*Ente di Previdenza e Assistenza Pluricategoriale*). Upon taking up the assignment, the registered member shall provide the client with the details of his/her professional liability insurance, of the related maximum liability cover and of any subsequent change thereto.
2. Any breach of the provision of para. 1 above shall constitute a disciplinary wrongdoing.
3. With a view to enabling the negotiation of the collective agreements mentioned in para. 1 above, the insurance obligation referred to in this article shall take effect twelve months after the enforcement of Decree of the President of the Republic no. 137 of 7 August 2012.

Article 11

Continuing professional development (CPD)

(Article 7, Decree of the President of the Republic no. 137 of 7 August 2012)

1. With a view to guaranteeing quality and efficiency of professional services to the benefit of clients and the public at large and to achieving the target of professional development, each registered member shall continuously and constantly update his/her professional knowledge and skills in accordance with this article. Any breach of this obligation shall constitute a disciplinary wrongdoing.
2. For the purposes of para. 1 above, CPD courses may be organised not only by the Regional Associations of Geologists, but also by associations of registered members and other entities authorised by the National Council of Geologists. When resolving upon an application for authorisation as indicated above, the National Council shall submit a reasoned draft resolution to the overseeing Minister, who shall express a binding opinion thereon.
3. Within one year of the enforcement of Decree no. 137 of 7 August 2012, the National Council shall - with the prior approval of the Minister of Justice - issue a regulation including but not limited to the following topics:
 - a) procedures and requirements for compliance with the CPD obligation by registered members and for management and organisation of the CPD activity by the Regional Associations of Geologists, professional associations and authorised entities;
 - b) minimum requirements - uniform throughout Italy - for CPD courses;
 - c) value of the CPD credit as a unit of measurement of CPD.
4. Appropriate agreements entered between the National Council and universities may establish common rules for mutual recognition of CPD and university credits. National Councils may - with the prior approval of the overseeing Ministers - issue common regulations identifying interdisciplinary CPD credits and establishing their value.
5. Where the CPD activity covered by this article is conducted by the Regional Councils and the National Council of Geologists, it may rely, among others, on cooperation with or agreements with other entities.
6. Within the scope of their jurisdiction under art. 117 of the Italian Constitution, Regions may resolve on the allocation of funds for organising CPD schools, courses and events.

Article 12

Civil servants

(Article 2, Law no. 112 of 3 February 1963; Articles 1 and 2, Decree of the President of the Republic no. 1403 of 18 November 1965; Article 53, Legislative Decree no. 165 of 30 March 2001)

1. Registered members who are employed by a public administration may practise the profession on a free-lance basis, provided that such practice is compatible with their employment under laws, general or special regulations or contract specifications.
2. At any rate, the practice of the profession on a free-lance basis shall be subject to an explicit authorisation to be given by the public administration concerned, under the procedures established by its regulations.

3. Civil servants authorised to practise the profession on a free-lance basis by their public administrations shall be subject to the regulations of the relevant Regional Association only to the extent of the practice of the profession on a free-lance basis.
4. In compliance with art. 1, para. 2 of Legislative Decree no. 165 of 30 March 2001, public administrations shall mean all State administrations, including schools and educational institutions at all levels, autonomous State-owned companies and administrations, Regions, Provinces, Municipalities, Mountain Communities and their consortia and associations, university institutions, autonomous social housing institutions, Boards of Trade, Industry, Handicraft and Agriculture and their associations, all national, regional and local non-economic entities, National Health Service administrations, companies and agencies, the *Agenzia per la rappresentanza negoziale delle pubbliche amministrazioni* (ARAN - agency representing public administrations in national collective labour agreements), as well as the agencies referred to in Legislative Decree no. 300 of 30 July 1999.

Article 13 **Professional fees**

(Article 17, Law no. 616 of 25 July 1966)

1. Without prejudice to the abolition of professional tariffs for regulated professions within the system of regulated national associations (*sistema ordinistico*) pursuant to art. 9, para. 1 of Law-Decree no. 1 of 24 January 2012, amended and converted into Law no. 27 of 24 March 2012, where a judicial body assesses professional fees, it shall refer to the parameters established by Decree no. 140 of the Minister of Justice of 20 July 2012.
2. The parameters identified in the decree mentioned in para. 1 above - to be issued, for the aspects related to the provisions of this paragraph, in consultation with the Minister of Infrastructure and Transport - shall be used in the determination of the initial fees for public procurement tenders for geological services. The same decree shall also classify the related professional services. The above-mentioned parameters shall not result into the determination of an initial amount for public procurement tenders which exceeds the one resulting from the application of the professional tariffs applicable prior to the enforcement of Law-Decree no. 83 of 22 June of 2012.
3. Until the enforcement of the decree mentioned in para. 2 above, the professional tariffs and the classification of professional services - applicable prior to the enforcement of Law-Decree no. 1 of 2012 and referred to in para. 4 and following paragraphs of this article - may continue to be used, but only for determining the initial fees for public procurement tenders for geological services and for identifying the related professional services, respectively.
4. The professional fees shall be agreed with the client upon assignment of the professional services. The professional shall make the client aware of the level of complexity of the assignment, providing full details about presumable charges from the time of assignment to the time of completion of professional services. The professional shall also provide details about the insurance policy against damage arising from the performance of his/her professional activity. However, the extent of the fees - priorly communicated to the client in oral or written form (if the client so requires) - shall be commensurate with the importance of the project; when agreeing the fees with the client, the professional shall specify all the cost items for each professional service, including expenses, charges and contributions. Failure to comply with the provisions of this paragraph shall constitute a disciplinary wrongdoing.

5. The fees may be distinguished into the following four types, depending on the ways in which they are determined: a) percentage-based, i.e. based on the amount of the project; b) unit-based, i.e. based on the unit of measurement; c) time-based, i.e. based on the time spent; d) discretionary, i.e. based on the criterion adopted by the professional and priorly agreed with the client.
6. The fees owed to a geologist for professional services shall usually be percentage-based or unit-based.
7. Fees may also be time-based for normal services where the time spent is the primary element of assessment. In particular, the following services may be time-based: a) surveys of any nature and related preliminary studies; b) services for negotiations with authorities and neighbours, informational and like meetings; c) time spent during round-trips, when the percentage-based or unit-based services are to be performed out of the geologist's office; d) changes to preliminary projects, during their study, if they arise from circumstances beyond the control of the professional.
8. Fees may also be set on a discretionary basis, not only for consulting services but also for the following services and like services: a) industrial, commercial and economic studies, comparisons of systems for production and construction and of plants/installations; b) experimental work, tests, studies of manufacturing processes, measurements of stream discharge; c) studies of master plans for urban transport, buildings and traffic problems; d) studies of master plans for hydraulic and hydrogeological projects concerning fluvial basins; e) rational organisation of work; f) expert appraisals of natural goods (in verbal or letter form), out-of-court expert reports and expert opinions on civil or criminal liability matters, interpretation of laws, regulations, judgements and contracts; g) arbitrations, amicable settlements, agreements on easements and water rights; h) opinions expressed verbally or by mail. The determination of fees may take into account the specific competence of the professional.
9. Unless otherwise agreed, the client shall refund the following expenses to the geologist: a) out-of-pocket expenses for travel, meals and accommodation during the time spent out of the office by the geologist or his/her support personnel, as well as accessory expenses; b) expenses for support personnel and any other equipment, works or services as needed to perform out-of-office work; c) expenses for stamp duties, registration taxes and other charges required by public or private offices, postal, telegraph and telephone costs; d) expenses for drafting reports or writing captions on drawings, as well as for translating them into foreign languages, as well as for office supplies and copies of drawings in addition to the first one; e) duties for certification of copies of reports or drawings. Travel expenses (by road, rail, sea, etc.) shall be indicatively refunded on the basis of the first-class fare for the responsible geologist and his/her substitutes and of the immediately lower-class fare for his/her dependent support personnel. Expenses for travel on ordinary roads with own or hired cars or motor vehicles may be refunded on the basis of the usual per-kilometre tariffs.
10. The client shall pay all the fees agreed for the various services to the geologist. If the geologist receives fees from third parties under agreements or contract specifications, the related amount shall be deducted from the itemised list of expenses and fees charged to the client.

11. The geologist may ask the client to make a deposit for the presumable expenses to be incurred. During his/her work, the geologist may also ask the client to make advance payments for expenses until reaching their total amount and for 90% of the fees owed for the part of professional work already completed. For expert opinions during arbitrations and expert reports, the geologist may ask the client to make an advance deposit for all the presumable expenses and fees. The payment in settlement of the itemised list of expenses and fees shall be made no later than sixty days from its submission; after this time limit, legal interest shall accrue on the amounts owed to the professional and not yet paid by the client. The legal interest rate shall be equivalent to the official discount rate set by the *Banca d'Italia*.
12. Suspension of the work assigned to the professional for whatever reason shall not exempt the client from the obligation of paying the fees for the work done. However, the geologist may claim compensation for additional damages, if any, where the suspension is not due to causes depending on the geologist.
13. In spite of the payment of the itemised list of expenses and fees and unless special arrangements have been made between the parties as to the ownership of the original work, drawings, projects and any other document representing the work of the geologist, the latter shall have copyright therein in accordance with the applicable laws. Fees shall not include the intellectual property rights of the geologist for patents, licences, etc., to be paid separately, on a case by case basis, under direct arrangements with the client. It shall be the sole responsibility of the project author or designer to ensure the faithful artistic or technical execution and development of the projects approved by the client.

Title II – Object of the profession of geologist

Article 14

Professional activities

(Article 3, Law no. 112 of 3 February 1963)

1. The object of the professional activity of a geologist shall include:
 - a) geological surveys and studies, including those concerning the minerals' cadastre, photogeology, geological mapping;
 - b) geological surveys and soil and subsoil consulting services for works/projects concerning dams, roads, tunnels, aqueducts, bridges, canals/channels, airports, cemeteries, harbours/ports, railways, buildings;
 - c) geological investigations pertaining to applied geomorphology, such as valley slope stabilisation, landslides, avalanches, coastal works, soil erosion;
 - d) geological investigations concerning groundwater and surface water;
 - e) geological investigations concerning exploration for ore fields, including hydrocarbon and mineral water deposits, including seafloor ones;
 - f) geological investigations on natural building materials and their extraction;
 - g) geological investigations also in the agricultural sector;
 - h) geological investigations associated with military and like arts;
 - i) paleontological, petrographic and mineralogical research pertaining to the above paragraphs.
2. The list of this article shall not limit any other professional activity that registered geologists are permitted to pursue and not affect the scope of activities of other categories of professionals, pursuant to the applicable laws and regulations.

Article 15

Additional professional activities

(Article 41, Decree of the President of the Republic no. 328 of 5 June 2001)

1. For the purposes and effects of art. 1, para. 2 of Decree of the President of the Republic 328/2001 and without prejudice to other activities, whether reserved or not, established by the applicable legislation, the object of the professional activity of members of Section A shall comprise not only the activities specified in para. 2 below, but also those involving responsibilities for planning and design of geological projects and technical-operational coordination, as well as services of analysis, management, synthesis and processing of data pertaining to the following activities, also by means of innovative or experimental methodologies:
 - a) geological surveys and preparation of thematic, specialist and derived geological maps; remote sensing, especially as regards geological and environmental issues, also by means of Geographic Information Systems (GISs);
 - b) identification and assessment of geological and environmental hazards; analysis, prevention and mitigation of geological and environmental risks, drawing up of specific and development of specific instruments/tools; planning and design of structural and non-structural geological projects, including coordination of related technical-operational structures;
 - c) geognostic surveys and subsoil exploration, including with geophysical methods; geological investigations and consulting services in view of preparing geological reports

- for civil engineering works by building engineering-geological models; planning and design of geological projects and supervision of related works, in view of preparing the geological report;
- d) identification, assessment and management of georesources, including water ones, and of geomaterials of industrial and commercial interest, including planning, design and supervision of related works; analysis, management and rehabilitation of abandoned quarry or mine sites;
 - e) geotechnical investigations and reports;
 - f) geological assessment and prevention of the degradation of cultural and environmental heritage and geological activities for its conservation;
 - g) geology applied to planning for assessing and mitigating geoenvironmental risks, including seismic risks, and related qualification and assessment procedures; analysis and modelling of systems pertaining to geoenvironmental processes and development of geological instruments/tools for spatial, urban and environmental planning of georesources and related protection measures, as well as for planning, managing and rehabilitating environmental resources; management of the above instruments/tools for planning and design of geological projects/works and coordination of technical-operational structures;
 - h) environmental impact studies for the Environmental Impact Assessment (EIA) and for the Strategic Environmental Assessment (SEA) limited to geological aspects;
 - i) geodetic, topographic, oceanographic and atmospheric surveys, including weather surveys, key weather parameters and coastal dynamics; remote sensing and GISs;
 - j) physico-mechanical analyses, characterisation and certification of geological materials;
 - k) geopedological investigations and processing of related data in view of assessing land uses;
 - l) geological, hydrogeological and geochemical analyses of environmental components to determine their exposure and vulnerability to polluting factors and consequent risks; identification and development of risk mitigation projects;
 - m) safety coordination in temporary and mobile construction sites, limited to geological aspects;
 - n) acting as Director in charge of all open-cast, underground and seafloor extracting activities;
 - o) paleontological, petrographic, mineralogical, sedimentological, geopedological, geotechnical and geochemical investigations and research;
 - p) acting as Director and Guarantor of geotechnical laboratories;
 - q) research activities.
2. For the purposes and effects of art. 1, para. 2 of Decree of the President of the Republic 328/2001 and without prejudice to other activities, whether reserved or not, established by the applicable legislation, the object of the professional activity of members of Section B shall include collecting and representing/mapping field and laboratory data with direct and indirect methods, such as:
- a) geological surveys and building of geological and basic thematic maps, also via GISs;
 - b) surveys to identify geological and environmental hazards in view of risk mitigation, including possible coordination of related technical-operational structures;
 - c) geognostic surveys and subsoil exploration, including with geophysical methods, aimed at preparing technical geological reports;

- d) identification and assessment of georesources, including water ones;
- e) geological assessment and prevention of the deterioration of cultural and environmental heritage;
- f) engineering-geological surveys aimed at developing spatial and urban planning instruments/tools;
- g) environmental impact studies for the Environmental Impact Assessment (EIA) limited to geological aspects;
- h) geodetic, topographic, oceanographic and atmospheric surveys, including weather surveys and key weather parameters and coastal dynamics;
- i) analyses of geological materials;
- j) geopedological investigations and related mapping;
- k) acting as Director in charge of extracting activities with a limited number of personnel members;
- l) paleontological, petrographic, mineralogical, sedimentological, geopedological and geotechnical investigations and research.

Title III – Authorisation for the practice of the profession of geologist

Article 16

State examinations

(Article 5, Decree of the President of the Republic no. 328 of 5 June 2001)

1. Those who are eligible for taking the State examination for Section A may also take the State examination for Section B.
2. Without prejudice to special provisions, the examinations shall consist of two written tests of a general nature, of one practical test and of one oral test.
Members of Section B (or of different sectors of the same Section) and those who have obtained a title after attending a course organised under specific agreements between universities and regulated National Associations shall be exempted from one of the written tests.
3. The content of the State examinations shall be without prejudice to the scope of professional activities defined by the relevant regulations.

Article 17

Membership of the board of examiners

(Article 2, Decree of the President of the Republic no. 981 of 3 November 1982)

1. Each board in charge of the State examinations for authorisation to practise the profession of geologist shall be appointed by a decree of the Minister of Education. It shall consist of the chairman and of four members.
2. The chairman of the board shall be appointed from among tenured, non-tenured and retired university professors of geological disciplines; the members of the board shall be selected from groups of three persons to be nominated by the relevant regulated professional associations from among the following categories:
 - a) tenured (*ordinari, straordinari, associati*), non-tenured and retired university professors;
 - b) other university professors (*liberi docenti*);
 - c) free-lance professionals enrolled into the Register with a minimum of fifteen years of laudable professional practice and having professional experience at least in geological exploration of the subsoil, hydrogeology, applied geomorphology, constructional geology, mining geology, agricultural geology;
 - d) technical officers serving as geologists within public administrations, enrolled into the special list of the National Council and having at least fifteen years of seniority of service and qualified experience in geological exploration of the subsoil, hydrogeology, applied geomorphology, constructional geology, mining geology and agricultural geology;
 - e) technical officers holding a degree in mining engineering, enrolled into the Professional Register of engineers, serving as geologists within public administrations, having at least fifteen years of seniority of service and qualified experience in geological exploration of the subsoil, hydrogeology, applied geomorphology, constructional geology, mining geology and agricultural geology.

The board of examiners of category a) above may also include permanently employed researchers and other confirmed university professors (*incaricati stabilizzati*), provided that they qualify as *professori aggregati* under art. 6, para. 4 of Law 240/2010 limited to the period during which the use of such title is permitted.

Civil servants serving on the board of examiners for State examinations shall be granted unpaid leave by the public administration where they are employed.

Article 18

Conduct of the State examination

(Articles 3 and 4, Decree of the President of the Republic no. 981 of 3 November 1982)

1. State examinations for authorisation to practise the profession of geologist shall take place every year in two sessions. The sessions shall be convened by a decree of the Minister of Education. The decree, indicating the venues of the exams (towns/cities with universities or higher education institutions organising degree courses in geological sciences), shall be issued after hearing the opinion of the National University Council about the facilities and organisation needed for the proper conduct of the exams.
2. Candidates may take the State examinations in one of the venues specified in the decree.
3. The start date of the State examinations shall be established for all the venues and for each session by a ministerial decree.
4. A candidate failing to take the examination on the set date shall lose his/her entitlement to the exam and the already paid fee and contribution shall not be refunded.
5. A candidate withdrawing during a test shall be considered as reprimanded.
6. To be eligible for the oral test, candidates shall have obtained six tenths of the score, both in the interview and in the subsequent graphic test. For oral tests, the board shall assign the score at the end of the tests.
7. At the end of its work, the board shall summarise the results of the exams and assign the overall score to each candidate. This score shall be given by the sum of the individual marks obtained in each test.
8. For all what is not explicitly mentioned herein, reference shall be made to the provisions of the Decree of the Minister of Education of 9 September 1957, as subsequently amended.

Article 19

State examinations for enrolment into Section A of the Register and related tests

(Article 42, Decree of the President of the Republic no. 328 of 5 June 2001)

1. To be enrolled into Section A of the Register, applicants shall have passed the relevant State examination.
2. To be eligible for the State examination, candidates shall hold a second-cycle or Master's Degree falling under one of the following classes:
 - a) Class 82/S – Environmental and field sciences and technologies;
 - b) Class 85/S – Geophysical sciences;
 - c) Class 86/S – Geological sciences.

3. The State examination shall consist of the following tests:
 - a) a written test on the theoretical aspects of the following subjects: physical geography, geomorphology, applied geology, mineral georesources and mineralogical-petrographic applications for the environment and cultural heritage, applied geophysics, geotechnics, urban technics and planning, agricultural hydraulics and hydraulic-forestry management projects, engineering and safety of excavations, administrative law;
 - b) a second written test on the applicative aspects of the subjects mentioned in subpara. a);
 - c) an oral test on the subjects covered by the written texts and on legislation and professional ethics;
 - d) a practical test on the subjects mentioned in subpara. a) as well as on stratigraphic and sedimentological geology and structural geology, with special regard to reading, interpreting and building maps and geological sections.

Article 20

State examinations for enrolment into Section B and related tests

(Article 43, Decree of the President of the Republic no. 328 of 5 June 2001)

1. To be enrolled into Section B of the Register, applicants shall have passed the relevant State examination.
2. To be eligible for the State examination, candidates shall hold a first-cycle or Bachelor's Degree falling under class 16 – Earth Sciences.
3. The State examination shall consist of the following tests:
 - a) a written test on the technical aspects of the following subjects: physical geography, geomorphology, applied geology, mineral georesources and mineralogical-petrographic applications for the environment and cultural heritage, applied geophysics, oceanography and atmospheric physics, topography and mapping, environmental and cultural heritage chemistry, pedology;
 - b) a second written test on the applicative aspects of the subjects mentioned in subpara. a);
 - c) an oral test on the subjects covered by the written tests and on legislation and professional ethics;
 - d) a practical test on the subjects mentioned in subpara. a) of art. 19 above.
4. Members of Section B admitted to the State examination for passing to Section A shall be exempted from the practical test and from the second written test.

Article 21

Value of degree classes

(Article 7, Decree of the President of the Republic no. 328 of 5 June 2001)

1. The academic titles obtained at the end of courses of study of the same cycle and of the same class shall have the same legal value for admission to the State examinations, regardless of the specific content of academic credits.

2. The ministerial decrees amending first-cycle or Bachelor's Degree and second-cycle or Master's Degree classes shall also - under the applicable legislation - define their equivalence to the titles covered hereby (e.g. requirements for admission to State examinations). The decrees shall be issued after hearing the opinion of the National Council of Geologists.

Article 22

Value of academic titles and of authorisations to practise the profession obtained in the previous system

(Article 8, Decree of the President of the Republic no. 328 of 5 June 2001)

1. Graduates from three-year university degree courses shall be admitted to the State examinations according to table A annexed to Decree of the President of the Republic no. 328 of 5 June 2001.
2. Those who have obtained the authorisation to practise the profession on the date of enforcement of Decree of the President of the Republic no. 328 of 5 June 2001 may enrol into Section A of the Register.

Title IV – Enrolment into the Single National Register

Article 23

Requirements for enrolment into the Single National Register

(Article 5, Law no. 112 of 3 February 1963)

1. The requirements for enrolment into the Register shall be as follows:
 - a) being an Italian national or an Italian national belonging to territories not politically united with Italy, or a national of one of EU Member States or of one of the States with which Italy has entered into reciprocity treatment agreements;
 - b) enjoying civil rights;
 - c) being of high moral conduct;
 - d) having passed the State examination for the practice of the profession of geologist under art. 44 and following articles of Decree of the President of the Republic no. 328 of 5 June 2001 or having obtained a decree of recognition of professional qualifications under Title III of Legislative Decree no. 206 of 9 November 2007;
 - e) having one's own place of residence or professional address in Italy;
 - f) having not been convicted for offences which would give rise to expulsion from the Register.
2. Nationals of EU Member States shall be treated as Italian nationals for enrolment into the Register and maintenance of the status of registered member.

Article 24

Procedure for enrolment into the Register

(Articles 6 and 7, Law no. 112 of 3 February 1963; Article 1, Decree of the President of the Republic no. 1403 of 18 November 2012)

1. The application for enrolment into the Register shall be submitted to the President of the Regional Council.
2. The application shall contain the data (self-certification as per art. 40 and following articles of Decree of the President of the Republic no. 445 of 28 December 2000) included in the following documents:
 - a) certificate of birth;
 - b) certificate of Italian nationality or nationality of one EU Member State;
 - c) certificate of residence;
 - d) criminal record and certificate of pending proceedings (*certificato generale del casellario giudiziale e dei carichi pendenti*) issued three months earlier or less than the date of submission of the application;
 - e) certificate of authorisation for the practice of the profession of geologist pursuant to art. 44 and following articles of Decree of the President of the Republic no. 328 of 5 June 2001 or decree of recognition of professional qualifications issued as per Title III of Legislative Decree no. 206 of 9 November 2007.

The professional address shall be equivalent to the residence address. Proof of the professional address may be given by submitting a declaration as per art. 40 and following articles of Decree of the President of the Republic no. 445 of 28 December 2000.

Italian nationals residing abroad shall be considered to have their professional address in Italy if they give proof of being employed by and/or economically dependent workers of national companies and/or entities operating outside Italy.

The application for enrolment shall also be accompanied by a statement in which the applicant shall declare:

- i. that he/she is not enrolled and has not submitted an application for enrolment into another Regional Section of the Register;
- ii. that he/she enjoys civil rights.

The application for enrolment shall be accompanied by the receipt of payment of the enrolment fee, of the government tax (*tassa di concessione governativa*) - in the amount established by the applicable provisions - for enrolment into Professional Registers as well as, where applicable, by the additional documents mentioned in para. 1 above.

3. Civil servants who are authorised to practise the profession on a free-lance basis must enclose a certification to their application. This document, to be issued by the public administration employing them, shall specify their title/position and certify that their free-lance practice of the profession is compatible with their employment.
4. For enrolment into the Professional Register, tenured university professors and non-tenured university professors (*liberi docenti* and *professori incaricati*) of geomineralogical disciplines (limited to those involving professional applications of a geological nature) may - in place of the certification referred to in para. 1 e) - submit a certificate (issued by their administration) stating their title/position and teaching subject.
5. Foreign nationals, except those of the EU, shall give evidence of reciprocity treatment by submitting a certificate issued by the Ministry of Foreign Affairs in accordance with art. 7 of Law no. 897 of 25 April 1938.

Article 25

Reduction of administrative charges

(Article 16, Law- Decree no. 185 of 29 November 2008)

1. Members of the Single National Register shall provide their Regional Associations with their certified e-mail addresses.
2. The Regional Associations shall enter the identification data of their members (together with their certified e-mail addresses) into a special list in digital form whose access shall be restricted to public administrations.
If the Regional Associations fail to produce the special list referred to in para. 1 above, or persist in failing to provide public administrations with the data referred to in para. 1 above, the National Council shall replace them.
3. Access to the individual certified e-mail addresses and to the related lists in digital form shall take place in compliance with the provisions issued by *Agenzia per l'Italia Digitale* (formerly *DigitPA*).

Article 26
Enrolment and rejection of the
application

(Articles 3 and 7, Decree of the President of the Republic no. 1403 of 18 November 1965; Articles 44 and 45, Legislative Decree no. 59 of 26 March 2010)

1. No later than two months from its submission, the relevant Regional Council shall resolve on the application for enrolment into the Register, in compliance with art. 45 of Legislative Decree no. 59 of 26 March 2010.
2. The resolution shall be reasoned and adopted by absolute majority of the Councillors present, on the basis of a report submitted by a Councillor authorised by the President of the Regional Council. Rejection of the application for reasons of incompatibility or conduct shall be decided only after the applicant has been invited to be heard before the Regional Council.
3. Where the Regional Council fails to resolve on the application within the time limit set in para. 1 of this article, art. 20 of Law no. 241 of 7 August 1990 shall apply.
4. The application shall be considered as tacitly approved upon the expiration of the time limit for tacit approval.
5. The time limit for notification of the resolution to applicants and other parties shall run from the above-mentioned time limit.
6. The resolution of the relevant Regional Council on the application for enrolment shall be notified - by registered letter with return receipt, certified e-mail or other equivalent means pursuant to the applicable legislation - to the applicant and to the *Procuratore della Repubblica* at the Court of the district where the applicant has his/her place of residence within twenty days.

If the recipient of the notification is not available at the time of delivery, the notification shall be posted for ten days at the headquarters of the Regional Council which has resolved on the application.

Article 27
Cancellation

(Article 6 and 7, Decree of the President of the Republic no. 1403 of 18 November 1965)

1. The Regional Council shall, *ex officio* or at the request of the Public Prosecutor (*Pubblico Ministero*), cancel a registered member from the Register:
 - a) in case of withdrawal by the registered member;
 - b) in case of incompatibility;
 - c) in case of failure to meet one of the requirements referred to in subparas. a), b) and e) of art. 23 hereof.
2. The Regional Council shall resolve on the cancellation after hearing the member involved, except in case of unavailability or in the case referred to in subpara. a) of para. 1 above, and after checking whether he/she is in good standing with dues owed to the Regional Association and to the National Council.
3. Moreover, the Regional Council shall *ex officio* cancel a member from the Register as a result of a disciplinary measure applied by the relevant Regional Disciplinary Committee or of a conviction representing an impediment to enrolment into the Register.

4. The resolution of the Regional Council having jurisdiction over the cancellation shall be notified - by registered letter with return receipt, certified e-mail or other equivalent means pursuant to the applicable legislation - to the applicant and to the *Procuratore della Repubblica* at the Court of the district where the applicant has his/her place of residence within twenty days.

If the recipient of the notification is not available at the time of delivery, the notification shall be posted for ten days at the headquarters of the Regional Association that has resolved on the cancellation.

Article 28

Transfer to a different Regional Section of the Register

1. A member enrolled into a Section of the Register held by a Regional Association may ask to be transferred to a Section of the Register held by another Regional Association by filing an appropriate application for transfer with the latter Regional Association.
2. The receiving Regional Association shall *ex officio* ask the Association of origin to provide a certificate stating that the applicant is in good standing with dues owed the Regional Association and to the National Council.
3. The Association of origin shall provide the receiving Association not only with the certificate referred to in the previous paragraph, but also with a copy of the entire personal record of the applicant.
4. After the applicant has been enrolled into the Register of the receiving Association, the President of the latter shall notify the President of the Association of origin thereof, so that he/she may immediately cancel the applicant from the relevant Register.

Article 29

Membership card

(Article 5, Decree of the President of the Republic no. 1403 of 18 November 1965)

1. Registered members in good standing with annual dues may ask the President of the Regional Association to issue membership cards at their own expense.
2. The membership card shall be signed by the President and Secretary of the Regional Association and accompanied by a photograph of the registered member with the embossing seal of the Regional Association.

Article 30

Seniority of enrolment into the Register

(Article 4 Decree of the President of the Republic no. 1403 of 18 November 1965)

1. Proof of seniority of enrolment into the Register shall be given by the date of the relevant resolution adopted by the Regional Council.
2. Enrolment into the Single National Register shall take place according to the chronological order of the resolutions adopted by the relevant Regional Association.
3. The Register shall have an alphabetical index with the progressive number of enrolment.
4. Transfer from one Regional Section to another Regional Section shall not affect the seniority of enrolment acquired by the registered member.

Title V – Membership, election and terms of reference of Regional Councils

Section I – Membership of Regional Councils

Article 31

Membership of Regional Councils

(Article 2, Law no. 339 of 12 November 1990;

Article 2, Decree of the President of the Republic no. 169 of 8 July 2005)

1. Members enrolled into the Regional Section of the Register held by the Regional Association shall elect the Regional Council.
2. All the members enrolled into the Regional Section of the Register may be electors and be elected.
3. The Regional Councils shall consist of the following number of Councillors, enrolled into Sections A and B of the respective Registers:
 - a) seven, if the total number of registered members does not exceed one hundred;
 - b) nine, if the total number of registered members exceeds one hundred but not five hundred;
 - c) eleven, if the total number of registered members exceeds five hundred but not one thousand five hundred;
 - d) fifteen, if the total number of registered members exceeds one thousand five hundred.
4. The membership of the above Councils shall be as reported in the table of Annex 1 to Decree of the President of the Republic no. 169 of 8 July 2005.
5. Councillors shall represent all registered members and may be elected by members enrolled in whatever section of the Register.
6. Councillors shall hold office for four years beginning on the date of proclamation of the results of the election and may not be elected for more than two consecutive terms. Members of bodies holding office upon the date of enforcement of the law converting Law-Decree no. 225 of 29 December 2010 into law shall hold office for a maximum of three consecutive terms, in compliance with art. 2, para. 4-*septies* of the same Law-Decree.
7. If, during his/her term of office, one Councillor is unable to perform his/her duties for whatever reason, he/she shall be replaced by the first of the non-elected candidates belonging to the same Section of the Register. If, during their term of office, one half plus one of the originally elected Councillors are unable to perform their duties - owing to, among others, resignations over time - the Regional Council shall lapse and a Commissioner with the task of calling new elections shall be appointed.

Section II – Election of Regional Councils

Article 32

Election of Regional Councils

(Article 3, Decree of the President of the Republic no. 169 of 8 July 2005)

1. The election of the Regional Council shall be called by the Council in office at least fifty days before the end of its term of office, by giving the notice referred to in para. 3 below. The first voting shall be held on the fifteenth working day following the one on which the election has been called. In case of failure by the Regional Council to call the election, the election shall be called by the National Council.
2. The outgoing Regional Council shall remain in office until the taking of office of the new Council.
3. The notice of election shall be sent to all registered members (except those suspended from the practice of the profession) by mail, fax or certified e-mail at least ten days before the date set for the first voting. The notice shall also be posted within the same time limit on the website of the Regional Council. The Regional Association shall only give proof of the actual sending of notices. Where the number of registered members exceeds five hundred, the notice of election sent by mail may be replaced by a notice of election published in at least one newspaper for at least two consecutive times.
4. The notice mentioned in para. 3 above shall specify the venue, date, start time and end time of the voting, as well as the electoral procedures and the number of members enrolled into the two Sections upon the date of calling of the election. This number shall be taken as a reference for the calculations mentioned herein.
5. In first voting, the election shall be valid if: i) one third of members with voting rights have cast their votes, for Associations with more than one thousand five hundred registered members; and ii) one half of members with voting rights have cast their votes, for Associations with less than one thousand five hundred registered members. In second voting, the election shall be valid if: i) one fifth of members with voting rights have cast their votes, for Associations with more than one thousand five hundred registered members; and ii) one fourth of members with voting rights have cast their votes, for Associations with less than one thousand five hundred registered members. In third voting, the election shall be valid whatever the number of voters. For the validity of the voting, the ballots placed into the ballot boxes in the period of opening of the polling stations (as per para. 15 below), as well as those sent by mail under the procedures and within the time limits referred to in para. 7 below, shall be counted.
6. Registered members shall exercise their voting rights at the polling station/s located at the headquarters of the Regional Association. If multiple polling stations have been provided, even outside the headquarters of the Regional Council, the ballot boxes, duly sealed, shall be transferred to the central polling station immediately or anyway by the start time of the counting of votes.

7. The elector shall ask the Secretariat of the Regional Association to provide him/her with a duly stamped ballot. The elector shall place the ballot into a sealed envelope; on the envelope, he/she shall put his/her signature (certified in accordance with the applicable legislation) and write that the envelope contains the ballot. Then, before the end of the first voting, he/she shall send the ballot to the Regional Association, which shall keep it under the responsibility of its President. The President shall deliver the envelopes to the head of the central polling station at the end of the first voting. If the *quorum* for the election is reached, the head of the polling station shall verify the envelope, check its integrity, open the envelope, extract the ballot without opening it and place it into the ballot box. If the *quorum* is not reached, the votes cast by mail shall count towards the *quorum* for the second voting. These votes shall also be taken into account for the third voting, if any. The registered member who has exercised his/her voting right by mail may vote in person in the second and third voting.
8. In the resolution calling the elections, the Regional Council shall select the head, the deputy head, the secretary and at least two tellers for each polling station from among the registered members.
9. At least three members of the polling station shall be present during the voting.
10. To be admitted to the voting, the elector shall present an identity document or be recognised by one of the members of the polling station.
11. The elector shall withdraw the ballot, which shall have a number of lines equal to the one of the Councillors to be elected. The elector shall vote by secret ballot, by writing the name and surname of the selected candidate/s (among those who have submitted their candidacy under para. 12 below) on the lines of the ballot. Names specified after those corresponding to the number of Councillors to be elected shall be disregarded. The ballot, duly closed, shall be placed into the ballot box.
12. Candidacies shall be submitted to the Regional Council at least seven days before the date set for the first voting. The Regional Council shall post the list of candidates at the polling stations for the entire duration of the elections.
13. If the *quorum* is not reached, the President shall postpone the voting, after placing the ballots cast at the polling station into a parcel and sealing it for subsequent archiving. The new voting shall take place on the following working day. The ballots placed into the parcel shall not count towards the *quorum* for the subsequent voting.
14. In first voting, the polling station shall be open eight hours per day for two immediately consecutive working days; in second voting, it shall be open eight hours per day for eight immediately consecutive working days; in third voting, it shall be open eight hours per day for ten immediately consecutive working days.
15. The second and third voting periods referred to in para. 14 above shall be halved for Regional Associations with less than three thousand registered members.
16. The polling station shall be closed from 22:00 to 9:00. After the end of the voting, the head of the polling station shall declare the voting closed. At 9:00 of the next day, the head of the polling station, supported by two tellers, shall count the votes.
17. Ballots with signs of identification of the elector shall be considered invalid. Names on the ballot exceeding the number of candidates to be elected shall be disregarded.
18. The Councillors elected for each Section shall be those who have obtained the highest number of votes.

19. If no candidacies have been submitted by the members of Section B of the Register, each member of the same Section may be elected. If Section B has no members, all Councillors shall be elected from among the candidates enrolled into Section A. If no candidacies have been submitted by the members of Section A, each registered member may be elected.
20. In the case of a tie, preference shall be given to the candidate with the highest seniority of enrolment into the Register and, among those with equal seniority, to the oldest one.
21. The secretary shall take the minutes of the voting and of the counting of votes. The minutes shall be signed by the head of the polling station and by the secretary.
22. The head of the central polling station shall proclaim the results of elections and immediately notify the Ministry of Justice thereof.

Article 33

Resolutions by the Regional Council and appeals before the National Council

(Articles 5 and 6, Law no. 339 of 12 November 1990)

1. The Regional Council shall resolve on appeals against the elections of the same Councils.
2. Appeals against the resolutions of the Regional Council on enrolment into, transfer to, cancellation from and new enrolment into the Register may - within thirty days of the notification of the resolutions - be brought before the National Council by the persons concerned and by the *Procuratore della Repubblica* at the Court of the district where the Regional Association is located.
3. The appeal before the National Council shall be filed with and notified to the Regional Council which has adopted the challenged resolution.
4. Except for electoral matters, appeals before the National Council shall have a suspensive effect.
5. Appeals against the resolutions (or their merits) of the National Council on appeals against enrolment into, transfer to, cancellation from and new enrolment into the Register, as well as those concerning electoral matters, may - within thirty days at the latest of the notification or proclamation - be brought before the Court of the district where the Regional Association that has adopted the challenged resolution is located or where the challenged election has taken place by the persons concerned and by the *Procuratore della Repubblica* having local jurisdiction.
6. Appeals against the judgement of the Court may - within thirty days at the latest of the notification - be brought before the Court of Appeals by the persons concerned, by the *Procuratore della Repubblica* and by the *Procuratore Generale* at the Court of Appeals.
7. Both the Court and Court of Appeals shall be integrated with two members of the Single National Register. These members shall be nominated from time to time by the National Council among geologists who are at least thirty years' old, have an irreproachable conduct record and have been enrolled into the Register for at least five years.
8. The Court and the Court of Appeals shall decide in chambers, after hearing the *Pubblico Ministero* and the person concerned, who may be assisted by a lawyer.
9. Appeals against the decision of the Court of Appeals may be brought before the Court of Cassation (*Corte di Cassazione*, the Italian supreme court) by the person concerned or by the *Procuratore Generale* at the Court of Appeals within sixty days at the latest of the notification.

Section III – Offices, terms of reference, operation, dismissal of Councillors and dissolution of the Regional Council

Article 34

Offices and terms of reference of the Regional Council

(Article 11 of Law no. 112 of 3 February 1963; Article 10, Law no. 616 of 25 July 1966; Articles 3 and 4, Law no. 339 of 12 November 1990)

1. The office of Regional Councillor shall be incompatible with the office of National Councillor. If the Councillor involved does not explicitly choose between the two offices, he/she shall be considered to have waived the office of National Councillor.
2. A Councillor who without justified reasons does not attend five consecutive meetings shall be dismissed.
3. Dismissed or resigned Councillors shall be replaced by the non-elected candidates following in the ranking list in terms of votes obtained.
4. In its Region, the Regional Council shall have the following terms of reference:
 - a) in the first meeting, chaired by the oldest Councillor, it shall elect a President as per art. 40 below, a Vice President, a Secretary and a Treasurer;
 - b) it shall create, yearly revise and publish the Regional Section of the Register, giving notice thereof pursuant to art. 7 hereof;
 - c) it shall - to the extent strictly necessary to cover the operating expenses of the Regional Association - set the annual dues to be paid by registered members, with the prior approval of the National Council;
 - d) it shall administer proceeds and disburse expenses, prepare the yearly budget and balance-sheet and submit them to the National Council;
 - e) it shall determine the cost of secretarial services, with the prior approval of the National Council;
 - f) upon request, it shall provide opinions on professional disputes, as well as on the assessment of fees and expenses of registered members;
 - g) it shall exercise oversight in order to safeguard the professional practice and maintain the dignity of the profession, enforcing compliance with all the provisions concerning the profession;
 - h) it shall conduct activities to repress the unlawful use of the title of geologist and the unlawful practice of the profession, reporting, where necessary, such abuses to judicial authorities;
 - i) at the request of public administrations, it shall provide opinions on topics concerning the profession of geologist;
 - j) it shall nominate the members of the Regional Disciplinary Committee.

Article 35

Terms of reference of the President of the Regional Council

*(Article 4, Decree of the President of the Republic no. 169 of 8 July 2005;
Article 9, Decree of the President of the Republic no. 1403 of 18 November 1965)*

1. The Regional Council shall elect a President from among the members of its Section A. The President may be re-elected.
2. The President shall represent the Regional Association, convene and chair Council meetings and General Meetings.
3. The President shall convene a General Meeting at the request of the majority of the Councillors or of one fourth of registered members.
4. The President shall issue certificates and declarations concerning registered members.
5. If the President and Vice President are unable to perform their duties, they shall be replaced by the oldest Councillor.

Article 36

Meetings of the Regional Council

(Articles 3 and 4, Law no. 339 of 12 November 1990; Article 10, Decree of the President of the Republic no. 1403 of 18 November 1965)

1. The Regional Council shall be convened whenever the President deems appropriate or at the request of at least four Councillors or anyway at least once every three months.
The Secretary shall take the minutes of the meeting under the supervision of the President. The minutes shall be signed by both.
2. Sittings shall have a *quorum* when the majority of the Councillors are present.
3. Resolutions shall be taken by majority of the Councillors present; in the case of a tie, the President or his/her representative shall have the casting vote.

Article 37

Dissolution of the Regional Council

(Article 11, Law no. 112 of 3 February 1963)

1. The Regional Council may be dissolved if it is unable to operate, if - when called to fulfil its duties - it persists in breaching them, or for other serious reasons.
2. In case of dissolution of the Regional Council, its duties shall be discharged by a special commissioner, who shall - within ninety days of the date of the dissolution resolution - convene a General Meeting for the election of the new Council.
3. A decree of the Minister of Justice - issued after hearing the opinion of the National Council - shall dissolve the Regional Council and appoint the commissioner.
4. The commissioner may appoint a committee to support him/her in the fulfilment of his/her responsibilities. The committee shall have a minimum of two and a maximum of six members, selected from among registered members. The commissioner shall also appoint a Secretary from among registered members. If the Secretary is unable to perform his/her duties, the youngest Councillor shall replace him/her.

Article 38

Collection of annual dues

(Article 13, Decree of the President of the Republic no. 1403 of 18 November 1965; Article 14, Law no. 616 of 25 July 1966)

1. Annual dues - owed both to the Regional Council and to the National Council - shall be paid in a single payment by the end of January of the reference year.
2. Registered members who have not paid their dues for over 12 months shall be suspended from the professional practice. The President of the Regional Council shall take the suspension decision and notify the Council thereof.
3. Suspension in case of default on payment of dues shall have no time limit. The suspension shall be revoked by a decision of the President of the Council, after the suspended member has given proof of payment of dues.

Title VI – Membership, election and terms of reference of the National Council

Article 39

Electorate

(Article 1, Law no. 616 of 25 July 1966)

All registered geologists who are not suspended from the practice of the profession shall qualify as electors and may be elected as National Councillors.

Article 40

Election and membership

(Articles 2, 3, 4, 5, 6 and 7, Law no. 616 of 25 July 1966; Articles 5 and 7, Decree of the President of the Republic no. 169 of 8 July 2005)

1. The National Council shall consist of fifteen members, who shall hold office for five years, beginning on the date of proclamation of the results of the voting. Councillors shall include members of Section A and Section B, in accordance with section 4 of the table of Annex 1 to Decree of the President of the Republic no. 169 of 8 July 2005. The outgoing Council shall remain in office until the taking of office of the new Council.
2. National Councillors shall represent all the members of the Registers held by the Regional Associations. They shall be elected without distinction between their belonging Sections of the Register and for a maximum of two consecutive terms.
3. The offices of National Councillor and of Regional Councillor shall be incompatible. The option for one of the two offices shall be exercised within two days of the proclamation. If the elected Councillor fails to exercise the option, he/she shall be considered to have waived the office of National Councillor.
4. Elections shall be regulated by the provisions of art. 32 hereof. However, votes may also be cast by registered letter. The second and third voting periods referred to in art. 32, para. 15 above shall be halved. The membership of the National Council shall be as shown in the table of Annex 5 to Decree of the President of the Republic no. 169 of 8 July 2005, which shall be an integral part hereof.
5. Candidacies shall be notified to the National Council, which shall publish them on its website forty-eight hours before of the date set in the notice of election given by the Minister of Justice. The notice shall also specify the date on which all the members of the Regional Associations shall cast their votes.
6. If no candidacies have been submitted by the members of Section B of the Register, each member of Section B may be elected. If there are no members of Section B, all Councillors shall be elected from among the candidates enrolled into Section A. If no candidacies have been submitted by the members of Section A, each member may be elected.
7. In the case of a tie, preference shall be given to the candidate with the highest seniority of enrolment into the Register and, among those with equal seniority, to the oldest one.
8. The National Council shall elect a President from among its members. The President shall belong to Section A of the Register.

9. The provisions of art. 4, para. 2 of Decree of the President of the Republic no. 169 of 8 July 2005 shall apply to the President of the National Council.

Article 41

Notification of results of elections

(Article 9, Law no. 616 of 25 July 1966)

1. Immediately after proclaiming the results of elections, the head of the polling station shall notify the Minister of Justice and the outgoing National Council of the names of the elected Councillors and post the ranking list and the names of the elected Councillors at the headquarters of the National Council.
2. The results of elections shall also be notified to the *Procuratore della Repubblica* at the Court of Rome.

Article 42

Meetings of the National Council, offices and terms of office

(Article 10, Decree of the President of the Republic no. 1403 of 18 November 1965; Article 10, Law no. 616 of 25 July 1966)

1. Within twenty days of the proclamation, the Minister of Justice shall notify the National Councillors of their election and convene them for taking office.
2. In the first meeting, chaired by the oldest Councillor, a President, a Vice President, a Secretary and a Treasurer shall be elected.
3. The meetings of the National Council shall constitute a *quorum* if the majority of its members are present.
4. If the President and the Vice President are absent or unable to perform their duties, they shall be replaced by the oldest Councillor.
5. Resolutions shall be taken by absolute majority of the votes and the President shall cast the last vote.
6. The National Council shall be convened whenever the President deems appropriate or at the request of at least four Councillors or anyway at least once every three months.
7. The Secretary shall take the minutes of the meeting under the supervision of the President. The minutes shall be signed by both.
8. The National Council shall serve for a term of five years, beginning on the date of taking of office.
9. If the elected Councillors are unable to perform their duties for whatever reason, they shall be replaced by the following elected members in the ranking list. Failing such candidates, additional elections shall be held. At any rate, the above Councillors shall remain in office until the end of the term of the National Council.

Article 43

Terms of reference of the National Council

(Article 9, Law no. 112 of 3 February 1963; Article 5, Law no. 339 of 12 November 1990)

1. The National Association shall consist of all the members enrolled into the Sections of the Regional Associations, who shall elect the National Council in accordance with the procedure mentioned in art. 40 above.

2. The National Council shall work to enhance the public-interest value of the profession, favouring all initiatives aimed at improving it technically and culturally and coordinating the activities of the Regional Councils. At the request of the Minister of Justice, the National Council shall express opinions on bills of law and draft regulations on the profession. It shall: propose the creation of new Associations, the dissolution of Regional Councils and the appointment of special commissioners; nominate representatives to participate in national or international commissions and organisations; determine the amount of the annual dues to be paid by registered members to the extent necessary to cover expenses for fulfilling institutional tasks; resolve upon administrative appeals against the resolutions of the Regional Councils on matters of enrolment into, transfer to, cancellation from and new enrolment into the Register, as well as on appeals against the elections of the same Councils; hold the national Register - also divided into Regional Sections based on the data provided by the individual Regional Councils - and publish it every three years; discharge any other responsibility with which it is vested under this Consolidate Text or other provisions.
3. The National Council shall also:
 - administer proceeds and disburse expenses, prepare the yearly budget and balance-sheet;
 - exercise oversight in order to safeguard the practice and maintain the dignity of the profession, enforcing compliance with all the provisions concerning the profession;
 - conduct activities to repress the unlawful use of the title of geologist and the unlawful practice of the profession, reporting, where necessary, such abuses to judicial authorities;
 - issue an appropriate regulation - after hearing the opinion of the overseeing Minister - on the continuing professional development (CPD) obligation and accredit CPD entities;
 - hold the Single National Register;
 - enforce compliance with the individual civil liability insurance obligation as per art. 10 above;
 - nominate members of the National Disciplinary Committee;
 - manage the assets of the National Association.

Article 44

Terms of reference of the President of the National Council

(Article 9, Decree of the President of the Republic no. 1403 of 18 November 1965)

1. The President of the National Council shall represent the National Association and fulfil the responsibilities with which he/she is vested under this Consolidated Text or other provisions.
2. Moreover, he/she shall issue certificates and declarations concerning registered geologists.

Article 45

Determination of dues owed to the National Council

(Article 12, Decree of the President of the Republic no. 1403 of 18 November 1965)

1. The National Council shall - by the end of September of each year - resolve upon the amount of the annual dues to be paid by registered members in the next year.
2. Under the procedure referred to in the previous paragraph, the National Council shall determine the amount of the fee for enrolment into the Register, as well as the charges for issuing membership cards, certificates and other services.

Article 46
Dissolution of the National Council
(Article 11, Law no. 112 of 3 February 1963)

1. The National Council may be dissolved if it is unable to operate or if - when called to fulfil its duties - it persists in breaching them, or for other serious reasons.
2. In case of dissolution of the National Council, its duties shall be discharged by a special commissioner, who shall - within ninety days of the date of the dissolution resolution - convene a General Meeting for the election of the new Council.
3. A decree of the Minister of Justice - issued after notification by the National Council - shall dissolve the National Council and appoint the commissioner.
4. The commissioner may appoint a committee to support him/her in the fulfilment of his/her responsibilities. The committee shall have a minimum of two and a maximum of six members, selected from among registered members. The commissioner shall also appoint a Secretary from among registered members. If the Secretary is unable to perform his/her duties, the youngest Councillor shall replace him/her.

Title VII – Disciplinary procedure and handling of appeals before the National Council

Section I – Setting-up of Regional Disciplinary Committees and disciplinary actions

Article 47

Disciplinary actions

(Article 8, Decree of the President of the Republic no. 137 of 7 August 2012)

1. Unless otherwise provided in this Title, reference shall be made to the Regulation for nominating members of Regional and National Disciplinary Committees adopted in compliance with art. 8, para. 3 of Decree of the President of the Republic no. 137 of 7 August 2012. The above regulation was adopted by the National Council (resolution no. 217 of 23 November 2012) with the prior approval of the Minister of Justice on 14 November 2012, and published in the *Bollettino Ufficiale* no. 23 of 15 December 2012 of the Ministry of Justice.

Article 48

Duties of Regional Disciplinary Committees

(Article 9, Law no. 112 of 3 February 1963; Article 4, Law no. 339 of 12 November 1990)

1. Regional Disciplinary Committees shall adopt disciplinary measures.

Article 49

Disciplinary measures

(Article 14, Law no. 616 of 25 July 1966)

1. Disciplinary measures shall be applied to registered members whose conduct has undermined the dignity and reputation of the profession. Depending on the seriousness of the breach, the following disciplinary measures may be applied:
 - a) warning;
 - b) reprimand;
 - c) suspension from the professional practice for a maximum period of one year;
 - d) expulsion from the Register.
2. Suspension from the professional practice shall take place not only in the cases covered by the Italian Criminal Code but also, *de iure*, in case of issuing of a warrant of arrest. In the latter case, the suspension shall have no time limit.
3. Expulsion from the Register shall take place *de iure*, if the registered member is convicted with a final judgement to imprisonment for at least two years for intentional wrongdoing.
4. Expelled members may file an application for new enrolment:
 - a) if, in the case referred to in the previous paragraph, they have been reinstated in accordance with the Italian Criminal Procedure Code;
 - b) in the other cases, two years after the cancellation.

5. If the application is rejected, the applicant may lodge an appeal with the National Disciplinary Committee in compliance with art. 51 below.

Article 50
Disciplinary procedure
(Article 15, Law no. 616 of 25 July 1966)

1. The Regional Council shall initiate the disciplinary procedure *ex officio* or at the request of the *Procuratore della Repubblica* at the Court of Rome or after a notification by the Regional or National Council.
2. No disciplinary measure may be inflicted without notifying the allegedly breaching member thereof. The allegedly breaching member shall be invited to submit documents or pleadings within a time limit of at least ten days. He/she shall be invited to appear before the Regional Council in order to be heard within twenty days of the expiration of the above-mentioned time limit.
3. The relevant decisions shall be notified to the allegedly breaching member and to the *Procuratore della Repubblica* at the Court of Rome within twenty days.
4. The notice shall be given in accordance with art. 137 and following articles of the Italian Civil Procedure Code.
5. If delivery fails, the notices referred to in the above two paragraphs shall be posted for ten days at the headquarters of the relevant Disciplinary Committee.

Article 51
Appeals
(Article 6, Law no. 339 of 12 November 1990)

1. Appeals against the decisions of the Regional Disciplinary Committee on disciplinary matters may be brought before the National Council - within thirty days of their notification - by the members concerned and by the *Procuratore della Repubblica* at the Court of the district where the Regional Association is located.
2. Appeals before the National Disciplinary Committee shall be filed with and notified to the Regional Disciplinary Committee which has adopted the challenged decision.
3. Appeals before the National Disciplinary Committee shall have a suspensive effect.
4. Appeals against the decisions (or their merits) of the National Disciplinary Committee on appeals concerning disciplinary matters may be brought - within thirty days at the latest of the notification or proclamation - before Court of the district where the Regional Disciplinary Committee that has issued the challenged decision is located by the members concerned and by the *Procuratore della Repubblica* having local jurisdiction.
5. Appeals against the judgement of the Court may be brought - within thirty days at the latest of the notification - before the Court of Appeals by the members concerned, by the *Procuratore della Repubblica* and the *Procuratore Generale* at the Court of Appeals,.
6. Both the Court and the Court of Appeals shall be integrated by two registered members. These members shall be nominated from time to time by the National Disciplinary Committee among geologists who are at least thirty years' old, have an irreproachable conduct record and have been enrolled into the Register for at least five years.

7. The Court and the Court of Appeals shall decide in chambers, after hearing the *Pubblico Ministero* and the member concerned, who may be assisted by a lawyer.
8. Appeals against the decisions of the Court of Appeals may be brought - within sixty days at the latest of the notification - before the *Corte di Cassazione* by the member concerned or by the *Procuratore Generale* at the Court of Appeals.

Title VIII – Professional services firms

Article 52

Professional services firms

(Article 10, Law no. 183 of 12 November 2011)

1. Firms for the practice of regulated professions (*sistema ordinistico*) may be established in accordance with the models referred to in Titles V and VI of Book V of the Italian Civil Code. The minimum number of members of cooperative professional services firms shall be equal to three.
2. Professional services firms are defined as firms whose articles of association include:
 - a) practice of the professional activity by the members on an exclusive basis;
 - b) admission of members enrolled into regulated professional registers or associations, even in different sections, as well as of nationals of EU Members States, provided that they have an academic title authorising the practice of the profession, or of non-professional parties but only for technical services or investment purposes. At any rate, the number of professionals within the firm or their participation in the capital of the firm shall be such as to determine a two thirds majority in the resolutions or decisions taken by the members of the firm. Failure to meet this requirement shall be a cause of dissolution of the firm and the Council of the association with which the firm is registered shall cancel it from its Register, unless the firm has restored the prevalence of professional members within six months;
 - c) criteria and procedures ensuring that professional assignments shall be carried out only by members meeting the requirements for providing the required professional service; the choice of the professional member of the firm shall be made by the client; failing such choice, the name of the professional member of the firm shall be priorly communicated in writing to the client;
 - c-bis) subscription of an insurance policy covering civil liability risks for damage caused to clients by the individual professional members of the firm in the performance of their professional activity;
 - d) procedure for expelling from the firm a member who has been cancelled from the respective Register with a final resolution.
3. The name of the firm, expressed in whatever way, shall specify professional services firm.
4. Participation in a professional services firm shall be incompatible with participation in another professional services firm.
5. The professional members of the firm shall abide by the Code of Ethics of their regulated Professional Association and the firm shall be subject to the disciplinary regulations of the Regional Association with which it is registered. The professional member of the firm may invoke professional secrecy about the professional activities assigned to him/her towards the other members of the firm.
6. A professional services firm may also be established for the practice of multiple professional activities.
7. This article shall be without prejudice to the professional associations, as well as to the different models of firms already in force upon the date of enactment of this law. The provisions of para. 5 above shall apply to the above-mentioned associations and models of firms.

TITLE IX - Final Provisions

Article 53

Repealed provisions

1. Under Article 20, para. 4 of Law no. 59 of 15 March 1997, the following provisions shall be repealed upon the enactment of this Consolidated Text:
 - Law no. 112 of 3 February 1963;
 - Decree of the President of the Republic no. 1403 of 18 November 2012;
 - Law no. 616 of 25 July 1966;
 - Decree of the President of the Republic no. 981 of 3 November 1982;
 - Law no. 339 of 12 November 1990.

Article 54

Applicable provisions

1. The following provisions shall remain in force:
 - Decree of the President of the Republic no. 328 of 5 June 2001;
 - Decree of the President of the Republic no. 169 of 8 July 2005.

References to legislative/regulatory provisions on the profession of geologist contained herein

Articles of the Consolidated Text	Prior legislative/regulatory provisions
Article 1	Articles 1 and 2, Law no. 112 of 3 February 1963
Article 2	Article 8 , Law no. 112 of 3 February 1963 ; Article 1, Law no. 16 of 25 July 1966
Article 3	Article 13 , Law no. 112 of 3 February 1963
Article 4	Article 4 , Law no. 112 of 3 February 1963 ; Article 1 , Law no. 339 of 12 November 1990; Article 3 Decree of the President of the Republic no. 137 of 7 August 2012
Article 5	Article 40, Decree of the President of the Republic no. 328 of 5 June 2001
Article 6	Article 3, Decree of the President of the Republic no. 137 of 7 August 2012
Article 7	Article 8, Decree of the President of the Republic no. 1403 of 18 November 2012; Article 3, Decree of the President of the Republic no. 137 of 7 August 2012
Article 8	Article, 3 Decree of the President of the Republic no. 137 of 7 August 2012
Article 9	Article 4, Decree of the President of the Republic no. 137 of 7 August 2012
Article 10	Article 5, Decree of the President of the Republic no. 137 of 7 August 2012
Article 11	Article 7, Decree of the President of the Republic no. 137 of 7 August 2012
Article 12	Article 2 , Law no. 112 of 3 February 1963 ; Articles 1 and 2, Decree of the President of the Republic no. 1403 of 18 November 2012; Article 53 Legislative Decree no. 165 of 30 March 2001
Article 13	Article 17, Law no. 616 of 25 July 1966
Article 14	Article 3, Law no. 112 of 3 February 1963
Article 15	Article 41, Decree of the President of the Republic no. 328 of 5 June 2001
Article 16	Article 5, Decree of the President of the Republic no. 328 of 5 June 2001
Article 17	Article 2 Decree of the President of the Republic no. 981 of 3 November 1982
Article 18	Articles 3 and 4, Decree of the President of the Republic no. 981 of 3 November 1982
Article 19	Article 4, Law no. 1395 of 24 June 1923
Article 20	Article 43, Decree of the President of the Republic no. 328 of 5 June 2001
Article 21	Article 7, Decree of the President of the Republic no. 328 of 5 June 2001
Article 22	Article 8, Decree of the President of the Republic no. 328 of 5 June 2001
Article 23	Article 5 , Law no. 112 of 3 February 1963
Article 24	Articles 6 and 7, Law no. 112 of 3 February 1963 ; Article 1, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 25	Article 16, Law-Decree no. 185 of 29 November 2008
Article 26	Articles 3 and 7, Decree of the President of the Republic no. 1403 of 18 November 1965; Articles 44 and 45, Legislative Decree no. 59 of 26 March 2010
Article 27	Articles 6 and 7, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 28	-----
Article 29	Article 5, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 30	Article 4, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 31	Article 2, Law no. 339 of 12 November 1990; Article 2, Decree of the President of the Republic no. 169 of 8 July 2005

Article 32	Article 3, Decree of the President of the Republic no. 169 of 8 July 2005
Article 33	Articles 5 and 6, Law no. 339 of 12 November 1990
Article 34	Article 11, Law no. 112 of 3 February 1963; Article 10, Law no. 616 of 25 July 1966; Articles 3
Article 35	Article 4, Decree of the President of the Republic no. 169 of 8 July 2005; Article 9 Decree of the
Article 36	Articles 3 and 4 Law no. 339 of 12 November 1990; Article 10, Decree of the President of the
Article 37	Article 11, Law no. 112 of 3 February 1963
Article 38	Article 13, Decree of the President of the Republic no. 1403 of 18 November 1965;
Article 39	Article 1 Law no. 616 of 25 July 1966
Article 40	Articles 2, 3, 4, 5, 6 and 7 Law no. 616 of 25 July 1966; Articles 5 and 7, Decree of the President
Article 41	Article 9, Law no. 616 of 25 July 1966
Article 42	Article 10, Decree of the President of the Republic no. 1403 of 18 November 1965; Article 10, Law
Article 43	Article 9, Law no. 112 of 3 February 1963; Article 5 Law no. 339 of 12 November 1990
Article 44	Article 9, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 45	Article 12, Decree of the President of the Republic no. 1403 of 18 November 1965
Article 46	Article 11, Law no. 112 of 3 February 1963
Article 47	Article 8, Decree of the President of the Republic no. 137 of 7 August 2012
Article 48	Article 9, Law no. 112 of 3 February 1963; Article 4 ,Law no. 339 of 12 November 1990
Article 49	Article 14, Law no. 616 of 25 July 1966
Article 50	Article 15, Law no. 616 of 25 July 1966
Article 51	Article 6, Law no. 339 of 12 November 1990
Article 52	Article 10, Law no. 183 of 12 November 2011