

L. 8 November 1991, n. 381 (1).

Discipline of social cooperatives (2).

(1) Published in the Gazz. Office 3 December 1991, n. 283.

(2) See, also, art. 2, DL 30 September 1994, n. 564 and art. 17, Legislative Decree 24 March 2006, n. 155.

1. Definition.

1. Social cooperatives have the purpose of pursuing the general interest of the community to human promotion and the social integration of citizens through:

a) the management of socio-health and educational services;

b) carrying out various activities - agricultural, industrial, commercial or services - aimed the job placement of disadvantaged people (3).

2. The rules apply to social cooperatives, insofar as they are compatible with this law relating to the sector in which the cooperatives themselves operate.

3. The company name, however formed, must contain the indication of «cooperative social».

(3) See, also, art. 51, L. 23 December 1998, n. 448, art. 6, paragraph 2-bis, L. 3 April 2001, n. 142, added by art. 9, L. February 14, 2003, n. 30, and art. 1, paragraph 787, L. 27 December 2006, n. 296.

2. Volunteer members.

1. In addition to the members envisaged by current legislation, the statutes of social cooperatives can provide for the presence of volunteer members who lend their business free of charge.

2. Volunteer members are registered in a special section of the register of members. Their number cannot exceed half of the total number of shareholders.

3. Collective agreements and labor laws do not apply to voluntary members subordinate and autonomous, with the exception of the rules on accident insurance at work and occupational diseases. The Minister of Labor and Social Security, with his own

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decree, determines the amount of remuneration to be taken on the basis of the calculation of premiums and relative performance (4).

4. Volunteer members can only be paid reimbursement of expenses actually incurred and documented, on the basis of parameters established by the social cooperative for all the members.

5. In the management of the services referred to in article 1, paragraph 1, letter a), to be carried out in application of contracts stipulated with public administrations, the services of voluntary members can be used to complement and not replace the parameters of use of professional operators required by current regulations. The performance of non volunteer members contribute to the determination of service costs, with the exception of related charges the application of paragraphs 3 and 4.

(4) The Ministerial Decree of 11 June 1992 (Official Gazette 25 June 1992, no. 148) established that, with effect from date of entry into force of this law, is assumed, based on the calculation of the premiums and the benefits for compulsory insurance against accidents at work and occupational diseases of the voluntary members of social cooperatives who lend their activities for free, one conventional daily wage in force for all contributions due in relation to welfare and social assistance.

3. Obligations and prohibitions.

1. The clauses relating to the mutual aid requirements referred to in article shall apply to social cooperatives 26 of the legislative decree of the provisional Head of State no. 1577, ratified, with modifications, from the law 2 April 1951, n. 302, and subsequent amendments.

2. Any statutory modification aimed at eliminating the character of a social cooperative entails the cancellation from the "social cooperation section" provided for by the second paragraph of article 13 of cited legislative decree of the provisional Head of State 14 December 1947, n. 1577, as amended by article 6, paragraph 1, letter c), of this law, as well as the cancellation from the regional register referred to in article 9, paragraph 1, of this law.

3. For social cooperatives, the ordinary inspections provided for in article 2 of the aforementioned decree Legislative Decree of the Provisional Head of State 14 December 1947, n. 1577, must take place at least once a year.

4. Disadvantaged people.

1. In cooperatives that carry out the activities referred to in article 1, paragraph 1, letter b), they are considered disadvantaged people physical, mental and sensory invalids, former patients of psychiatric hospitals, also judicial, subjects in psychiatric treatment, drug addicts, alcoholics, minors in working age in situations of family difficulty, people detained or interned in institutions penitentiaries, convicts and inmates admitted to alternative measures to detention and work externally pursuant to article 21 of law no. 354, and subsequent amendments. Yes the subjects indicated by the Prime Minister's decree also consider disadvantaged persons of the Ministers, on the proposal of the Minister of Labor and Social Security, in agreement with Minister of Health, with the Minister of the Interior and with the Minister for Social Affairs, after hearing the central commission for cooperatives established by article 18 of the aforementioned legislative decree of Provisional Head of State 14 December 1947, n. 1577, and subsequent modifications (5).

2. The disadvantaged persons referred to in paragraph 1 must constitute at least thirty percent of the workers of the cooperative and, compatibly with their subjective status, be members of the cooperative itself. The condition of a disadvantaged person must be documented coming from the public administration, without prejudice to the right to confidentiality.

3. The total rates of contributions for compulsory social security insurance ed welfare payable by social cooperatives, in relation to the salary paid to

disadvantaged persons referred to in this article, with the exception of the persons referred to in paragraph 3-bis, are reduced to zero (6).

3-bis. The rates referred to in paragraph 3, due by social cooperatives in relation to wages paid to people detained or interned in prisons, to former hospital patients judicial psychiatrists and condemned and inmates admitted to outside work pursuant to of article 21 of the law of 26 July 1975, n. 354, and subsequent modifications, are reduced in percentage measure identified every two years by decree of the Minister of Justice, in concert with the Minister of the Treasury, Budget and Economic Planning. Contribution relief referred to in this paragraph shall apply for a further period of six months following the termination the state of detention (7).

(5) Paragraph thus amended by art. 1, L. 22 June 2000, n. 193.

(6) The current paragraphs 3 and 3-bis thus replace the original paragraph 3, as a result of what provided for by art. 1, L. 22 June 2000, n. 193.

(7) The current paragraphs 3 and 3-bis thus replace the original paragraph 3, as a result of what provided for by art. 1, L. 22 June 2000, n. 193. See also art. 2 of the same law. With DM 9 November 2001 (Gazz. Uff. 23 May 2002, n. 119) tax relief was set for the three-year period 2000-2002 in favor of the social cooperatives referred to in this paragraph.

5. Conventions.

1. Public entities, including economic ones, and corporations with public participation, even in derogation from the rules on public administration contracts, they can

enter into agreements with cooperatives that carry out the activities referred to in Article 1, paragraph 1, letter b), or with similar bodies located in the other Member States of the Community European Union, for the supply of goods and services other than socio-health and educational ones, the amount of which estimated net of VAT is lower than the amounts established by the Community directives on public procurement, provided that these agreements are aimed at creating job opportunities for disadvantaged persons referred to in article 4, paragraph 1.

2. For the stipulation of the agreements referred to in paragraph 1, the social cooperatives must be registered on the regional register referred to in article 9, paragraph 1. Similar bodies located in other States members of the European Community must possess equivalent requisites to those required

for registration in this register and to be registered in the regional lists referred to in paragraph 3, or to give demonstration with suitable documentation of possession of the requirements.

3. The regions make known annually, through the publication in the Official Gazette of the European Communities, the requirements and conditions required for the stipulation of the agreements pursuant to paragraph 1, as well as the regional lists of bodies that have demonstrated their possession at competent regional authorities.

4. For the supply of goods or services other than socio-health and educational ones, the amount of which estimated net of VAT is equal to or greater than the amounts established by the Community directives in public procurement, public entities including economic ones, as well as joint stock companies with public participation, in the calls for tender and in the tender specifications they can insert, between the conditions of execution, the obligation to perform the contract with the employment of persons disadvantaged pursuant to article 4, paragraph 1, and with the adoption of specific recovery programs e job placement. Verification of the ability to fulfill the aforementioned obligations, to be conducted in based on this law, it cannot intervene during the tender procedures and in any case before the award of the contract (8).

(8) Thus replaced by art. 20, L. 6 February 1996, n. 52. See also the Press Release of 31 July 2010.

6. Amendments to Legislative Decree of the CPS 14 December 1947, n. 1577.

1. ... (9).

(9) Adds a paragraph, at the end, to the articles 10, 11 and 13 and modifies paragraph 2 of art. 13, Legislative Decree of the PSC 14 December 1947, n. 1577.

7. Tax regime.

1. To the transfers of goods by inheritance or donation to social cooperatives yes

apply the provisions of article 3 of the decree of the President of the Republic October 26, 1972, n. 637.

2. Social cooperatives benefit from the reduction of cadastral and mortgage taxes to a quarter, due following the stipulation of loan, purchase or lease agreements relating to properties intended for the exercise of the company business.

3. ... (10).

(10) Adds n. 41-bis) in table A, part II, Presidential Decree 26 October 1972, n. 633.

8. Consortia.

1. The provisions of this law apply to consortia set up as a company cooperatives whose social base is not less than seventy per cent of social cooperatives.

9. Regional legislation.

1. Within one year from the date of entry into force of this law, the regions shall issue the regulations of implementation. To this end they set up the regional register of social cooperatives and determine the modalities of connection with the activity of the social and health services, as well as with training activities professional and employment development.

2. The regions adopt standard agreements for relations between social cooperatives and administrations operating within the region, providing, in particular, the requirements of professionalism of the operators and the application of the contractual rules in force.

3. The regions also issue regulations aimed at promoting, supporting and developing social cooperation. The burdens deriving from the support measures arranged by the regions are placed at charged to the ordinary availability of the regions themselves.

10. Participation in social cooperatives of persons carrying out assistance and assistance activities consulting.

1. Cooperatives established pursuant to this law are not subject to the provisions of law 23 November 1939, n. 1815

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11. Participation of legal persons.

1. They can be admitted as members of the

social cooperatives public or private juridical persons in whose statutes the financing and development of the activities of these cooperatives.

12. Transitional regulations.

1. Social cooperatives already established at the date of entry into force of this law must comply with the provisions contained therein within two years from that date.

2. Resolutions of modification to adapt the constitutive acts to the rules of this law, may, notwithstanding the provisions of articles 2365 and 2375, second paragraph, of the code civil, be adopted with the modalities and the majority of the ordinary assembly established by the deed constitutive.