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Injunction against FCA Italy S.p.A. - September 15, 2022

Register of measures

no. 303 of 15 September 2022

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stanzione, president, prof.ssa Ginevra Cerrina Feroni, vice president, dr. Agostino Ghiglia and the lawyer Guido Scorza, components and the cons. Fabio Mattei, general secretary;

HAVING REGARD TO Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (hereinafter, the "Regulation");

HAVING REGARD TO the Code regarding the protection of personal data, containing provisions for the adaptation of the national legal system to Regulation (EU) 2016/679 (legislative decree 30 June 2003, n. 196, as amended by legislative decree 10 August 2018, n. 101, hereinafter "Code");

CONSIDERING the complaint presented pursuant to art. 77 of the Regulation dated 22 March 2021 by Mr. XX against FCA Italy S.p.A.;

HAVING EXAMINED the documentation in the deeds;

HAVING REGARD TO the observations made by the general secretary pursuant to art. 15 of the Guarantor's regulation n. 1/2000;

SPEAKER the lawyer Guido Scorza;

WHEREAS

1. The complaint against the Company and the preliminary investigation.

With a complaint dated March 22, 2021, Mr. XX complained of alleged violations of the Regulation by FCA Italy S.p.A. (hereinafter, the Company), with reference to the failure to reply to the request to access the personal data processed in the context of the employment relationship pursuant to art. 15 of the Regulation. In particular, the complainant complained that, against the exercise of the right of access to one's data held in the personal file - as well as in the qualification notes, in the annotations and/or assessments on the activity carried out, in the deeds relating to the professional career and activity carried out in execution of the employment relationship and the list, from the date of hiring up to the date of submission of the

application, of the daily task assigned in the line of work, with specification of the line of work - carried out by registered letter with return receipt dated 5 January 2021, the Company has not sent any response.

The Company, in responding to the invitation to join from the Authority dated 24 June 2021, with a note dated 29 July 2021 (and related attachments whose submission was completed with a note dated 2/8/2021, with which the documents are also forwarded to the complainant), stated that:

to. the complainant "usually has talks with the Human Resources office [...] and with the office of the Head of the Prevention and Protection Service (RSPP)"; "All meeting requests have always been handled quickly with special meetings";

b. "in line with this modus operandi, after receiving the request for access to the personnel file of 11.1.2021, the Human Resources office of the plant believed it could manage the matter through a dedicated individual meeting; however, due to events of an organizational nature linked to the suspension of the Plant's activities due to recourse to layoffs also linked to the Covid emergency, the face-to-face interview was [...] postponed several times";

c. "the information to which the employee requests access mainly consists of data already available to him and, in part, refers to documents that [...] do not actually exist as the Company does not prepare them";

d. "in confirming [...] the Company's willingness to adhere to the access request, as can be seen from the above and the related documents attached, we believe it is possible to understand how the FCA plant in Verrone has never voluntarily had the intention to disregard or evade the access request received from the [claimant's] lawyers".

The complainant, with a note dated 5 August 2021, deemed the feedback provided unsuitable, reiterating the request to access all the information already indicated. In this regard, the Company, with a note dated August 25, 2021, further stated:

to. to have proceeded to "transmit, within the established times and directly to the same [complainant], the documentation available in the company referring to the specific indications contained in the request of the interested party";

b. that the complainant has formulated "a more detailed request referring, once again, to documentation that is already available to him, such as, for example, the slips that are delivered to the employee every month, or other documents referring to the evaluation process that in reality do not exist because they are not provided for by internal procedures"; moreover "everything that is referable to periodic medical examinations carried out in the context of health surveillance pursuant to the TU 81/08, is not present in the employee's personal file as the data controller is, by law, the Competent Physician";

c. that the company "with a collaborative attitude is sending everything requested with transparency and without objecting even

though there is a legitimate interest in the case in question connected to the right of defense pursuant to art. 2-undecies, paragraph 1 letter e) of Legislative Decree 196/2003 updated to Legislative Decree 101/2018, to maintain the confidentiality of internal document production, in the event that there is a risk of litigation and, in the case in question, this hypothesis is completely evident";

d. consequently he asked the Authority to want to "As a preliminary step: express [e] a judgment regarding the admissibility of the Proposed Complaint pursuant to art. pursuant to art. 2-undecies, paragraph 1 letter e) of Legislative Decree 196/2003 updated to Legislative Decree 101/2018. Alternatively: [...], the Authority considers the behavior of FCA Italy S.p.A. exempt from liability and therefore not punishable".

The complainant, with a note dated 12 September 2021, reiterated his requests considering, among other things, that the Company "confirms that it is in possession of the documentation in relation to which the request for access and copy has been formalized, but that access is inhibited because, according to them, it is useful for starting a dispute against FCA".

In response to a request from the Authority to provide further clarifications (on 10.3.2022), the Company with a note dated 29 March 2022 declared:

to. "it is confirmed that FCA has proceeded to produce everything requested [by the complainant] after receiving your request [...]. Therefore, there are no other information or documents that need to be further produced";

b. "FCA's employment relationship with the [complainant] [...] ceased on October 21, 2021, as the employee signed a consensual termination report with the company".

2. The initiation of the procedure for the adoption of corrective measures and the deductions of the Company.

On 8 April 2022, the Office carried out, pursuant to art. 166, paragraph 5, of the Code, the notification to the Company of the alleged violations of the Regulation found, with reference to articles 12 and 15 of the Regulation.

Preliminarily, the Authority deemed it unable to accept the Company's request, formulated on 25 August 2021, to declare the complaint inadmissible pursuant to art. 2-undecies, paragraph 1, lett. e) of the Code, considering that the aforementioned article provides that in predetermined and mandatory cases “the rights referred to in articles from 15 to 22 of the Regulation cannot be exercised with a request to the data controller or with a complaint pursuant to art. 77 of the Regulations if an effective and concrete prejudice could derive from the exercise of these rights [...]". Furthermore, the following paragraph 3 specifies that "The exercise of the same rights may, in any case, be delayed, limited or excluded with a reasoned

communication made without delay to the interested party". In the present case, the Company did not indicate, in the communications to the Authority, what "actual and concrete prejudice" could derive from the exercise of the right of access by the complainant. Indeed, the Company itself proceeded to transmit to the complainant the personal data contained in the personal file during the proceedings, declaring - most recently with a note dated March 29, 2022 - that "There are [...] no other information or documents that need to be further products".

With a note dated 6 May 2022, the Company requested to be heard at a hearing, with the reservation of integrating the defenses already proposed there, also by means of written counter-arguments and/or production of further documentation.

During the hearing held on May 24, 2022, the company stated that:

to. "following receipt of the notification of the violations by the Authority, the company deemed it appropriate to report, in support of what has already been indicated in the briefs sent during the proceeding, what it has implemented in order to support its employees in the context the acquisition of the administrative/accounting documentation referring to the employment relationship, also adopting specific measures to provide feedback to requests for the exercise of rights by the interested parties. It should be noted that the group's employees in Italy number 49,000 and the owner company in Italy has 34,000 employees. In November 2020, the company specifically activated a portal dedicated to exercising the rights of data subjects, both employees and customers, which can be accessed via a special link (Home (fcagroup.com)), which can also be reached from the website of society. The link is sent automatically every time you write to the Dpo." (minutes of hearing 25/5/2022, p. 1-2);

b. “Furthermore, as far as employees are concerned, information tools relating to the rights of data subjects, the privacy documents produced by the company, the company's obligations on privacy and the procedures used are available on the intranet. In particular, within the intranet each employee, after registering on the "The Hub" platform, can access the documents contained in his personal file and download them" (report of the hearing cited above, p. 2);

c. "the complainant, at the time of submitting the access request, was registered on the "The Hub" platform and had downloaded the salary slips from it: this detailed data did not emerge previously since registration on "The Hub" did not it is part of the data contained in the employee's personal file, which is the subject of the complainant's access request." (report of the hearing cited, p. 2);

d. “Another tool made available to the company is a telephone service (Infocenter) through which it is possible to request

information and exercise the right of access. On the basis of further investigations, it emerged that the complainant used this service […]. Lastly, the company provides a physical counter at the plant that performs the same activity as the telephone service." (report of the hearing cited, p. 2);

And. “the complainant had requested meetings with the company on various occasions, which he attended together with the union representative, during which he also presented a request for documents which the company proceeded to provide him. For this reason, upon receipt of the access request, the company deemed it able to rely on this practice on that occasion as well. The company therefore had no intention of not responding to the interested party. It is therefore believed that the company's conduct cannot be qualified as a violation. In any case, if this is not considered configurable, the violation should be classified as a "minor violation", also taking into account previous decisions of the Authority" (report of the hearing mentioned above, p. 2);

f. “Employees were provided with information relating to registration and access to "The Hub" also at the same time as the delivery of salary slips. In addition, the company has organized privacy training courses to raise employee awareness also in relation to the exercise of rights" (report of the hearing, cited above, p. 3).

With briefs sent on 24 May 2022, the Company finally declared that:

to. the Company has adopted specific measures to respond to requests for the exercise of rights by interested parties, both of an organizational nature (including the adoption of a "management of rights of interested parties" procedure, updated periodically), and aimed at implementing the data protection awareness (including the implementation of the corporate platform "The Hub"), both of a technical organizational nature (creation of a "Privacy Portal" "through which all interested parties (including employees) can easily and quickly exercise the rights provided by articles 15 and following of the GDPR"); in particular, within The Hub platform there is an area "from which it is possible to directly access all the documentation relating to the employment relationship, in fact (as regards the procedure in question) substantially coinciding with the employee's personal file ”; in particular, through this section it is possible to access the following documents: “slips; unique certifications; 730 models; […] relevant documentation for the purposes of processing the personal data of the data subject in question (informative information, procedures); corporate statements; award letters; documentation on the subject of "single cheques"; summary of all the data of the interested party, and of his family members, processed by the Company (including the company position, the salary received, the right to any tax deductions, etc.); justifications (for absences and expenses); all institutional

communications between the Company and the interested party; any additional personal documents sent by the interested party to the Company; any additional corporate documents relating to the relationship" (defensive briefs 24/5/2022, p. 2-3);

b. "after the necessary checks, it emerged that the [complainant] signed up for The Hub on November 27, 2020 and also made use of the download functions provided within that platform (listed above), for example to obtain a copy of their slips" (memorie difensive cit., p. 3)

c. the Company has also verified that the complainant has "also exercised his right of access through the Infocenter: during the course of the relationship, this happened 15 times (the last of which on 15 October 2021) and the interested party has always received feedback on the same day of the request, obtaining - among other things - information/data relating to: pay slips; attendance; unique certifications; working hours performed; declarations regarding strenuous work; salary received; declarations for salary-backed loans and/or foreclosures; corporate membership; declarations regarding social safety nets; TFR advance; tax deductions; matrimonial leave" (memorie difensive cit., p. 3);

d. "The above serves to clarify the Company's statement according to which «the information to which the employee requests access consists mainly of data already available to him»: in fact, in the matter subject of the Complaint, this availability does not refer only to data «already entered into the patrimony of knowledge of the interested party», with retrospective scope, but on the contrary consisted in a current, immediate and constant availability" (memorie difensive cit., p. 3);

And. therefore the complainant "could have received responses to his requests in real time, since all the data he requested from FCA (at first, with a smaller list and, during the present proceeding, with a subsequent very broad integration) were already within of his personal area in "The Hub"" (defensive memoirs cit., p. 4);

f. between the Company and the complainant "there was an «obvious conflict», [which] also manifested itself with the repeated and constant request for union-assisted meetings [...]. In particular, in addition to the numerous "formal" meetings held in 2019 and 2020 (also in the presence of the RSPP), and further "informal" meetings at the production line (so-called "UTE", Elementary Technological Unit), among the end of 2020 and the termination of the employment relationship - which took place in October 2021 - there were five "formal" meetings with the interested party [...]. As already clarified [...], however, in the period preceding the Complaint this practice was hampered both by the use of social safety nets and by the absences of the [complainant]" (memorie difensive cit., p. 4);

g. as regards the elements indicated by art. 83, par. 2, of the Regulations, the Company represented that: the disputed

violation concerned only one interested party and was negligent in nature; the Company has periodically updated its policy for the management of the rights of data subjects dated 25 March 2020, in particular and most recently on 6 April 2022; the Company has adopted various technical and organizational measures pursuant to articles 25 and 32 of the Regulation and has constantly cooperated with the Supervisory Authority during the proceeding; the personal data being processed are "common".

3. The outcome of the investigation and of the procedure for the adoption of corrective and sanctioning measures.

3.1. Outcome of the investigation.

As a result of the examination of the declarations made to the Authority during the proceeding as well as of the documentation acquired, it appears that the Company, as owner, has carried out some processing operations, referring to the complainant, which are not compliant with the regulations on the matter of personal data protection. In this regard, it should be noted that, unless the fact constitutes a more serious offence, anyone who, in a proceeding before the Guarantor, falsely declares or attests news or circumstances or produces false deeds or documents, is liable pursuant to art. 168 of the Code "False statements to the Guarantor and interruption of the performance of the duties or exercise of the powers of the Guarantor".

On the merits, it emerged that the Company, in response to a request sent on 5 January 2021, containing the indication of specific information, even if not contained in the personal file, collected and held in the context of the employment relationship, has not provided response to the complainant.

Only following the presentation of a complaint to the Authority and the initiation of the related administrative procedure, the Company collaborated with the Guarantor and provided the interested party with effective feedback by sending documentation containing the personal data already the subject of the request of access (with notes dated 2 and 25 August 2021), declaring under his own responsibility not to process data other than those transmitted.

3.2. Violation of articles 12 and 15 of the Regulation.

The Company declared that it had deemed it able to respond to the interested party's request during a face-to-face meeting with representatives of the Human Resources Office, in accordance with a "practice" that would have been established with the complainant, given that the latter in the past he had repeatedly asked to meet the company. During some of these meetings, the Company allegedly also provided documents to the interested party, upon his request. However, the meeting would not have taken place due to the "suspension of the plant's activities due to recourse to layoffs also linked to the Covid emergency".

This conduct does not comply with the provisions of the Regulation on the exercise of rights.

The exercise of the right of access to one's personal data is closely related to the identification of the specific methods and time limits with which the owner is required to satisfy the requests of the interested party, identified by art. 12 of the Regulation in order to implement the principles of transparency and fairness (cons. 58 and 60 of the Regulation). In particular, the owner is required to "facilitate [the] exercise of the rights of the interested party pursuant to articles from 15 to 22" (article 12, paragraph 2, of the Regulation), and to "provide [the interested party the information relating to the action taken regarding a request pursuant to articles from 15 to 22 without unjustified delay and, in any case, at the latest within one month of receipt of the request itself" (term which can be extended by two months, giving adequate information to the interested party, in the case of complexity and high number of requests received; art. 12, paragraph 3, of the Regulation). The information requested, then, “shall be provided in writing or by other means, even if appropriate, by electronic means. If requested by the interested party, the information can be provided orally" (Article 12, paragraph 1, of the Regulation).

Therefore, the Company should have responded to the complainant's request in the manner ("in writing") and within the terms established by law. In relation to the specific case, then, it is noted that unlike in the past in which the complainant himself had asked to speak with the company through face-to-face meetings, in January 2021 the interested party had instead presented a formal request by registered letter with return receipt , through two lawyers, bearing the specific indication that the requested documentation should have been sent "also via Pec" to the e-mail address of one of the lawyers. Therefore the Company should not have trusted in the "practice" that would have been established with the complainant.

The Company also ascertained, during the proceedings, that the complainant would have used some tools made available to employees to directly access some data processed by the same during the employment relationship ("The Hub" platform, active since November 2020, and Infocenter telephone system). The consequence would be that "the information to which the employee requests access mainly consists of data already available to him".

In this regard, it should firstly be noted that, based on the documentation in the documents and according to what was stated by the Company itself, not all the data subject to the access request are available through the aforementioned tools ("The Hub" and Infocenter) (as can be seen also from the same expressions used by the Company: the information being accessed consists "mainly of data already available to you"; through The Hub it is possible to access the "documentation relating to the employment relationship [...] substantially coinciding with the employee's personnel file" , emphasis added). Furthermore, the documentation thus obtained by the complainant, on the basis of what was reconstructed by the Company, constitutes only a

part of what was requested.

Furthermore, and above all, the request for access to personal data can also be presented in relation to data already available to the interested party or already delivered to them. This is consistent with the purpose of the right of access, which is to allow the interested party to verify (even at "reasonable intervals" of time: see cons. 63 of the Regulation) whether or not a specific treatment is in progress and verify its lawfulness and correctness (also taking into account that the methods and number of data processed may change over time).

The art. 15 of the Regulation does not provide for any limitation regarding the information referring to the interested party that can be accessed and the same Regulation, moreover, expressly provides for the possibility that the interested party presents multiple access requests (save the possibility for the data controller , in the event of "excessive, in particular due to their repetitive nature" requests to charge a reasonable fee; art. 12, paragraph 5, of the Regulation; on the interpretation of the provisions of the Regulation referred to herein, see Guidelines 01/2022 on data subject rights - Right of access, adopted on 18 January 2022 by the European Data Protection Committee, subjected to public consultation concluded on 11 March 2022).

This reconstruction is also confirmed by the legitimacy jurisprudence, according to which the right of access to one's personal data, even in the context of the employment relationship, "cannot be understood, in a restrictive sense, as the mere right to know any new data and additional to those already included in the knowledge patrimony and, therefore, in the provision of the same subject interested in the processing of their data, given that the purpose of the regulation [which grants the relative right] is to guarantee, in order to protect the dignity and confidentiality of the interested party, the verification ratione temporis of the occurred insertion, permanence or removal of data, regardless of the circumstance that such events had already been brought to the attention of the interested party by other means" (see Court of Cassation 12.14.2018, No. 32533).

Finally, it should be noted that on the basis of art. 12, paragraph 4, of the Regulation, the holder "If he does not comply with the request of the interested party, [...] informs the interested party without delay, and at the latest within one month of receiving the request, of the reasons for the non-compliance and of the possibility to lodge a complaint with a supervisory authority and to lodge a judicial appeal". In the present case, therefore, the Company should have in any case, if necessary, informed the interested party of the reasons for which the application was not pursued and the remedies provided for by the law against this decision.

The Company, for the reasons set out above, has therefore violated the articles 12, par. 1, 2, 3 and 4, and 15 of the

Regulation. In any case, the Authority acknowledges that, during the procedure, a reply was provided to the requests of the interested party.

4. Conclusions: declaration of illegality of the treatment. Corrective measures pursuant to art. 58, par. 2, Regulation.

For the aforementioned reasons, the Authority believes that the declarations, documentation and reconstructions provided by the data controller during the investigation do not allow the findings notified by the Office to be overcome with the act of initiating the procedure and are therefore unsuitable for allow the filing of this proceeding, since none of the cases envisaged by art. 11 of the Regulation of the Guarantor n. 1/2019.

The processing of personal data carried out by the Company and in particular the omitted reply to the access request presented by the complainant, is in fact illegal, in the terms set out above, in relation to articles 12, par. 1, 2, 3 and 4, and 15 of the Regulation.

The violation ascertained in the terms set out in the reasoning cannot be considered "minor", taking into account the nature, gravity and duration of the violation itself, the degree of responsibility, the manner in which the supervisory authority became aware of the violation and a previous pertinent violation (cons. 148 of the Regulation).

Differently from the previous provisions of the Authority referred to in the defense briefs (provv.ti 25/3/2021, n. 104, web doc. n. 9583835; 11/2/2021, n. 63, web doc. n. 9567218; 23 /4/2020, n., 76, web doc. n. 9426302), in the present case the conduct of the data controller did not consist in an error concerning the transmission of the requested data nor in having provided a partial response, but in the omitted response to a formal request for access, on the assumption that the response could have been provided during a meeting which, moreover, does not appear to have been offered to the complainant.

Furthermore, also in consideration of the size of the Company, the number of employees and customers included, and therefore the relevance of the processing carried out within the scope of its activity, it is believed that FCA Italy S.p.A. could have prepared suitable measures to provide an effective response to the requests to exercise the rights, without allowing for misalignments such as that which occurred in the case subject to the complaint.

This, in particular, taking into account that in a previous provision the Authority has already ascertained, against the same Company, the violation of the provisions of the Regulation concerning the exercise of rights and, in particular, of the right of access (Provision ton no. 439 of 16 December 2021).

Therefore, given the corrective powers attributed by art. 58, par. 2 of the Regulation, the application of a pecuniary

administrative sanction pursuant to art. 83 of the Regulation, commensurate with the circumstances of the specific case (Article 58, paragraph 2, letter i) of the Regulation).

5. Adoption of the injunction order for the application of the pecuniary administrative sanction and accessory sanctions (articles 58, paragraph 2, letter i), and 83 of the Regulation; art. 166, paragraph 7, of the Code).

At the end of the proceeding, therefore, it appears that FCA Italy S.p.A. has violated the articles 12, par. 1, 2, 3 and 4, and 15 of the Regulation. For the violation of the aforementioned provisions, the application of the pecuniary administrative sanction envisaged by art. 83, par. 5, letter. b) of the Regulation, through the adoption of an injunction order (art. 18, l. 24.11.1981, n. 689).

Considering it necessary to apply paragraph 3 of the art. 83 of the Regulation where it provides that "If, in relation to the same treatment or related treatments, a data controller [...] violates, with willful misconduct or negligence, various provisions of this regulation, the total amount of the pecuniary administrative sanction does not exceed amount specified for the most serious violation", the total amount of the fine is calculated so as not to exceed the maximum prescribed by the same art. 83, par. 5.

With reference to the elements listed by art. 83, par. 2 of the Regulation for the purposes of applying the pecuniary administrative sanction and the relative quantification, taking into account that the sanction must "in any case [be] effective, proportionate and dissuasive" (Article 83, paragraph 1 of the Regulation), it is represented that In the present case, the following circumstances were considered:

a) in relation to the nature, gravity and duration of the violation (which lasted for approximately seven months, from the date of presentation of the request, received on 11/1/2021 to the completion of the response with a note dated 25/8/2021 ), the nature of the violation which concerned the exercise of the rights by the interested party was considered relevant;

b) with reference to the intentional or negligent nature of the violation and the degree of responsibility of the owner, the conduct of the Company and the degree of responsibility of the same was taken into consideration which did not comply with the data protection regulations in relation to a plurality of provisions concerning the exercise of rights;

c) was considered, in the context of "previous relevant violations" committed by the data controller, a previous measure adopted against the Company and, for the violation of articles 12 and 15 of the Regulation, in relation to the right of access to the data of the interested party, therefore in relation to the same violation covered by this provision (see Provv.to n. 439 of 16 December 2021, web doc. n. 9742908); the previous ascertained violation denotes the insufficient preparation of

organizational measures aimed at allowing the interested parties effective control over their personal data, through the provision of information elements relating to the treatments carried out;

d) in favor of the Company, account was taken of the cooperation with the Supervisory Authority and of the circumstance that the ascertained violation concerned only the complainant, being an isolated case, and that the invocation of the protection of personal data, in the case of species, appears to be in some respects emulative in relation to the events that concerned the person concerned.

It is also believed that they assume relevance in the present case, taking into account the aforementioned principles of effectiveness, proportionality and dissuasiveness with which the Authority must comply in determining the amount of the fine (Article 83, paragraph 1, of the Regulation), in firstly, the economic conditions of the offender, determined on the basis of the revenues earned by the company with reference to the ordinary financial statements for the year 2021. Finally, the entity of the sanctions imposed in similar cases is taken into account.

In the light of the elements indicated above and the assessments made, it is believed, in the present case, to apply the administrative sanction of payment of a sum equal to 40,000 (forty thousand) euros against FCA Italy S.p.A..

In this context, it is also considered, in consideration of the type of violations ascertained that concerned the general principles of treatment and the exercise of the rights of the interested party, that pursuant to art. 166, paragraph 7, of the Code and of the art. 16, paragraph 1, of the Guarantor's Regulation n. 1/2019, this provision must be published on the Guarantor's website.

It is also believed that the conditions pursuant to art. 17 of Regulation no. 1/2019.

ALL THAT BEING CONSIDERED, THE GUARANTOR

notes the illegality of the processing carried out by FCA Italy S.p.A., in the person of its legal representative, with registered office in Corso Giovanni Agnelli, 300, Turin (TO), C.F. 07973780013, pursuant to art. 143 of the Code, for the violation of the articles 12 and 15 of the Regulation;

ORDER

pursuant to art. 58, par. 2, lit. i) of the Regulation to FCA Italy S.p.A., to pay the sum of Euro 40,000 (forty thousand as an administrative fine for the violations indicated in this provision;

ENJOYS

then to the same Company to pay the aforementioned sum of 40,000 (forty thousand) euros, according to the methods

indicated in the attachment, within 30 days of notification of this provision, under penalty of adopting the consequent executive deeds pursuant to art. 27 of the law n. 689/1981. It should be remembered that the offender retains the right to settle the dispute by paying - always according to the methods indicated in the attachment - an amount equal to half of the fine imposed, within the term set out in art. 10, paragraph 3, of Legislative Decree lgs. no. 150 of 09.01.2011 envisaged for the lodging of the appeal as indicated below (art. 166, paragraph 8, of the Code);

HAS

the publication of this provision on the Guarantor's website pursuant to art. 166, paragraph 7, of the Code and of the art. 16, paragraph 1, of the Guarantor's Regulation n. 1/20129, and believes that the conditions pursuant to art. 17 of Regulation no. 1/2019.

Pursuant to art. 78 of the Regulation, as well as articles 152 of the Code and 10 of Legislative Decree no. 150/2011, opposition to the ordinary judicial authority may be lodged against this provision, with an appeal lodged with the ordinary court of the place identified in the same art. 10, within the term of thirty days from the date of communication of the measure itself, or sixty days if the appellant resides abroad.

Rome, 15 September 2022

PRESIDENT

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THE SPEAKER

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THE SECRETARY GENERAL

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