RULES FOR THE BAN OF
ANTI-PERSONNEL LAND-MINES

Law no. 374, October 29, 1997

Article 1
(objectives)

1. It is forbidden to use, for whatever purpose, all types of anti-personnel mines, with the exception of the quantity provided for by Article 5, Paragraph 1, and for the exclusive use in demining operations training.

2. It is forbidden to pursue technological research, to manufacture, sell, transfer for whatever purpose, export, import, stockpile anti-personnel mines of all types or composition, or their components.

3. It is forbidden to use and transfer, for whatever purpose, patent rights for the manufacturing of antipersonnel mines or their components, in Italy and abroad, directly or indirectly, and to use and transfer, for whatever purpose, technologies suitable to manufacturing antipersonnel mines and their components.

Article 2
(definition)

1. "Anti-personnel mine" means any munition or device which can be placed on, under, inside or near the ground or any surface area, and designed or adaptable – by means of specific mechanisms – so as to explode, cause an explosion or release incapacitating substances as a consequence of the presence, proximity or contact of a person.

Article 3
(obligations for anti-personnel mines aph 1, the Ministry of Defence must also destroy all the anti-personnel mines handed over by private companies and any other holder, in accordance with Article 3 of this Law.

3. The expenses deriving from the implementation of Paragraph 1 and 2, estimated in 10 billion Italian lira per year in 1998 and 1999 respectively, will be covered by means of the 1998 and 1999 projections of the itemized budget registered (for the three year budget 1997-1999) under Chapter 6586 of the Ministry of Treasure state of provision concerning 1997, by partially resorting for this purpose to the budget accumulated for the Presidency of the Council of Ministers. The Minister of Treasure is authorized to introduce, by its own decrees, the necessary budget variations.

Article 6
(ministerial decree)

1. Within six months from the entry into force of the present Law, the Ministry of Defence, in concert with the Ministry of Foreign Affairs and the Ministry of Industry and Trade, will issue a decree outlining the rules for the destruction of the stockpiles of anti-personnel mines. These rules will also take into account the needs for environmental protection. The decree will also indicate the ad hoc official in charge and the responsible official at the Ministry of Defence. In addition to that, all quantities and types of anti-personnel mines held by the Armed Forces, and those delivered to the Ministry of Defence in accordance with Article 3, will be recorded in an appropriate Register. The date and means of destruction will be recorded in the same Register, as well as the disclosures made in accordance to Article 4 herein. The draft of the decree will be subject to the relevant Parliamentary Committees, which will express their evaluation within 20 days. The decree will then be published in the Gazzetta Ufficiale.

Article 7
(sanctions)

1. Whoever may use, with the exception of the provisions included in Article 5, Paragraph 1, manufacture, sell, transfer for whatever purpose, export, import, hold
anti-personnel mines or their components, and whoever may use or transfer, directly or indirectly, patent rights or suitable technologies for the manufacturing, in Italy or abroad, of anti-personnel mines and their components, will be punished with 3 to 12 years of imprisonment, and with a 500 million to 1,000 million Italian lira fine.

2. Whoever may infringe obligations provided in Article 3 and 4 will be punished with 3 to 6 years of imprisonment and with a 200 to 500 million Italian lira fine. Guilty parties will also be banned from all public contracts for a period ranging from 5 to 10 years.

3. Sanctions provided in Paragraph 1 and 2 are reduced by half if the fact persecuted is of particularly small entity.

Article 8

(activities in favour of anti-personnel mines victims)

1. In Article 4, Paragraph 3 of the Law n. 49 "New Rules for Italian Cooperation with Developing Countries", dated 26th of February 1987, after item m), the following provision is added:

m-bis) "support to victims of anti-personnel mines through compensation, assistance and rehabilitation programmes".

Article 9

(Ministers' competencies and reporting to Parliament)

1. Ministers of Foreign Affairs, Defence and Industry and Trade will coordinatingly provide for the implementation of the present Law, therein including the destruction of anti-personnel mines, particularly the stockpile held by the Armed Forces, and all other anti-personnel mines taken into consideration by Articles 3 and 5.

2. The Ministers of Foreign Affairs, Defence and Industry and Trade will report to the Parliament every 6 months about the state of implementation of this Law. The Minister of Defence will also provide a yearly account of the ongoing destruction of stockpiles and related expenses and budget.

Article 10

(exemption from State secret and military secret)
1. State secret, as regulated in Law n. 801 of October 24, 1977 and in articles 202 and 256 of the Code of Penal Procedure does not apply to what is provided for by the present Law, nor does the Military secret, as provided for by the Royal Decree n. 1161, July 11, 1941.