

Translated from Italian

Article 1

Authorization of ratification

1. [...]

(b) The International Convention for the Suppression of Acts of Nuclear Terrorism, done in New York on 14 September 2005.

[...]

Article 2

Implementation order

1. There shall be full and complete implementation of the Council of Europe Convention on the Prevention of Terrorism, done in Warsaw on 16 May 2005; the International Convention for the Suppression of Acts of Nuclear Terrorism, done in New York on 14 September 2005; the Protocol amending the European Convention on the Suppression of Terrorism, done in Strasbourg on 15 May 2003; the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, done in Warsaw on 16 May 2005; and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, done in Riga on 22 October 2015.

Article 3

Definitions

1. For the purposes of this Act,

(a) “Radioactive material” means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

(b) “Nuclear material” means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing.

(c) “Uranium enriched in the isotope 235 or 233” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

(d) “Nuclear facility” means:

1. Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

2. Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

(e) “Device” means:

1. Any nuclear explosive device; or

2. Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

(f) “ISIN” means the National Inspectorate for Nuclear Safety and Radiation Protection referred to in article 6 of Legislative Decree No. 45 of 4 March 2014.

Article 4

Amendments to the Criminal Code

1. The Criminal Code is amended as follows:

[...]

(c) After article 280 bis, the following is inserted:

“Article 280 ter (Acts of nuclear terrorism). A sentence of at least 15 years’ imprisonment shall be imposed on anyone who for the purpose of terrorism referred to in article 270 sexies:

(1) Procures radioactive material for himself or herself or for others;

(2) Creates a nuclear device or otherwise comes into possession of such.

A sentence of at least 20 years’ imprisonment shall be imposed on anyone who for the purpose of terrorism referred to in article 270 sexies:

(1) Uses radioactive material or a nuclear device;

(2) Uses or damages a nuclear plant in such a way as to release or risk releasing radioactive material.

The penalties referred to in the first and second paragraphs shall also be applied when the conduct described therein relates to chemical or bacteriological materials or weapons.”

[...]

Article 6

Liaison point in the meaning of article 7, paragraph 4, of the International Convention for the Suppression of Acts of Nuclear Terrorism

1. The liaison point responsible for sending and receiving information referred to in article 7, paragraph 4, of the Convention referred to in article 1, paragraph 1 (b), of this Act shall be the Ministry of Justice.

2. When proceeding with regard to any of the offences referred to in article 280 ter of the Criminal Code, introduced under article 4 of this Act, the public prosecutor shall immediately inform the Minister of Justice that the prosecution is taking place.
3. The public prosecutor shall also immediately inform the Minister of Justice of implementation of an order of pretrial detention in prison or house arrest regarding persons under investigation for any of the offences referred to in article 280 ter of the Criminal Code, introduced under article 4 of this Act, attaching a copy of the order concerned.
4. In proceedings regarding any of the offences referred to in article 280 ter of the Criminal Code, introduced under article 4 of this Act, the judicial authority taking proceedings shall immediately inform the Minister of Justice of the final judgment or of the dismissal of the case, attaching a copy of the decision concerned. It shall also immediately inform the Minister of Justice of the place where the items are kept and of the manner of their retention for the communications referred to in article 18, paragraph 6, of the Convention referred to in article 1, paragraph 1 (b), of this Act.
5. In the cases provided for in paragraphs 2, 3 and 4, first sentence, the Minister of Justice shall without delay, through the Secretary-General of the United Nations, inform the States parties to the Convention referred to in article 1, paragraph 1 (b), of the prosecution, the outcome of proceedings or the adoption of precautionary measures. In the case referred to in paragraph 4, second sentence, the Minister of Justice shall inform the Director General of the International Atomic Energy Agency without delay.

Article 7

Measures in the event of seizure and confiscation pursuant to article 18 of the International Convention for the Suppression of Acts of Nuclear Terrorism

1. The judicial authority that orders the seizure of radioactive material, a nuclear device or a nuclear plant in proceedings relating to one of the offences referred to in article 280 ter of the Criminal Code, introduced under article 4 of this Act, shall immediately inform the territorially competent prefect, who, having informed the Ministers of the Interior, of the Environment and Protection of Land and Sea Resources, and of Health and the Prime Minister's Office – Department of Civil Protection, on the advice of the ISIN, shall adopt the appropriate measures for their safety. In an emergency, the prefect may take the necessary measures, however.
2. The items seized or confiscated shall be entrusted to the national operator or to the integrated service referred to in Legislative Decree No. 52 of 6 February 2007, which shall manage them on the basis of the operational indications provided by the ISIN.
3. In cases where the movable property referred to in paragraph 1 must be returned to a State party to the Convention referred to in article 1, paragraph 1 (b), the Minister of Economic Development, after consulting the ISIN, shall provide for this in consultation with the Ministers of the Interior, of Justice and of the Environment and Protection of Land and Sea Resources, stipulating, if necessary, specific agreements.

Article 8

Introduction of article 156 bis of Legislative Decree No. 230 of 17 March 1995

1. After article 156 of Legislative Decree No. 230 of 17 March 1995, the following is inserted:

“Article 156 bis (Specific provisions for particular radioactive substances). 1. Without prejudice to the provisions of article 5 of Act No. 58 of 28 April 2015, by decree of the Minister of Economic Development, in agreement with the Ministers of the Interior, of the Environment and Protection of Land and Sea Resources, of Health, and of Infrastructure and Transport, upon the proposal of the

National Inspectorate for Nuclear Safety and Radiation Protection (ISIN), and for the purpose of preventing acts of nuclear terrorism, radioactive substances and the appropriate protection measures to be adopted in activities involving their use shall be established, taking into account the recommendations of the International Atomic Energy Agency.”

2. The decree referred to in article 156 bis of Legislative Decree No. 230 of 17 March 1995, introduced by paragraph 1 of this article, shall be issued within 180 days of the date of entry into force of this Act.