



START EASY

Interreg Europe



European Union
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Stefano Augusto

PhD Student

Department of Law

University of Ferrara

stefano.agusto@unife.it

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Simplification policies for startups: National level

Answer two questions:

- How can the Legislator encourage business activities?
- How can it simplify the relationship between public administration and private citizens who want to start a business?

Simplification policies for startups: National level

Let's take look at the following issues:

- The recent National legal reforms;
- The Points of single contact for production activities.

Simplification policies for startups: National level

The Italian Constitutional Court, in 2012, stated that the principle of simplification originates directly from the European community, thus it has to be included among fundamental principles referred to article 1, law n. 241/1990, on administrative procedure.

Simplification policies for startups: National level

Structure of Law n. 241/1990 on administrative procedure:

Capo I - Principi (artt. 1-3-bis)

Capo II - Responsabile del procedimento (artt. 4-6-bis)

Capo III - Partecipazione al procedimento amministrativo (artt. 7-13)

Capo IV - Semplificazione dell'azione amministrativa (artt. 14-21)

Capo IV-bis - Efficacia ed invalidità del provvedimento amministrativo. Revoca e recesso (artt. 21-bis-21-nonies)

Capo V - Accesso ai documenti amministrativi (artt. 22-28)

Capo VI - Disposizioni finali (artt. 29-31)

Simplification policies for startups: National level

- D.l. 9.02.2012, n. 5 called *decree on simplification*;
- D.l. 6.07.2012, n. 95 called *spending review*;
- D.l. 21.03.2013, n. 69 called *decree of doing*;
- L. 7.08.2015, n. 124 called *Madia Law*, or *Madia Reform*.

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Structure of Madia Law

The L. 124/2015 is composed by 23 articles, assembled in 4 parts:

- Capo I – *Semplificazioni amministrative*
- Capo II – *Organizzazione*
- Capo III – *Personale*
- Capo IV – *Deleghe per la semplificazione normativa*

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Directive of European Union 12.12.2006, n. 123 called *directive on services in the internal market* or *Bolkestein directive*

Principles of:

- Liberalization of service activities;
- Non-discrimination;
- Simplification;
- proportionality

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“It enhances [again] the legislative policy that intends to ensure and encourage private economic initiative through administrative simplification reforms, in order to achieve the goals of economic growth and market competitiveness”

P. Lazzara, *Il principio di semplificazione*, in (a cura di M. Renna e F. Saitta) *Studi sui principi del diritto amministrativo*,
Milano 2012, p. 542

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For an example of these activities in the table, see the point 1.8 on the table

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Art. 6, Directive 2006/123/CE:

1. *Member States shall ensure that it is possible for providers to complete the following procedures and formalities through points of single contact:*
 - a) *all procedures and formalities needed for access to his service activities, in particular, all declarations, notifications or applications necessary for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a professional body or association;*
 - b) *any applications for authorisation needed to exercise his service activities.*
2. *The establishment of points of single contact shall be without prejudice to the allocation of functions and powers among the authorities within national systems.*

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In 2014, the Ministry of Economic Development undertook a support project for innovative startups called “Smart & Start Italia”:

<https://www.mise.gov.it/index.php/it/incentivi/impresa/smart-start>

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Thank you all very much