

## Legislative Decree 231/2001

established for the first time in the Italian legal system the possibility that companies and entities could be directly answerable for crimes committed in their interest by managers, employees (so-called parties in top-level positions) and everyone else operating for and on behalf of the company, from whose crimes the latter obtains an interest or an advantage.

The responsibility of companies and entities translates to an exposure to heavy financial penalties and in the suspension or, even, disqualification of the business.

After an initial period of adjustment, there has been a marked increase in the application of the legislation on the responsibility of legal entities deriving from crimes. There are different types of potential crimes and these cover all areas of criminal law, from crimes against government authorities to corporate crimes, through to crimes that have been introduced more recently, such as cyber crime, health and safety in the workplace or environmental crimes.

The company can be exempted from responsibility by providing proof that it has adopted a suitable Model of Organisation, Management and Control (in the event of crimes committed by employees, the burden of proof in term of the unsuitableness of the model and failure to adopt it lies with a public prosecutor).

The Model of Organisation, Management and Control is based on three pillars:

- the Ethical Code;
- the Organisational Model;
- the Supervisory Body.

## THE ETHICAL CODE

contains policies and rules of conduct that must guide the company in the development of its own prevention model.

It represents the main instrument for the implementation of ethics within the company, because it collects the rights and moral duties which define the ethical and social responsibilities of every participant to the entrepreneurial organisation.

It is an effective means for companies to prevent irresponsible or unlawful behaviour by people operating for and on behalf of the company, even in relation to behaviour which may represent criminal offences under Legislative Decree 231/2001.

## THE MODEL OF ORGANISATION, MANAGEMENT AND CONTROL

represents a structured and organic system of procedures, behavioural rules, protocols, provisions and organisational structures that permeates the entire company activity, which:

- identifies the activities during the course of which crimes can be committed;
- establishes specific protocols for programming the establishment and implementation of the Entity's decisions in relation to the crimes to be prevented;
- identifies means of managing financial resources that are appropriate for preventing criminal



# Legislative framework.

offences;

- establishes obligations to inform the Supervisory Body;
- introduces a disciplinary system that is suitable for sanctioning failure to respect the measures specified in the Model.

## THE SUPERVISORY BODY

is a body within an entity with requirements of autonomy, independence, professionalism and continuity of action:

- it supervises the effectiveness and suitability of the Model of organisation, management and control;
- it monitors over time the maintenance of said characteristics and the effectiveness and suitability of the Model;
- manages the periodic updating of the Model, reporting any amendments to be made to the administrative body;
- has free access to every document, data, paper/electronic company correspondence;
- communicates periodically the results of its activity to the corporate bodies.

Following the adoption of the Model of Organisation Management and Control, the Company:

- adopts the necessary procedures for preventing criminal offences;
- defines the operational processes while requiring suitable documentary support (directives, operational regulations, internal procedures) to ensure that these are always verifiable in terms of suitability, consistency and responsibility;
- starts a specific training programme for the company's staff on Legislative Decree 231/2001 and its adoption within the Company;
- makes known to consultants, partners, suppliers and third parties in general, the adoption of the Model and the Code of Ethics;
- inserts in contracts with consultants, partners, suppliers and third parties suitable clauses that govern the consequences of their violation of the regulations in Legislative Decree 231/2001 and the Model;
- it interacts with a new controlling body, the Supervisory Body.

With the adoption of this model Salumificio Scarlino undertakes to bring forward - on a daily basis - an eco-sustainable production project; entrusting to its own staff - after a suitable training phase - responsibilities and knowledge which will allow the company to continue to be a benchmark in the system of territorial development.