

# REGULATION OF THE COLLEGIO DEI GARANTI

## CHAPTER I – GENERAL PROVISIONS

### Art. 1 – Subject matter

This Regulation governs the functioning of the Collegio dei Garanti of the Statodellarte pursuant to Article 56 of the Constitution. Its provisions conform to those of the Constitution and may in no case modify or alter them.

### Art. 2 – Nature and purpose

The Collegio dei Garanti oversees the full observance of the principles and rules of the Constitution and of the Regulations issued by the Camera, pursuant to Article 66 of the Constitution. It exercises functions of guarantee, of opinion and of proposal for sanctions; it has neither deliberative nor executive functions over the ordinary activity of the Statodellarte. Its functions have internal scope within the legal order of the Statodellarte and do not replace the remedies provided for by the legal orders of States.

### Art. 3 – Decision-making method

The Collegio takes its decisions by the consensus method pursuant to Article 23 of the Constitution, save in the cases in which the Constitution expressly provides for specified majorities. In particular, the rulings referred to in Article 69 of the Constitution are taken by a simple majority of those present; the decisions on the forfeiture of Ambassadors and the proposals for sanctions to Cittadellarte referred to in Article 70 of the Constitution are taken by a two-thirds majority of those present. In deliberations taken by the majority method, in the event of a tie the vote of the artistic director of Cittadellarte prevails, pursuant to Article 67 of the Constitution.

## CHAPTER II – COMPOSITION AND APPOINTMENT

### Art. 4 – Composition

The Collegio is composed of no fewer than five and no more than seven members, chosen from among persons of recognised prestige and integrity, pursuant to Article 67 of the Constitution. To these is added, as a member by right without limits of mandate, the artistic director of Cittadellarte. Should the latter cease through resignation, death or any other cause entailing the loss of the office of artistic director, they are not replaced and the Collegio continues in the composition of five to seven members. The artistic director takes part in the sessions, contributes to the dialogue and concurs in the formation of decisions, with the casting vote referred to in Article 3.

### Art. 5 – Appointment of members

The members of the Collegio are appointed by Cittadellarte for a three-year mandate, renewable, pursuant to Article 68 of the Constitution. Two members are chosen from a shortlist of names proposed by the Camera of the Statodellarte, provided they possess the requirements of prestige and integrity. The shortlist proposed by the Camera is deliberated upon a proposal of the Presidency and is transmitted to

Cittadellarte sufficiently in advance to ensure its examination. Acceptance of the appointment constitutes a condition of effectiveness.

#### **Art. 6 – Term, terminations and replacements**

The mandate of the member runs from the appointment and concludes at the expiry of the three years or by early termination. The individual member terminates early through resignation, through the supervening loss of the requirements of prestige and integrity, or through serious and repeated failures ascertained by the Collegio itself by a two-thirds majority of those present. Before ascertaining serious and repeated failures, the Collegio ensures that the member concerned is informed of the charges and able to present their reasons, in written or oral form, within an appropriate time limit. In the event of early termination, Cittadellarte provides for the replacement in accordance with the procedure referred to in Article 5; the incoming member holds office until the natural expiry of the mandate of the member who has ceased.

### **CHAPTER III – CONDUCT OF THE COLLEGIO**

#### **Art. 7 – President of the Collegio**

Upon its installation, and thereafter every three years, the Collegio elects from among its members a President, pursuant to Article 67 of the Constitution. The election takes place by the consensus method; where, after the second iteration, consensus is not reached, the election takes place by a two-thirds majority of those entitled. The President holds office for three years and is not immediately renewable.

The President convenes and chairs the sessions, draws up the order of business, oversees its conduct and unity, signs the acts of the Collegio and represents its positions in relations with the other bodies of the Statodellarte. The President exercises no powers of ruling or opinion of their own: every act of the Collegio is collegial.

In the event of the President's absence or impediment, their functions are exercised by the member most senior in appointment, or, where seniority is equal, by the eldest in age.

### **CHAPTER IV – FUNCTIONING**

#### **Art. 8 – Sessions, convocation and validity**

The Collegio meets in ordinary session at least twice a year. It meets in extraordinary session whenever requested by the President, by at least one third of the members, or when a request for a ruling pursuant to Article 69 of the Constitution or a request for a mandatory opinion provided for by the Constitution is received. The convocation is transmitted at least fourteen days in advance for ordinary sessions and at least seven days for extraordinary ones, indicating the date, the modalities of participation and the order of business. Sessions are valid with the participation of half plus one of the members, in person or by remote connection.

#### **Art. 9 – Documentation, confidentiality and publicity of acts**

For each session a record is drawn up by the President, setting out the members present, the order of business addressed, the decisions taken and the method by which they were taken. The rulings and

opinions of the Collegio are reasoned and signed by the President. The acts are transmitted promptly to the recipient bodies and kept in the archive of the Statodellarte. The members are bound to confidentiality as to the discussions and the investigative materials.

The rulings referred to in Article 69 of the Constitution and the opinions of the Collegio are published in their reasoned text on the portal of the Statodellarte within thirty days of their adoption. By reasoned decision the Collegio may order the temporary or permanent limitation of the publicity of individual acts, for reasons of protection of the persons concerned or of other deserving interests.

There is kept at the Statodellarte a public chronological register of the rulings and opinions of the Collegio, accessible to all citizens of the Statodellarte, which sets out for each act the date, the subject matter, the outcome and a reference to the reasoned text.

## CHAPTER V – FUNCTIONS

### **Art. 10 – General oversight and rulings upon request**

The Collegio oversees the full observance of the Constitution and of the Regulations issued by the Camera. Upon request of the Camera or of at least three Forums, pursuant to Article 69 of the Constitution, it rules on any case representing a failure to observe the constitutional principles and rules, indicating the measures to be adopted and the body responsible for implementing them. The ruling is taken by a simple majority of those present. By a two-thirds majority of those entitled, the Camera may request the Collegio to re-examine the case and rule again; the decision in this case is not subject to appeal.

### **Art. 11 – Forfeiture of Ambassadors and proposals for sanctions**

By a decision taken by a two-thirds majority of those present, the Collegio may decree the forfeiture of an Ambassador pursuant to Article 70 of the Constitution. By the same majority it may propose to Cittadellarte the adoption of appropriate measures, including suspension and, in cases of violations of particular gravity, the exclusion of those responsible for the violations from the Statodellarte. Before the ruling, the Collegio ensures that the person concerned is informed of the charges and able to present their reasons in written or oral form, within an appropriate time limit set by the President.

### **Art. 12 – Opinions**

The Collegio renders the opinions provided for by the Constitution in accordance with the following modalities. Binding opinions, to be rendered by a two-thirds majority of those present, are those provided for by Articles 82, 86 and 87 of the Constitution concerning the Moneta Complementare and non-speculative securities. Prior favourable opinions, to be rendered by the same majority, are those provided for by Article 57 of the Constitution for the amendment of the Constitution itself. Advisory opinions, to be rendered by a simple majority of those present, are those provided for by Article 45 of the Constitution for the formation of the list of candidates for the Collegio delle Ambasciate and by Article 81 concerning the acceptance of donations and gifts. The opinions are reasoned, communicated in writing to the requesting bodies and kept in the archive of the Statodellarte.

The reasons given for the binding opinions provided for by Articles 82, 86 and 87 of the Constitution set out separately the conformity of the act to the principles enshrined in Title I of the Constitution, the conformity to the applicable rules of law, and the reasons for convergence with or divergence from the opinion rendered by Cittadellarte on the same act.

## CHAPTER VI – FINAL PROVISIONS

### **Art. 13 – Entry into force and amendments**

This Regulation, drawn up by Cittadellarte and delivered to the Statodellarte pursuant to the transitional provisions of the Constitution, enters into force with the inaugural session of the Camera, concurrently with the entry into force of the Constitution. It may subsequently be amended by the Camera by the procedure of Article 56 of the Constitution, upon a proposal of the Presidency. The amendments may in no case modify or alter the provisions of the Constitution.