

DECLARATION IN LIEU OF CERTIFICATION
(ART. 46¹ OF PRESIDENTIAL DECREE NO. 445 DATED 28.12.2000)

DECLARATION IN LIEU OF NOTARIAL DEED
(ART. 47² OF PRESIDENTIAL DECREE NO. 445 DATED 28.12.2000)

The undersigned _____
(surname) (name)

tax code _____ born in _____ prov. (____) on _____

resident in _____ prov./state (____) at (street address) _____ no. _____ postal code _____

telephone: _____ e-mail _____

Aware of the penal sanctions consequent upon untruthful declarations, manufacture or use of false deeds under art. 76³ of Presidential Decree no 445 dated December 28 2000, and the additional sanction under art. 75⁴ of the above-mentioned Presidential Decree no. 445 dated December 28 2000, consisting of forfeiture of any benefits that may be consequent upon provisions implemented on the basis of untruthful declarations,

HEREBY DECLARES:

I hereby declare that I have been informed, under art. 13 of Legislative Decree no. 196 dated 30.06.03, that personal information obtained on me will be used, also through computer processing, exclusively for the purposes of the procedure for which this declaration is presented.

Place and date _____

The undersigned _____

Pursuant to art. 38⁵ of Presidential Decree no. 445 dated December 28 2000, this declaration is signed by the person making the declaration before a member of staff or signed and sent to the office concerned with an uncertified photocopy of the person's identity document, by fax, by a delegated person or by post.

Presidential Decree no. 445 dated December 28 2000, published in the Ordinary Section of Gazzetta Ufficiale issue no. 42 on February 2001.

Sole text of the legislative and regulatory provisions regarding administrative documentation.

¹**Art. 46 *Declarations in lieu of certification.***

1. The following may be demonstrated by declaration, which may be made on request, signed by the party concerned and produced in place of regular certification of the following states, personal qualities and events:

- a) date and place of birth;
- b) residence;
- c) citizenship;
- d) enjoyment of civil and political rights;
- e) marital status;
- f) family status;
- g) declaration that the person is living;
- h) birth of son or daughter, death of spouse, parent, son or daughter;
- i) registration in public registries, rolls or lists;
- l) membership in professional orders;
- m) educational qualifications, examinations taken;
- n) professional qualifications, specialised educational qualifications, authorisation, training, professional development and technical qualification courses;
- o) income or economic situation, also for the purposes of granting benefits of any kind under special legislation;
- p) fulfilment of specific tax obligations, indicating the amount paid;
- q) Possession and number of tax code, VAT number, or any other item of information present in tax records;
- f) status of unemployment;
- s) status of retiree and pension category;
- t) status of student;
- u) status of legal representative of physical persons or corporate entities, of guardian, liquidator, and similar statuses;
- v) registration in associations or societies of all kinds;
- z) all circumstances pertaining to fulfilment of obligations for military service, including those certified in the document demonstrating the status of service;
- aa) that he/she is not the subject of any penal sentences or orders for application of preventive measures, civil decisions and administrative measures entered in the criminal records office under current legislation;
- bb) that he/she is not aware of being subject to penal proceedings;
- cc) status of dependent;
- dd) all information of which the person involved may be aware which is contained in civil status registries;
- ee) that he/she is not in a condition of receivership or bankruptcy and has not presented a request for arrangement with creditors

²**Art. 47 *Declaration in lieu of notarial deed***

- 1. Notarial deeds concerning status, personal qualities or events of which the person involved is directly aware may be replaced by declarations made and signed by the person involved in compliance with article 38.
- 2. Declarations made in the interests of the person making them may also regard status, personal qualities and events pertaining to other parties whom the person making the declaration is personally acquainted
- 3. With the exceptions expressly permitted by law, in relations with public authorities and with parties providing public services, all states, personal qualities and events not expressly indicated in article 46 may be demonstrated by the person involved by presentation of a declaration in lieu of notarial deed
- 4. Except where the law expressly states that loss must be reported to the police in order to begin administrative proceedings for issuing a duplicate identity document or other document certifying a person's state and personal qualities, loss of such a document shall be demonstrated by the person requesting the duplicate in the form of a declaration in lieu of notarial deed.
- 5. Declaration in lieu of notarial deed under article 47 may also apply to the fact that a copy of a deed or document kept or issued by a public authority, a copy of a publication or a copy of a degree, diploma or certificate of service is an exact copy of the original. Such a declaration may also certify that a copy of tax documents which must obligatorily be kept by private individuals is an exact copy of the original.

³Art. 76 *Penal legislation.*

1. Anyone who makes an untruthful declaration and produces or uses false documents in the circumstances identified in this text shall be punished under the penal code and applicable special legislation.
2. Exhibiting a deed containing information which is no longer true is equivalent to use of a false document.
3. Declarations in lieu of notarial deed made under articles 46 and 47 and declarations made on behalf of the people identified in article 4, paragraph 2, shall be considered made before public officials.
4. If the offences identified in paragraphs 1, 2 and 3 are committed to obtain appointment to public office or authorisation to exercise a profession or an art, the judge may, in serious cases, apply temporary interdiction from public office or from the profession or art.

⁴Art. 75 *Forfeiture of benefits.*

1. The provisions of article 76 notwithstanding, if a control of the type identified in article 71 should reveal that the content of the declaration is untruthful, the person making the declaration shall forfeit any benefits that may be consequent upon the order made on the basis of the untruthful declaration.

⁵Art. 38 *Methods for submitting and signing applications.*

1. All applications and declarations to be presented to public authorities or to operators of public services may be sent by fax or email.
2. Applications and declarations sent by email shall be signed by digital signature or, if the signatory is identified by the information system, using an electronic identity card.
3. Applications and declarations in lieu of notarial deed to be produced before public authorities or operators of public services shall be signed by the person named in them in the presence of an employee or signed and presented with an uncertified photocopy of the signatory's identity document. The photocopy of the document will be enclosed in the envelope. Applications and photocopies of identity documents may be sent by email; in proceedings for the awarding of public contracts, this option is permitted within the limits set by the regulations contained in article 15, paragraph 2 of law no. 59 dated March 15 1997.