

D.L. 30/01/2004 n. 24

Urgent provisions concerning the staff of the National Corps of fire fighters and prefectural career, and on excise duties on tobacco products.

Published in the Official Gazette 2 February 2004, n. 26 and converted into law, with amendments, Article. 1, L. 31 March 2004, n. 87 the Official Gazette 2 April 2004, n. 78), which entered into force on the day following its publication.

D.L. 30 January, 2004, n. 24⁽¹⁾.

Urgent provisions concerning the staff of the National Body of fire fighters and career prefectural and excise on tobacco products⁽²⁾.

THE PRESIDENT OF THE REPUBLIC

Given Articles 77 and 87 of the *Constitution*;

Withholding the extraordinary need and urgency to enact provisions to ensure a more effective service for urgent technical assistance by staff of the National Body of fire fighters, as well as increasing the staffing of that body, to ensure all instruction activities, with particular reference to aiding islands exposed to poor environmental conditions;

Further more, the extraordinary need and urgency to adopt provisions on excise duties on tobacco products, in line with the latest decisions taken by the European Community;

Given the decision of the Council of Ministers, adopted at its meeting on 23 January 2004;

On the proposal of the Prime Minister and the Minister of the Interior, in consultation with the Minister of Economy and Finance and the Minister for the Civil Service;

Hereby enacts the following Decreed-Law:

1. Recognition of special allowance.

1. For the staff of the National Corps of fire fighters operational area, assigned to relief work and inserted in a continuous shift work required by law, to the exclusion of the employees in Article 3, paragraph 156, *Act 24 December, 2003, No. 350*, and the senior staff of the National Corps of Fire fighters, the national collective agreement defines a special allowance which takes into account actual attendance at work and the implementation of its tasks. To that end, expenditure is authorized of 10 million euro per annum from 2004, of which one share of Euro 138,657 per annum to be allocated for special allowances for supervisory staff⁽³⁾.

2. Increased staffing of the National Corps of fire fighters.

1. To achieve a higher level of efficiency and effectiveness in carrying out tasks and institutional functions, the staffing of the National Corps of the fire fighters has increased to five hundred employees overall. By decree of the Home Minister, in consultation with the Minister of Economy and Finance, provides for distribution for managerial qualifications and professional profiles of the employees recruited under this provision, the spending limits of 4.222,000 euro for 2004 to 15.750,000 euro for 2005 and 16 million euro from 2006. Notwithstanding the reservation of jobs in Article 18, paragraph 1, of *Legislative Decree 8 May 2001, n. 215*. The filling of positions under the increase in staff available in the profile of fire fighters, it provides, a measure of fifty percent increase in the recruitment of suitable candidates from the open public list of one hundred and eighty four jobs for fire fighters, held with directorial decree of the 6 March, 1998, published in Official Gazette - 4th Special Series - n. 24 of 27 March, 1998, for the remaining fifty percent and for eventual jobs not covered by the aforementioned list, through the recruitment of suitable candidates from the open list of qualified candidates for one hundred seventy-three positions for fire fighters, inducted in the directorial directive held on 5 November 2001, published in Official Gazette - 4th special series - n. 92 of 20 November, 2001. The aforementioned lists shall remain valid until December 31, 2006. The recruitment of staff brought in increase shall be made notwithstanding the prohibition in Article 3, paragraph 53, of the *Act of 24 December, 2003, n. 350* and with current planning procedures and approval⁽⁴⁾.

3. Provisions for urgent fire and rescue service technicians in the smaller islands of Sicily⁽⁵⁾.

1. To meet the special needs of fire and rescue service technicians in the smaller islands of Sicily, the Ministry of the Interior, in notices of competition for fire fighter profile, issued under the recruitment authorized under existing rules, can identify specific requirements for access to places available in the respective places of employment in each of these islands, reflecting the priority need to ensure continuity of service in relation to the difficulties related to the geographical and morphological location of territories⁽⁶⁾.

2. In the first phase of implementation of this decree, the Ministry of the Interior shall, within approved assumptions under current laws, recruit professional fire fighter staff, to be allocated to the detachments at the locations referred to in paragraph 1, through an interview competition and technical aptitude test to be publicly announced by Ministerial decree, reserved for fire brigade members in lists of volunteers in service at the locations referred to in paragraph 1 and who meet the conditions set by law to access the position of fire fighter with the exception of that relating to age limits^(6/a).

3. Personnel employed under this article can not be transferred from their first assignment location prior to having rendered service for at least five years.

3-bis. *Pilot's licence for the provision to fly for the National Corps of fire fighters.*

1. Article 13 of [the Law 5 December, 1988, n. 521](#), the following changes have been made:

a) in paragraph 3, after the letter b), the following is added:

“b-bis) pilot's license;

b-ter) aircraft specialist licence”;

b) in paragraph 4, the words: “general director of civil protection and fire fighting services” are replaced with the following: “Head of the Fire Department, Public Aid and Civil Defence”⁽⁷⁾.

3-ter. *Measures regarding the recruitment of the National Corps of fire fighters.*

1. The recruitment of fire fighters, authorized under paragraphs 54 and 55 of Article 3 of [the law 24 December, 2003, n. 350](#), shall be made in the measure of fifty percent using the list of ranking of the suitable candidates from the open public list of one hundred and eighty four fire fighters, held within the directorial decree of 6 March, 1998, published in the Official Gazette - the 4th special series – n. 24 of 27 March, 1998, the remaining fifty percent and in regards to the jobs eventually not covered with the candidates of the aforementioned list, it makes provision using a list of qualified candidates for one hundred seventy-three fire fighter positions, held within the directorial decree of 5 November, 2001, published in Official Gazette - 4 a Special Series -n. 92 of 20 November, 2001.

2. The validity of the rankings of public competition list of sixty-four positions for the operators of the engine room, issued with directorial decree 7 February, 2000, published in the Official Gazette - 4th special series - n. 16 25 February, 2000, and the public competition of one hundred and one jobs assigned to the evolved terminals, organized with directorial decree of 7 February, 2000, published in the Official Gazette - 4th special series - n. 16, 25 February, 2000, has been postponed until 31 December, 2005⁽⁸⁾.

3-quarter. *Provisions concerning the prefectural career staff.*

1. For the renewal of contracts for prefectural career relative to the biennium period 2004-2005 the sums of 3,000,000 euro for 2004 and 5,000,000 euro for 2005.

2. Burden arising from the implementation of paragraph 1, of 3,000,000 euro for 2004 and 5,000,000 euro for 2005, is provided for by reducing in appropriations for the triennial budget 2004-2006, in contest of the combined forecast based on current “Special Fund” of the state budget of the Ministry of Economy and Finance for the year 2004, to partially using the provision from the Home Office⁽⁹⁾.

4. *Provisions on excise duty on tobacco products.*

1. In order to implement the urgent [Directive 2002/10/EC](#) of 12 February, 2002, the Council laid some modifications to the system of excise duties on tobacco, the base amount referred to in Article 6, second paragraph of [the Law of 7 March 1985, n. 76](#), the extent of one hundred per cent from 1 March 2004,

constitutes the amount of consumption tax payable for the cigarettes sold at prices lower than that of cigarettes of the most popular price category in the first paragraph of same Article^(9/a).

2. The deadline for conclusion of proceedings under Article 2 of *the Law of 13 July 1965, n. 825*, and of 120 days with effect from the date of receipt of the request; to the date that this decree enters into force, such period in full for requests for which the method has not yet been concluded on that date.

2-bis. Article 28 of *30 August 1993 Decreed-Law n. 331* converted, with amendments, to the *Law of 29 October, 1993, n. 427* after paragraph 2, the following has been added:

2-bis. The base amount referred to in Article 6, second paragraph of the *Act 7 March 1985, n. 76*, can not be less than 60 euro per 1,000 cigarettes. With effect from 1 July, 2006, the minimum amount is raised to 64 euro⁽¹⁰⁾.

2-ter. Article 2, second sub paragraph a) of the *Act 7 March 1985, n. 76*, Numbers 3) and 4) are replaced by the following:

3) rolls of tobacco filled with a mixture of wrought tobacco and having an outer wrapper of typical cigar colour covering the product entirely, including the eventual filter, but excluding the mouthpiece provided in some cigars, and an under wrapping, of both reconstituted tobacco, with a unit weight, excluding filter or mouthpiece, no less than 1.2grams and whose band, of spiral shape, forms an acute angle of at least 30 degrees in respect to the longitudinal axis of the cigar;

4) rolls of tobacco filled with a mixture of wrought tobacco and with an outer wrapper of the typical cigar colour, of reconstituted tobacco, entirely covering the product, including any filter but excluding the mouthpiece in cigars that are provided, with a unit weight, excluding filter or mouthpiece, not less than 2.3grams and the circumference over at least one third of the length is not less than 34 mm⁽¹¹⁾.

5. Financial coverage.

1. The amount associated with Article 1, is equal to 10 million euro annually from 2004, it is provided that the corresponding reduction in appropriations for the triennial budget 2004-2006, in the context of the combined base forecast "Special Fund" current account of the Ministry of Economy and Finance, for 2004, to partially use the accrual relative to the Home Office.

2. Obligations arising from Article 2 of 4,222,000 euro for 2004 to 15,750,000 euro for the year 2005 and 16,000,000 euro from 2006, is provided by the corresponding reduction in appropriations for 2004-2006 triennial budget, in base unit forecast "Special Fund" of the current state budget of the Ministry of Economy and Finance, for 2004, partially using the provision relative to the Home Office.

3. Minister of Economy and Finance is authorized to introduce, by decree, the necessary budget changes.

6. Entry into force.

1. This Decree shall enter into force on the day following its publication in the Official Journal of the Italian Republic and will be presented to both Houses for conversion into law.

⁽¹⁾ Published in the Official Gazette 2 February, 2004, n. 26 and converted into law, with amendments, Article. 1, L. *31 March 2004, n. 87* (Official Gazette, 2 April, 2004, n. 78), which entered into force on the day following that of its publication.

- ⁽²⁾ Title amended by *law of conversion 31 March, 2004, n. 87*.
- ⁽³⁾ Paragraph as amended by *law of conversion 31 March, 2004, n. 87*.
- ⁽⁴⁾ Paragraph as amended by *law of conversion 31 March, 2004, n. 87*. See, also, paragraphs 95 and 101 Article. 1, *L. 30 December, 2004, n. 311*.
- ⁽⁵⁾ Heading amended by *law of conversion 31 March, 2004, n. 87*.
- ⁽⁶⁾ Paragraph as amended by *law of conversion 31 March, 2004, n. 87*.
- ^(6/a) Paragraph as amended by art. 11 - *bis*, *D.L. 30 June, 2005, n. 115*, as amended by its integrated law of conversion.
- ⁽⁷⁾ Article added by *law of conversion 31 March, 2004, n. 87*.
- ⁽⁸⁾ Article added by *law of conversion 31 March, 2004, n. 87*.
- ⁽⁹⁾ Article added by *law of conversion 31 March, 2004, n. 87*.
- ^(9/a) Paragraph as amended by art. 2, *D.L. 12 July, 2004, n. 168*, as amended by the related law of conversion.
- ⁽¹⁰⁾ Clause added by *law of conversion 31 March, 2004, n. 87*.
- ⁽¹¹⁾ Clause added by *law of conversion 31 March, 2004, n. 87*.