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Draft Decree of the President of the Council of Ministers implementing Decree-Law 23/2020 on Golden Power

The [draft text](#) of the **Prime Minister's Decree implementing Decree-Law 23/2020 which inter alia expanded the scope of Golden Power** to a wide array of new strategic sectors. In particular, the PM Decree identified a **detailed list of goods and transactions** (within the sectors identified by the Decree-Law) on which the Government may resort to its special intervention power aimed at protecting strategically-relevant assets from foreign acquisition. The goods and services identified by the draft PM Decree are those listed below.

1. Energy

- Critical infrastructure and technology, as well as their related essential facilities, storing, treating, managing or transporting fuels, nuclear material or radioactive waste;
- Coastal storage facilities for crude oil and oil products with a capacity of at least 100,000 m³ meant for the national market, LNG storage infrastructure with a capacity of at least 10,000 m³, pipelines transporting oil from other countries regardless of its final destination, pipelines transporting oil to supply intercontinental airports;
- Critical technology to manage natural gas and electric energy wholesale markets;
- Any strategic economic activity in the energy sector carried out by companies with an annual net turnover of at least €300 million and 250 employees on average per year.

2. Water

- Critical infrastructure, either physical or digital, as well as its related critical technology, guaranteeing the continuity of water collection, potabilization, adduction, distribution, and wholesale supply for human consumption or irrigation purposes, as well as waste water treatment;
- Any strategic economic activity in the water sector carried out by companies with an annual net turnover of at least €300 million and 250 employees on average per year.

3. Healthcare

- Critical digital technology for the provision of healthcare services, including remotely;
- Critical technology for data analysis, diagnostics, prognostics, therapy and its follow-up;
- Critical bioengineering technology and critical nanotechnology in the sectors of pharma, medical devices, diagnostics, prognostics, therapy, chemicals, and agri-food;
- Any strategic economic activity in the healthcare sector, including the supply of medicines, medical devices, and medical equipment, as well as their related R&D activities, through the abovementioned infrastructure and technology or carried out by companies with an annual net turnover of at least €300 million and 250 employees on average per year.

4. Data and sensitive information processing, storage, access, and control

- Data related to European Critical Infrastructures in the sectors of energy and transport (as defined by EU Directive 2008/114/EC on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection), as well as to all critical infrastructure identified by the present PM Decree;

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- Data related to the census of public infrastructure registered in the National Digital Archive of Public Infrastructure (AINOP) of the Ministry of Infrastructures and Transport and to the Ministry's Safety Monitoring System on road infrastructure in critical condition;
- Data gathered through GPS for mapping purposes;
- Data gathered through soil and water sensors;
- Data gathered through automated high-precision systems for agriculture, farming, fishing, and aquaculture;
- Data gathered through management and control systems for air, sea, rail, road, and mass transport, as well as management and monitoring systems for flows of passengers and goods;
- Data related to the management of natural gas, electricity, and hydrocarbon wholesale and end markets;
- Data gathered and managed by the IT systems of judicial authorities;
- Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation;
- Personal data related to civil or criminal convictions and offences;
- Data gathered through electoral technology, financial technology, and hi-tech;
- Data gathered through geolocation technology;
- Data gathered through technology for smart metering;
- Data gathered through technology for smart cars;
- Data gathered through technology for smart buildings;
- Data gathered through technology for smart cities;
- Data gathered through technology for smart homes;
- Data gathered through technology for telemetry;
- Data gathered through servers, databases, software, and cloud computing technology;
- Data gathered through technology for the provision of healthcare services capable of acquiring, processing, registering, transmitting, and decoding clinical data;
- Data gathered through technology aimed at guaranteeing the safety and security of management and control systems for the movement of persons and goods.

5. Electoral infrastructure

- The Ministry of the Interior's Electoral IT System (SIEL) aimed at gathering and providing electoral data

6. Financial, credit, and insurance sector

- Critical infrastructure, including platforms, for trading in financial instruments and monetary deposits, the provision of basic services by central securities depositories, the provision of clearing services as central counterparties, and the settlement of payments;
- Critical technology including AI, blockchain, FinTech, Insurtech, and personal data protection software for trading and other financial activities;
- Any strategic economic activity in the financial, credit, and insurance sector carried out by companies with an annual net turnover of at least €300 million and 250 employees on average per year.

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7. AI, robotics, semiconductors, cybersecurity, nanotechnology, biotechnology

- Critical technology applied to industrial automation for the manufacturing of automated machinery, numerical control machines, and cyber-physical systems for factories;
- Critical technology for collaborative robots, machine-to-machine communication, and machine learning;
- Critical technology applied to advanced manufacturing, the nuclear sector, and rapid prototyping technology;
- Critical technology for AI, virtual and augmented reality, robotics, semiconductors, microprocessors, microelectronics, sensors, and actuators;
- Critical technology based on quantum mechanics;
- Critical technology for Big Data and analytics;
- Critical technology for chatbots;
- Blockchain technology;
- Critical technology in biology;
- Critical technology for non-military unmanned piloting;
- Critical technology for GPS mapping, soil and water sensors, and automated high-precision systems for agriculture, farming, fishing, and aquaculture;
- Critical technology to guarantee the safety and security of management and control systems for the movement of persons and goods;
- Critical geolocation technology and critical technology aimed at quantifying population density with a view to optimising the monitoring and containment of epidemics.

8. Non-military aerospace infrastructure and technology

- Critical infrastructure and technology for the design, development, manufacturing, and supply of aerospace goods and services.

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9. Commodities and agri-food

- The supply of critical raw materials listed in EU Communication 490/2017;
- The supply of critical factors of production for the steel industry;
- Strategic economic activities and the supply of critical factors of production for the agri-food industry;
- The Ministry of Agriculture's National Agriculture Information System and the system of agri-food controls.

10. Dual-use products

Goods and transactions listed in Annex I to EU Regulation 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, namely:

- Nuclear materials, facilities and equipment;
- Special materials and related equipment;
- Materials processing;
- Electronics;
- Computers;
- TLC and information security;
- Sensors and lasers;
- Navigation and avionics;
- Marine;
- Aerospace and propulsion.