



Al Ministro dell'Economia e delle Finanze

HAVING REGARD to the President of the Republic's decree no. 398 of 30 December 2003, "Consolidated act of legislative and regulatory dispositions concerning public debt," and in particular article 3, where it is stipulated that the Minister of Economy and Finance is authorised, in each financial year, to issue guideline decrees allowing the Treasury to:

- conduct borrowing operations on domestic or foreign markets with short-, medium-, and long-term products and financial instruments, indicating the nominal amount, the interest rate or the criteria for its determination, the duration, the minimum denomination, the placement system, and all other characteristics and procedures;
- authorise, so as to promote the efficiency of financial markets, the temporary issuance of tranches of existing loans to allow recourse to repurchase agreements or other operations in use on the markets;
- proceed, for the purposes of restructuring domestic and foreign public debt, with the redemption of securities before maturity, with the adjustment of maturities, with exchange transactions, as well as with substitutions between different kinds of securities or other instruments provided for by international financial market practices;

HAVING REGARD to Ministerial Decree no. 73150 of 4 August 2003, as amended by Ministerial Decree no. 9487 of 1 February 2005, which regulates exchange operations of Government securities conducted with electronic trading systems;

HAVING REGARD to law no. 196 of 31 December 2009, and in particular article 47 "Modifications to the discipline of accounts held by the Treasury to manage liquid availability", which introduced modifications to article 5, paragraph 5, of the cited President of the Republic's decree no. 398 of 2003;

HAVING REGARD to Ministerial Decree no. 19080 of 29 July 2011, as amended, which approved the Agreement between the Ministry of Economy and Finance and the Bank of Italy for the management of the Treasury's availability account for treasury purposes (hereinafter "availability account") and of accounts connected to it;

HAVING REGARD to Ministerial Decree no. 25391 of 25 October 2011, which disciplined the procedures to operate on the current liquidity of the availability account and on the accounts connected to it, and to select the counter-parties admitted to these operations;

HAVING CONSIDERED that Directorate II – Public Debt – of the Treasury Department (hereinafter "Directorate II") is authorised to implement:

- framework agreements with financial institutions (I.S.D.A. Master Agreement), to

regulate the agreements mentioned below, as per what was established by the International Swap & Derivatives Association, the former International Swap Dealers Association (hereinafter “ISDA”), the internationally recognized association that defines contract standards;

- agreements with the same financial institutions so as to regulate the same public debt restructuring operations;
- other agreements connected with loan management;

HAVING REGARD to Legislative Decree no. 165 of 30 March 2001, “General norms on the organisation of work within the public administration”, and in particular article 4 which, while attributing to governmental bodies the functions of a politico-administrative nature, and the verification of the correspondence of the results of administrative and management activities to the guidelines given, reserves instead, to managers, the adoption of the administrative acts and provisions, including those that engage the administration with third parties, as well as the financial, technical, and administrative management;

HAVING REGARD to Legislative Decree no. 300 of 30 July 1999, “Government organisation reform, pursuant to article 11 of Law no. 59 of 15 March 1997” and in particular article 5, paragraph 3, which provides that the head of the department perform the duties of coordinating, directing, and controlling the offices at the general management level included in the same department, to guarantee the continuity of administrative functions, and is responsible for the overall results attained by its subordinate offices, in enacting the Minister’s policies;

HAVING REGARD to the Regulation reorganizing the Ministry of Economy and Finance, issued with the President of the Republic’s Decree no. 43 of 30 January 2008, and in particular article 6, paragraph 2, which defines the functions performed by Directorate II – Public Debt – of the Treasury Department;

HAVING REGARD to Law no. 20 of 14 January 1994, “Regulations concerning the jurisdiction and control of the Court of Auditors” and in particular article 3, paragraph 13, which determines that the provisions mentioned in paragraph 1, relating to the Court of Auditors’ preventive legitimacy control, do not apply to the acts and provisions issued on monetary, credit, real estate, and currency matters;

HAVING REGARD to Legislative Decree no. 163 of 12 April 2006, “Code of public contracts concerning works, services, and supplies in implementing EC directives 17 and 18 of 2004”, and in particular article 19, paragraph 1, letter d), which states that the provisions of the code itself are not applied to contracts concerning financial services relating to the issuance, purchase, sale, and transfer of securities or other financial instruments;

HAVING CONSIDERED the necessity of outlining the reference targets in conducting administrative activity in the financial operations sector aimed at managing public debt, and of establishing the limits to be observed and the procedures that the administration should respect in enacting these functions during the 2013 financial year;

D E C R E E S :

Article 1

Loan issues

Pursuant to article 3 of the President of the Republic's Decree no. 398 of 30 December 2003, cited in the preamble, for the 2013 financial year, loan issuance operations mentioned in the same article will be determined by the Treasury's Director General or, by proxy, by the Director General Head of Directorate II of the Treasury Department (hereinafter "Director of Directorate II"). If the latter is absent or impeded, the mentioned operations will be determined by the same Director General of the Treasury, even with continuous proxy.

The Treasury Department can issue Government securities of all types in use on financial markets, with fixed or floating rates. It has the power to authorise, so as to promote the efficiency of financial markets, the temporary issuance of tranches of existing loans to allow recourse to repurchase agreements or other operations in use on the markets;

Article 2

Borrowing limits

Loan issues must be conducted, in addition to being within the limit established annually by the law approving the State forecast budget, respecting the guidelines of the present decree, and according to the targets indicated herein.

The securities may be of any duration; in their determination the need of satisfying market expectations with the need of containing the overall cost of funding in the medium/long-term must be reconciled, taking into account the need to protect against re-financing and interest rate risks.

During this activity, the Treasury Department will issue loans so that, at the end of the 2013 financial year, the share of short-term securities remains between 5 and 15% of the total nominal value of outstanding Government securities at that date, the share of "nominal" fixed-rate securities between 55 and 75%, the share of "nominal" floating securities between 5 and 15%. Moreover, the share of "real" inflation linked securities and zero-coupon Treasury certificates should not be greater than 15 and 6% respectively. Overall loans issued on foreign markets, net of redemptions, must not exceed 30% of total net issues

Moreover, the Treasury Department may, as per the procedures of the present decree, allocate securities for specific purposes that are foreseen by law.

Article 3

Public debt restructuring operations

The Treasury Department is authorised to conduct public debt restructuring operations

by mutual consent. These restructuring operations do not modify the terms and conditions of single loans ordered unilaterally by the issuing authority.

The mentioned operations, including those making use of derivative instruments concluded according to the agreements mentioned in the following article 5, will be aimed, based on available information and market conditions, at curbing the overall cost of borrowing, at protecting against market and refinancing risks, and at maintaining the proper functioning of the Government securities secondary market.

Exchange operations, buybacks, or anticipated redemptions of securities, and any other financial operations aimed at restructuring public debt, permitted by article 3 of the President of the Republic's Decree no. 398/2003 cited in the preamble, will be determined by the Treasury's Director General or, by proxy, by the Director of Directorate II.

The Treasury Department may conduct buyback or anticipated redemption of securities up to a maximum amount equal to 40% of the nominal outstanding amount of each issue.

The Treasury Department may also conduct exchange operations, accepting Government securities of any duration as payment for the securities being issued.

Only "Specialists in Government securities," as defined by article 23 of Ministerial Decree no. 216 of 22 December 2009, will be allowed to participate in exchange, buyback, or anticipated redemption operations.

Pursuant to article 3, paragraph 2, of the cited President of the Republic's Decree no. 398 of 2003, payments resulting from the operations mentioned in the present article may breach what article 24, paragraph 2, of Law no. 196 of 31 December 2009, established, having considered the actual conditions that are in fact connected to such activity.

Article 4

Controlling credit risk in public debt restructuring operations

In order to contain the risks connected with possible breaches by the counter-parties in restructuring operations using derivative instruments, said operations will be conducted exclusively with highly reliable financial institutions.

In assessing the credit worthiness of these institutions, reference will be made to the evaluations expressed by the main rating agencies that appraise credit worthiness as per EC Regulation no. 1060 of 16 September 2009 as amended.

In managing public debt, should the need arise, the Treasury Department has the option of drawing up, together with the counter-parties of derivative instrument operations, agreements for both parties to provide collateral.

Article 5

Agreements connected with public debt restructuring activity

The Treasury's Director General or, by proxy, the Director of Directorate II, is authorised to draw up I.S.D.A. Master Agreement framework contracts, mentioned in the preamble, and any annex to them, including those which discipline the agreements to provide collateral mentioned in article 4, paragraph 3 (Credit Support Annex) that could exist between the Ministry of Economy and Finance and the financial institutions that are counter-parties of operations in derivative instruments, in addition to any connected agreement, that is preliminary to or is a consequence of debt management, including those connected with the operations mentioned in article 3.

The Treasury's Director General or, by proxy, the Director of Directorate II, will sign the restructuring operation agreements.

Article 6

Operations to manage the availability account

The operations to manage the availability account mentioned in the Ministerial Decrees of 29 July and 25 October 2011, cited in the preamble, will be determined by the Director of Directorate II or, in case of their absence or impediment, by another manager of Directorate II delegated by the same, even in breach of what has been established by the cited Ministerial Decree of 25 October 2011.

Article 7

Decrees of approval and verification

The decrees approving the agreements cited in the preceding articles 4 and 5, as well as those that verify the results of the public debt management operations and liquidity management operations mentioned in article 6, will be signed by the Treasury's Director General or, by proxy, by the Director of Directorate II.

Article 8

Mandatory communication

The Treasury Department will provide regular communication to the Minister's Cabinet Office regarding financial operations conducted pursuant to the present decree, indicating the particular financial data of each. These communications may also make use of computers.

The Treasury Department will provide the Minister with advance notice of those

operations that by their nature relate to the politico-administrative functions specific to government bodies. Moreover, should particular debt management needs require the infringement of the limits set by the present decree, the ensuing choices will be submitted to the same Minister.

The present decree will be published in the Official Gazette of the Italian Republic.

Rome, 18 December 2012

THE MINISTER
Signed Vittorio Grilli